



CITY OF FORT BRAGG

Incorporated August 5, 1889

416 N. Franklin Street, Fort Bragg, CA 95437

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www.FortBragg.com

NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT, DESIGN REVIEW & PARCEL MERGER

June 5, 2023, final action was taken by the City on the following Permits:

PERMIT TYPE & NO.: Coastal Development Permit 2-22 (CDP 2-22), Design Review Permit 7-22 (DR 7-22), Parcel Merger 1-2022 (MGR 1-22).
APPLICANT/OWNER: Best Development / Robert Affinito, Terry Johnson
LOCATION: 825, 845, & 851 S. Franklin Street, Fort Bragg CA
APN: 018-120-47, 018-120-48, & 018-120-49
DESCRIPTION: Coastal Development Permit, Design Review and Parcel Merger to construct a Grocery Outlet Market (retail store). As proposed the Project would include the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and the construction and operation of a 16,157 SF, one-story, retail store with a 54-space parking lot and associated improvements and infrastructure. The Project would be operated by 15 to 25 full-time staff and two (2) managers and would be open from 9:00 a.m. to 10:00 p.m., seven days per week.

STAFF REPORT URL:

<https://cityfortbragg.legistar.com/View.ashx?M=PA&ID=1104410&GUID=AA86FD34-B886-4692-97FD-7C25D338855A>

DATE OF ACTION: June 5, 2023
ACTION BY: City Council
ACTION TAKEN: X Approved (See attached Findings and Conditions)

THIS PROJECT IS: X **This project is appealable to the California Coastal Commission** pursuant to Public Resource Code Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within ten working days of Commission receipt of this notice. Appeals must be in writing to the North Coast District Office of the California Coastal Commission.


Juliana von Hacht Cherry
Community Development Director

June 9, 2023

Date

RESOLUTION NO. 4689 - 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG, CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE BEST DEVELOPMENT GROCERY OUTLET (SCH: 2022050308); ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, Best Development ("Applicant"), submitted an application for a Coastal Development Permit (CDP 2-22), Design Review (DR 7-22), and Parcel Merger (MGR 1-22) to construct a Grocery Outlet Market ("Project" or "retail store"). The proposed Project includes the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and as conditioned, the construction and operation of a 16,157 SF, one-story, retail store with a 53-space parking lot (as conditioned) and associated improvements and infrastructure located at 825, 845, and 851 South Franklin Street; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. Findings.

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

- A. The EIR for the Project consists of the Draft EIR dated September 2022 and Appendices A – H thereto and the Final EIR dated May 31, 2023 and appendices A – H thereto (collectively, the "EIR").

- B. The changes set forth in the FEIR, including the additional revisions made on April 26 and May 31, 2023 do not require recirculation of the EIR. The changes do not disclose any new or increased significant impacts. The changes merely clarify and amplify information that was already contained in the EIR.
- C. The change made to Mitigation Measure 3.6-1 does not require recirculation as it merely adds clarifying language as to the timing of the sound wall.
- D. After mitigation, all project impacts are less than significant.

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

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

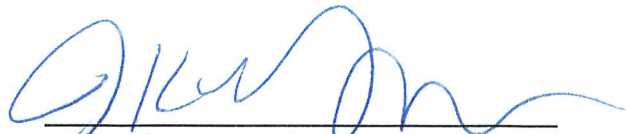
SECTION 3. Summaries of Information. All summaries of information in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. The absence of any particular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

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

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

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

AYES: Councilmembers Peters, Rafanan and Vice Mayor Godeke
 NOES: Councilmember Albin-Smith
 ABSENT: None
 ABSTAIN: None
 RECUSE: Mayor Norvell



 Jason Godeke, Vice Mayor

ATTEST:

for 

 June Lemos, MMC
 City Clerk

FINDINGS OF FACT

FOR THE

BEST DEVELOPMENT GROCERY OUTLET
(SCH: 2022050308)

APRIL 2023

Prepared for:

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

Prepared by:

