

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
July 21, 2016

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Toni Scott, Chair
John Howlett, Vice Chair
Cynthia Arregui
Dale Bennett
Bob Evans
Ken Rensink
Margaret Worley

Commissioners Absent: None

Staff Members Present: Brendan Vieg, Principal Planner
Mike Sawley, AICP, Associate Planner
Matt Johnson, Senior Development Engineer
Andrew Jared, Assistant City Attorney
Stina Cooley, Administrative Assistant

1. ROLL CALL

Chair Scott called the meeting to order at 6:30 PM. Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

None

3. CONSENT AGENDA

3.1 Approval of Minutes

July 7, 2016 Minutes

Commissioner Worley moved to approve the minutes, Commissioner Bennett seconded the motion, which passed (7-0)

4. PUBLIC HEARING ITEMS

4.1 Receive Comments on the Draft Environmental Impact Report (EIR) for the Wal-Mart Expansion Project - The Planning Commission will hold a Public Hearing to receive comments on the Draft EIR prepared for the Chico Wal-Mart Expansion Project (State Clearinghouse # 2015102017). The scope of this hearing is limited to the adequacy of the

Draft EIR, and not the merits of the project. At the hearing, anyone may comment on the adequacy of the Draft EIR, orally and/or in written form.

Associate Planner Mike Sawley provided an overview and introduced Grant Gruber, the representative for First Carbon Solutions the company contracted to prepare the Environmental Impact Report.

Chair Scott opened the public hearing at 6:32 PM.

Mr. Gruber provided an overview of the EIR and pointed out items of significance. Comments were then taken from the floor. The following is a list of names of persons that provided comments regarding the EIR: Ben Perle, Leonard Gundert, Michael Reilley, Chris Nelson, Loretta Torres, Seth Derish, Bill Helmer, Tom Nickell, Dave Kelley, Kathy Faith, Dan Everhart, and Grant Parks. ***For a complete accounting of all comments please see the attached transcript.***

Chair Scott closed the public hearing at 7:43 PM.

5. **REGULAR AGENDA**

None

6. **BUSINESS FROM THE FLOOR**

None

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

None

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:36 PM to the **Adjourned Regular Meeting of Thursday, August 4, 2016.**

8/4/16
Date Approved



Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

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CHICO PLANNING COMMISSION

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REGULAR MEETING AGENDA

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Thursday, July 21st, 2016

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6:30 p.m.

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23 Reported By:

Jillian Sumner

24 CSR License No.: 13619

25 Job No.:10025692

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1 Thursday, July 21st, 2016, Chico, California

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4 MS. SCOTT: Good evening and welcome to the
5 Planning Commission. It's Thursday, July 21st, and we'll
6 start with role call.

7 (Whereupon role call was taken.)

8 MS. SCOTT: We'll move on to Item No. 2, ex parte
9 communication. And we'll start to my right.

10 (Whereupon there was none.)

11 MS. SCOTT: Thank you.

12 Item No. 3, consent agenda, there's one item, and
13 that's the approval of the minutes for July 7th. So I'll
14 entertain a motion or discussion.

15 MS. WORLEY: I'll move approval.

16 MR. EVANS: Second.

17 MS. SCOTT: All in favor?

18 COLLECTIVELY: I.

19 MS. SCOTT: Any opposed?

20 That motion is 7-0.

21 Item No. 4, public hearing items, receive
22 comments on their behalf, the Environmental Impact Report
23 for the Wal-Mart Expansion Project.

24 I will turn it over to Associate Planner,
25 Mike Sawley.

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1 MR. SAWLEY: Thank you, Madam Chair.

2 And good evening, Planning Commission.

3 We're gathered here tonight to discuss comments
4 from the public on the Draft Environmental Impact Report
5 associated with the Chico Wal-Mart Expansion Project.

6 The Draft Environmental Impact Report, DEIR, was
7 prepared by FirstCarbon Solutions. The city contracted
8 with FirstCarbon Solutions to prepare the Environmental
9 Impact Report draft and the final.

10 And so right now I will turn it over to
11 Grant Gruber, who is a representative of FirstCarbon
12 Solutions to give us information on the project.

13 MR. GRUBER: Thank you, Mike.

14 Good evening, Chair Members of the Planning
15 Commission. My name is Grant Gruber, from FirstCarbon
16 Solutions, and we are actually contracted to the city of
17 Chico.

18 So the project side is roughly 27 acres, located
19 at 2044 Forest Avenue. That contains an existing
20 approximately 131,000 square-foot Wal-Mart store, parking
21 areas, and undeveloped land. It is serviced by driveways
22 on Forest Avenue, three driveways on Baney Lane, and one
23 service driveway on Business Lane, designated for regional
24 commercial use by both the General Plan and the Zoning
25 Ordinance.