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

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm

RESO NO 4689-2023 EXHIBIT A

FINDINGS OF FACT

FOR THE

BEST DEVELOPMENT GROCERY OUTLET
(SCH: 2022050308)

APRIL 2023

Prepared for:

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RESO NO 4689-2023 EXHIBIT A

FINDINGS OF FACT

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**FINDINGS FOR THE
BEST DEVELOPMENT GROCERY OUTLET**
REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

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

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

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

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

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

CEQA FINDINGS

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

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

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

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

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

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

PROCEDURAL BACKGROUND

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

- California Department of Toxic Substances Control (June 17, 2022);
- Jacob Patterson (June 8, 2022 and June 14, 2022);
- Janet Kabel (May 19, 2022);
- Leslie Kashiwada (June 20, 2022);
- Renz Martin (June 18, 2022);

- Sherwood Valley Band of Pomo Indians (June 1, 2022).

Notice of Availability and Draft EIR: The City published a public Notice of Availability (NOA) for the Draft EIR on September 15, 2022 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2022050308) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The 45-day public review period for the Draft EIR began on September 15, 2022 and ended on October 31, 2022 at 5:00 p.m.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

Final EIR: The City of Fort Bragg received 29 comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata.

The comments received did not provide evidence of any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. The revisions merely, clarify, amplify, or make insignificant revisions to the Draft EIR.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

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

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

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

CEQA FINDINGS

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

FINDINGS REQUIRED UNDER CEQA

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

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

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project ***unless the public agency makes one or more written findings*** for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. (Emphasis added.)
The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

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

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

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

MITIGATION MONITORING PROGRAM

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

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

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

SEVERABILITY

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

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

A. BIOLOGICAL RESOURCES

1. **IMPACT 3.3-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES, INCLUDING THROUGH THE SUBSTANTIAL REDUCTION OF HABITAT OR RANGE RESTRICTION FOR BIRD SPECIES, RESULTING IN A BIRD SPECIES POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, OR THREATENING TO ELIMINATE A BIRD COMMUNITY.**

(a) **Potential Impact.** The potential for the Project to have direct or indirect effects on special-status bird species, including through the substantial reduction of habitat or range restriction for bird species, resulting in a bird species population to drop below self-sustaining levels, or threatening to eliminate a bird community is discussed on page 3.3-26 and 3.3-27 of the Draft EIR.

(b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.

(c) **Findings.** As shown in Table 3.3-3 in Section 3.3 of the Draft EIR, habitat for the aforementioned special-status bird species is not available on-site. These special-status birds have not been documented on the Project site. No special-status birds were observed within the Project site during field surveys and none are expected to be affected by the proposed Project based on the lack of appropriate habitat. Great blue herons have been identified on the properties to the north and northwest of the Project site, but not the Project site itself.

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

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

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

2. **IMPACT 3.3-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES, INCLUDING THROUGH THE SUBSTANTIAL REDUCTION OF HABITAT OR RANGE RESTRICTION FOR MAMMAL SPECIES, RESULTING IN A MAMMAL SPECIES POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, OR THREATENING TO ELIMINATE A MAMMAL COMMUNITY.**

- (a) **Potential Impact.** The potential to result in direct or indirect effects on special-status mammal species, including through the substantial reduction of habitat or range restriction for mammal species, resulting in a mammal species population to drop below self-sustaining levels, or threatening to eliminate a mammal community is discussed on pages 3.3-28 and 3.3-29 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2.
- (c) **Findings.** The Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs. The Project site does not provide suitable habitat for the above-listed species, with the exception of bats. These special-status have not been documented on the Project site. No special-status species were observed within the Project site during field surveys and none would be affected by the proposed Project based on the lack of appropriate habitat.

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

CEQA FINDINGS

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

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

B. NOISE

1. **IMPACT 3.6-1: THE PROPOSED PROJECT WOULD NOT GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**

(a) Potential Impact. The potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.6-9 through 3.6-16 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.

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

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

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

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

2. IMPACT 3.6-2: THE PROPOSED PROJECT WOULD NOT GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.

- (a) Potential Impact. The potential for the Project to generate excessive groundborne vibration or groundborne noise levels is discussed on pages 3.6-17 and 3.6-18 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
- (c) Findings. Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural damage. The primary vibration-generating activities would be grading, utilities placement, and parking lot construction. Table 3.6-10 in Section 3.6 of the Draft EIR shows the typical vibration levels produced by construction equipment.

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

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

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

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

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

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

Aesthetics and Visual Resources: The following specific impacts were found to be less than significant: 3.1-1, 3.1-2, 3.1-3, and 3.1-4.

Air Quality: The following specific impacts were found to be less than significant: 3.2-1, 3.2-2, 3.2-3, 3.2-4, and 3.2-5.

Biological Resources: The following specific impacts were found to be less than significant: 3.3-1, 3.3-4, 3.3-5, 3.3-6, and 3.3-7.

Greenhouse Gases, Climate Change, and Energy: The following specific impacts were found to be less than significant: 3.4-1 and 3.4-2.

Land Use: The following specific impacts were found to be less than significant: 3.5-1 and 3.5-2, and 3.10-3.

Transportation and Circulation: The following specific impacts were found to be less than significant: 3.7-1, 3.7-2, 3.7-3, and 3.7-4.

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

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

Aesthetics and Visual Resources: The following specific impact was found to be less than cumulatively considerable: 4.1.

Agricultural Resources: The following specific impact was found to be less than cumulatively considerable: 4.2.

Air Quality: The following specific impact was found to be less than cumulatively considerable: 4.3.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.4.

Cultural and Tribal Cultural Resources: The following specific impact was found to be less than cumulatively considerable: 4.5.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.6.

Greenhouse Gas Emissions: The following specific impact was found to be less than cumulatively considerable: 4.7.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.8.

Hydrology and Water Quality: The following specific impact was found to be less than cumulatively considerable: 4.9.

Land Use: The following specific impact was found to be less than cumulatively considerable: 4.10.

Mineral Resources: The following specific impact was found to be less than cumulatively considerable: 4.11.

Noise: The following specific impact was found to be less than cumulatively considerable: 4.12.

Population and Housing: The following specific impact was found to be less than cumulatively considerable: 4.13.

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

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

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

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

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

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

V. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

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

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

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

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

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

B. ALTERNATIVES ANALYSIS IN EIR

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

1. NO PROJECT (NO BUILD) ALTERNATIVE:

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

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

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

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

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

2. BUILDING REUSE ALTERNATIVE:

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

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

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

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

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

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

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

3. DECREASED DENSITY ALTERNATIVE:

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

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

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

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

4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

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

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

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Best Development Grocery Outlet (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed Project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Fort Bragg will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>BIOLOGICAL RESOURCES</p> <p>Impact 3.3-2: The proposed Project has the potential to have direct or indirect effects on special-status bird species, including through the substantial reduction of habitat or range restriction for bird species, resulting in a bird species population to drop below self-sustaining levels, or threatening to eliminate a bird community.</p>	<p>Mitigation Measure 3.3-1: The Project proponent shall implement the following measure to avoid or minimize impacts on protected bird species that may occur on the site:</p> <ul style="list-style-type: none"> • Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of Project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area. <p>If any active nests, or behaviors indicating that active nests are present, are observed, appropriately protective buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from Project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that Project activity is not resulting in detectable adverse effects on nesting birds or their young. No Project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</p>	<p>Fort Bragg Community Development Department</p>	<p>Within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area</p>	
<p>Impact 3.3-3: The proposed Project has the potential to result in direct or indirect effects on special-status mammal species, including through the substantial reduction of habitat or range restriction for mammal species, resulting in a mammal species population to drop below self-sustaining levels, or threatening to eliminate a mammal community.</p>	<p>Mitigation Measure 3.3-2: The Project proponent shall implement the following measure to avoid or minimize impacts on special-status bat species that may occur on the site:</p> <ul style="list-style-type: none"> • A bat survey shall be conducted by a qualified biologist prior to demolition of the existing on-site building. The surveys shall be conducted from dusk until dark. If the weather during the bat survey makes visual observations difficult or impossible, another survey shall occur when the weather is appropriate for visual observations. If no bats or maternity roosts are found in the existing building, no further mitigation is required. <p>If bats or bat roosts are discovered, prior to demolition of the existing building, the bat(s) or bat roost(s) shall be removed through live exclusion or similar</p>	<p>Fort Bragg Community Development Department</p>	<p>Prior to demolition of the existing on-site building.</p>	

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MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>means that do not harm bats. The removal strategy shall be determined and overseen by the qualified biologist. No bat or roost removal shall occur during the maternity season (typically late May through mid-August) to protect flightless baby bats. No Project activity shall commence within the building area until the end of the pupping season (August 1) or until a qualified biologist confirms the maternity roost is no longer active.</p>			
NOISE				
<p>Impact 3.6-1: The proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p>Mitigation Measure 3.6-1: To reduce potential construction noise impacts during Project construction, the following multi-part mitigation measure shall be implemented for the Project:</p> <ul style="list-style-type: none"> • All construction equipment powered by internal combustion engines shall be properly muffled and maintained. • Quiet construction equipment, particularly air compressors, shall be selected whenever possible. • All stationary noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site. • Unnecessary idling of internal combustion engines shall be prohibited. • The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction. • Exterior construction activities shall be limited to 7:00 a.m. to 8:00 p.m., and interior construction activities shall be limited to 7:00 a.m. to 10:00 p.m. All construction activities shall be limited to Monday to Friday, holidays excluded. • Staging areas on the Project site shall be located in areas that maximize, to the extent feasible, the distance between staging activity and sensitive receptors. • An 8-foot tall temporary construction sound wall shall be constructed along the east and south sides of the project site, as shown on Figures 3.6-8 and 3.6-9. The sound barrier fencing should consist of 	<p>Fort Bragg Community Development Department</p>	<p>Prior to and during all demolition, grading, and construction related activities</p>	

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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.6-2: The proposed Project would not generate excessive groundborne vibration or groundborne noise levels.</p>	<p><i>½" plywood or minimum STC 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier should be free from gaps, openings, or penetrations to ensure maximum performance. This temporary construction sound wall shall be constructed prior to any demolition or other ground disturbing activities associated with construction.</i></p> <p>Mitigation Measure 3.6-2: To reduce potential vibration impacts during Project construction, the following mitigation measure shall be implemented for the Project:</p> <ul style="list-style-type: none"> Any compaction required less than 26 feet from the adjacent residential structures to the south shall be accomplished by using static drum rollers which use weight instead of vibrations to achieve soil compaction. As an alternative to this requirement, pre-construction crack documentation and construction vibration monitoring should be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. Any such documented damage would be required to be repaired by the applicant. 	<p>Fort Bragg Community Development Department</p>	<p>Prior to and during all demolition, grading, and construction related activities</p>	

RESOLUTION NO. 4690-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT 2-22 (CDP 2-22), DESIGN REVIEW 7-22 (DR 7-22); PARCEL MERGER 1-2022 (MGR 1-22) FOR THE GROCERY OUTLET AT 825 845, 851 SOUTH FRANKLIN STREET

WHEREAS, Best Development (“Applicant”), submitted an application for a Coastal Development Permit (CDP 2-22), Design Review (DR 7-22); and Parcel Merger (MGR 1-22) to construct a Grocery Outlet Market (“Project” or “retail store”). The Project includes the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and the construction and operation of a 16,157 SF, one-story, retail store with a 53-space parking lot (as conditioned) and associated improvements and infrastructure located at 825, 845, and 851 South Franklin Street (the “Property”); and

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

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

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

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

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

WHEREAS, prior to adopting this Resolution the City Council adopted Resolution No. 4689–2023, certifying the Environmental Impact Report for the Best Development Grocery Outlet, adopting the required CEQA findings, and adopting a mitigation monitoring and reporting program;

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

SECTION 1. General Findings.

- A. The foregoing recitals are true and correct and made a part of this Resolution.
- B. The Project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general.

SECTION 2. Coastal Development Permit Findings

The City Council hereby approves CDP 2-22 and in doing so, makes the following findings in accordance with Section 17.71.045.I of the Coastal Land Use and Development Code (CLUDC):

- A. The Project, as modified by the conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources.

Analysis: Policies of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated June 5, 2023.

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

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

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

Analysis: The Project is a permitted use by right in the Highway Commercial zoning district.

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

Analysis: The Project, as conditioned, is consistent with the relevant policies of the Coastal General Plan and applicable provisions of the Coastal Land Use and Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated June 5, 2023.

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

Analysis: The Project, as conditioned, would not be detrimental to the public

health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, per analysis incorporated herein by reference to the project staff report, dated June 5, 2023.

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

Analysis: The Project, as conditioned, would be adequately served by water supply, sewer supply, solid waste disposal, and roadway capacity per the analysis incorporated herein by reference to the project staff report, dated June 5, 2023 and the project EIR.

- G. The Project is not located between the first public road and the sea, the Project does not involve any geologic, floor or fire hazards, and the Project is not located within an Environmentally Sensitive Habitat Area.

SECTION 3. Design Review Permit - General Findings

The City Council hereby approves DRP 2-22 and in doing so, makes the following findings in accordance with Section 17.71.050.E and F of the Coastal Land Use and Development Code (CLUDC). These findings are substantiated by the project staff report dated June 5, 2023, including the attachments thereto, and the EIR, which are incorporated herein by reference. The City Council hereby finds that the Project:

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

SECTION 4. Design Review Permit – Signage Findings

Section 17.71.050b.iv provides that any signage included with plans for a project is to be approved as part of the Design Review. Accordingly, the City Council hereby approves the signage for the Project as part of the Design Review and in doing so, makes the following findings set forth below in accordance with Section 17.38.030.D of the Coastal Land Use and Development Code (CLUDC). These findings are based on

the analysis contained in the project staff report dated June 5, 2023 and the Sign Plan which can be found as Attachment 3 to the staff report which are incorporated herein by reference. The City Council hereby finds that as conditioned by special conditions 30 - 32:

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

SECTION 5. Parcel Merger

The City Council hereby approves Parcel Merger 1-22 to merge the three lots. The City Council finds that this merger is necessary to comply with CLUDC section 17.36.090A.2 which requires non-residential parking to be located on the same parcel as the uses served or within 300 feet of the parcel if the parking is shared or public parking facilities are used. As the parking is private, a parcel merger is necessary to eliminate the parcel lines between the three properties so that the parking may all be on one lot. Special condition 32 requires the parcel merger to take place prior to issuance of a building permit.

SECTION 6. Conditions

Each and every one of the approvals set forth in Sections 2 through 5 above for Coastal Development Permit 2-22 (CDP 2-22), Design Review Permit 7-22 (DR 7-22) including the signage, and Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (retail store) are subject to the following standard and special conditions:

SPECIAL CONDITIONS

Special Condition 1a: The Applicant shall resubmit the landscaping and parking plans

for Community Development Director approval. The revised parking and landscaping plan shall eliminate the excess RV parking space, and to the degree feasible replace a portion of it with landscaping.

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

- Comply with the required Landscaping Setback of 15 feet for parking lots by modifying the parking lot to ensure adequate setback for the two parking spaces on the southwest corner of the lot. (Section 17.34.050C4a)
- Contain drought tolerant native species;
- Preserve the existing Monterey Cypress Trees and the Shore Pine on site, as feasible. Protective measures shall include a fence around the drip line. Replace the proposed 24 Monterey Cypress Trees in the Landscaping Plan with a locally native 24 gallon tree species.
- Comply with the California Model Water Efficient Landscape Ordinance (MWELO).
- Include the placement of the backflow device, which shall be fully screened from view by landscaping shrubs.

Special Condition 2: The applicant shall construct new sidewalk along parcel boundaries with South Street, S. Franklin Street, and N. Harbor Drive frontages, as required by City standards prior to final of the Building Permit.

Special Condition 3: Prior to final of the Building Permit, a “Fair-Share Deferment” agreement shall be entered into by the Applicant with Caltrans to fund future traffic improvements as required by cumulative development. The agreement shall be in the form published by Caltrans in the Local Development Intergovernmental Review Program – Traffic Mitigation Agreements. Furthermore, the amount of fair share payment has been determined to be \$144,900 based on the traffic study and the Caltrans cost estimate. The “Fair-Share Deferment” agreement shall be executed, and \$144,900 in funds shall be deposited with TRAMS - a fund program of Caltrans - prior to issuance of the Building Permit. The check shall be submitted per the procedure outlined in the document entitled Local Development Intergovernmental Review Program – Traffic Mitigation Agreements.

Special Condition 4: The Applicant shall apply for an encroachment permit from Caltrans and, if the permit is approved, the applicant shall install signage, stripe and paint to create a right-hand-turn only lane at the western approach of N. Harbor Drive to the intersection of N. Harbor Drive and S. Main Street. If through a traffic/safety study completed within two years of Project’s final on the Building Permit, the City determines that the left turn lane from N Harbor Drive onto Highway 1 needs to be modified, and Caltrans agrees, the Applicant shall obtain an encroachment permit and pay its pro-rata share of the cost to modify this intersection per Caltrans specs.

~~Special Condition 5: Prior to issuance of the grading permit, the applicant shall submit for approval by the Public Works Director, the stormwater calculations for the stormwater~~

~~plan, including a Water Quality Management Plan and including how the proposed structural treatments minimize construction impacts to water quality, maximize infiltration of runoff, and reduce parking lot runoff pollution.~~

Special Condition 6: Prior to issuance of the Building Permit the applicant shall provide an analysis that documents the sufficiency of existing stormwater infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system for approval by the Public Works Director. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.

Special Condition 7: The applicant shall install offsite drainage improvements as needed to ensure that stormwater flows from the project will be effectively transported to the nearest drainage facilities, located on Main Street/Highway 1. This may include surface transportation facilities such as gutters, where absent, or subsurface transportation via pipe if there is insufficient surface capacity.

Special Condition 8: A Maintenance and Operations agreement for ongoing maintenance of the bioretention features installed with this project shall be submitted to the City for review and approval and shall be recorded with the County Recorder's office to ensure that the bioretention features are maintained and remain effective. Recordation of the Maintenance Agreement shall be completed prior to Certificate of Occupancy.

Special Condition 9: An engineered grading plan shall be provided, per Municipal Code Section 17.60.030, and a separate grading permit will be required for the site work. The final grading plan can be submitted at the time of Building Permit application.

Special Condition 10: Prior to issuance of the Building Permit, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the State Water Board to obtain a Construction General Permit. A Runoff Mitigation Plan (RMP) is required by the City to demonstrate the project meets the requirements established by local, state and federal regulations. The City's RMP requirement can be fulfilled by a SWPPP instead. If using a SWPPP to fulfill the RMP, a draft version shall be submitted to the City to ensure the project is in compliance prior to filing for a Notice of Intent (NOI) with the state.

Special Condition 11: All work shall be done in compliance with all conditions required by the City of Fort Bragg Grading Ordinance; Land Use Code Chapter 17.60-17.64 – Grading and Stormwater Runoff Requirements and Procedures. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.

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

Special Condition 13: In order to minimize dust and keep dust from leaving the project site, a dust prevention and control plan shall be submitted for approval by the City

Engineer in conjunction with the grading plan. The dust prevention and control plan shall demonstrate that the discharge of dust from site demolition and construction will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

- If the importing or exporting of dirt is necessary, the plan shall include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.
- Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust- generating activity (e.g., construction, paving or planting) will occur as soon as possible.
- Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.
- All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.
- The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.
- Graded areas that are not immediately paved shall be revegetated as soon as possible to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained.

Special Condition 14: The applicant is required to pay its fair share of the system infrastructure and future capital improvements through the Drainage fees, Water Capacity Charges and Wastewater Capacity Charges. All associated capacity charges and fees shall be paid prior to the issuance of the first building permit.

Special Condition 15: Should the existing project require new or increased capacity water/sewer connections, fees will be required. New or increased capacity sewer connections shall include cleanouts and new or increased capacity water connection(s) shall have backflow device(s). All associated connection fees shall be paid prior to the issuance of the first building permit.

Special Condition 16: Frontage improvements are required on North Harbor Drive, and the southerly portion of South Franklin that is not improved. Public improvements shall be designed by a licensed Civil Engineer, and include pavement as needed for road widening, curb, gutter and sidewalk, per City of Fort Bragg Construction Standards. The designs for all frontage improvements shall be submitted to the City with the Building Permit application for approval by the Director of Public Works and all improvements shall be installed prior to final of the building permit.

Special Condition 17: The Applicant shall ensure adequate pressure and flow to the subject site to provide necessary commercial and fire suppression flows. The Applicant

shall provide documentation that water pressures can be achieved or that they have a means (via pressure pump, tank, etc.) for enhancing their system to meet standards. Documentation shall be submitted prior to issuance of Building Permit.

Special Condition 18: The applicant shall implement all Mitigation Measures in the Final EIR and the Mitigation Monitoring and Reporting Plan for the Project as certified by City Council.

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

Special Condition 20: The building permit application plans shall include solar panels on the roof, which shall be installed prior to the final of the building permit.

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

~~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.~~

Special Condition 23: The windows on the south side of the building may be obscured with murals or other films or coverings so long as they don't limit passive solar gain. Additionally, such coverings shall not conflict with limitations placed on window signage in Chapter 17.38 Signs.

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

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

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

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

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

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

for 10-minute pick up and drop off.

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

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

Special Condition 32: Prior to issuance of the Building Permit, the applicant shall record a deed and parcel map, eliminating the lot lines between parcels 018-120-49 and 018-120-48 and 018-120-47. All property taxes due shall be paid prior to recordation, as evidenced by a preliminary title report submitted to the satisfaction of the Community Development Director.

Special Condition 33: The City shall hire a traffic safety engineer to identify an appropriate safety solution for the South Franklin Street and South Street intersection which may include installation of pedestrian activated flashing beacons, traffic calming measures, sidewalk improvements or other improvement. The Applicant shall pay its fair-share for the installation of the recommended intersection solution, as recommended by a traffic engineer, for the intersection of South Franklin Street and South Street.

Special Condition 34: The Grocery Outlet truck loading dock will not be operated nor accept deliveries between the hours of 9:00 p.m. and 7:00 a.m.

Special Condition 35: Prior to issuance of the Building Permit the applicant shall submit a site plan that illustrates a generator or battery backup, for approval by the Community Development Director.

Special Condition 36: Prior to issuance of the Building Permit the applicant shall submit a site plan that illustrates a crosswalk from the parking area to the entrance of the Grocery Outlet.

STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the City Council decision to allow time for a timely appeal to the Coastal Commission in conformance with 17.76.020.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC.
3. The application, along with supplemental exhibits and related material, shall be

considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.

5. The applicant shall secure all required building permits for the Project as required by the Mendocino County Building Department.

6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.

7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

- (a) That such permit was obtained or extended by fraud.
- (b) That one or more of the conditions upon which such permit was granted have been violated.
- (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
- (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.

8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

SECTION 8. Summaries of Information. All summaries of information in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9. Custodian of Record. The documents and materials that constitute the record of proceedings on which these findings and approval are based are located in the City of Fort Bragg Community Development Department at City Hall. The Custodian of

Records is the City Clerk who can be reached at 707-961-2823 or jlemos@fortbragg.com.

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

AYES: Councilmembers Albin-Smith, Peters, Rafanan and Vice Mayor Godeke
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: Mayor Norvell



Jason Godeke
Vice Mayor

ATTEST:



for **June Lemos, MMC**
City Clerk