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1 This is an aerial image of the project site.
2 State Highway 99 is associated at the western boundary of
3 the site, some commercial to the north, and Wittmeier Auto
4 Center to the south, and some additional commercial uses
5 to the west of State 99.

6 So the project consists of building three
7 distinct items. The first is the expansion of the
8 Wal-Mart store. The store would be expanded by 66,500
9 square feet. So a total of 197,802 square feet. Within
10 the store will be 55,730 square feet of grocery sales and
11 support.

12 Along the Forest Avenue frontage will be a fuel
13 station with eight pumps and a 1,500 square foot
14 convenience market.

15 In the southwestern portion of the site there
16 will be two out parcels of future unspecified commercial
17 use. And these two out parcels have a combined total of
18 52,000 square feet. And right now we're calling it retail
19 or restaurant.

20 In addition to the new buildings, the three
21 Baney Lane driveways would be modified to essentially
22 allow right-out turning movements. So left-out movements
23 would be prohibited. The idea here is to direct traffic
24 towards Forest Avenue and away from Business Lane.

25 Additionally, Wittmeier Drive is an existing

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1 cul-de-sac, and a new driveway connection would be
2 constructed to connect to the cul-de-sac to provide full
3 access.

4 Finally, there's an existing bicycle path --
5 bicycle pedestrian path that goes through the center of
6 the site and that would be relocated to the perimeter of
7 the site.

8 And the site plan here helps illustrate various
9 components in expansion occurring the south side of the
10 Wal-Mart. The fuel station would be located along
11 Forest Avenue, the two out parcels and the southern
12 portion of the site.

13 So the California Environmental Quality Act,
14 CEQA, is a law that applies to projects that require a
15 discretionary approval by a state or local governmental
16 agency. And so within CEQA there are various (inaudible).
17 And the Environmental Impact Report is the highest level
18 of CEQA. So in this case, the city of Chico is lead
19 agency for the Chico Wal-Mart Expansion Project.

20 The CEQA process began last fall with the notice
21 of preparation issued on October 6, 2015. In this very
22 room on October 15th a scoping meeting was held. And then
23 on November 6, 2015 the NOP review period closed.

24 The Draft EIR of this document was released on
25 June 17th, 2016. Tonight's Draft EIR comment session and

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1 Draft EIR review period closes August 1st. And then after
2 that they'll be some public meetings on the project.

3 So, again, this is the Draft EIR. It consists of
4 the project description, which provides a summary of
5 project characteristics, objectives, and approvals. In
6 addition, the EIR picked 12 topics in detail. Some
7 examples are air quality, biological resources, noise,
8 public services, transportation, and urban decay.

9 The document also considered three alternatives
10 to the project. Gives decision-makers an idea of what
11 would happen if the project did not advance.

12 So we have a no-project alternative, a
13 Wal-Mart-expansion-only alternative, and finally a reduced
14 density alternative, which considered reducing project use
15 by 25 percent.

16 This document has evaluated cumulative effects of
17 the proposed project. And that's defined as proposed
18 project, what's past, present and recently foreseeable
19 projects.

20 And finally, the document is supported by
21 technical tendencies, varying from traffic study, to air
22 quality and noise modeling data, to the varying case
23 studies, to the geo-technical report and whatnot.

24 So this highlights some key conclusions of the
25 document. With the implementation of mitigation, all air

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1 quality and greenhouse gas impacts can be mitigated to a
2 level less than significant.

3 (Inaudible.)

4 Additionally, we found that the project is
5 consistent with the General Plan and zoning.

6 Additionally, we found the project would be
7 served by adequate public services and utilities. There
8 would also be no increase in noise levels at the nearest
9 residential receptors, specifically the residences on the
10 east side of Forest Avenue.

11 And finally, the economic consultant finds
12 adequate demand available in the market area for all the
13 market sales without causing closure of competing outlets.

14 The document identified one significant
15 unavoidable impact, and that is associated with traffic on
16 State Route 99 between the State Route 32 Junction and
17 East 20th Street. And this is in southbound direction.

18 And we did identify a mediation measure before
19 that, which would be payment of the traffic impact fees
20 that can be applied to funding improvements. However,
21 this requires cooperating from other agencies,
22 specifically Caltrans and other legal principals that
23 under California Groundwater Quality Act, we have to
24 conclude significant and unavoidable.

25 And again, this is really an issue of the fact

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1 that the State Route 99 segment would operate under
2 unacceptable levels under the without-project condition.
3 In other words, even if the project would not advance,
4 this impact would still occur.

5 So because the project adds new trips to the
6 segments, it exacerbates this preexisting condition and
7 issue. So because there is a significant unavoidable
8 impact, the decision-makers would be required to adopt the
9 statements of other considerations if they choose to
10 approve the project.

11 So to highlight some key mitigation measures
12 identified in the EIR, and the first one applies to air
13 quality. We have a Transportation Demand Management
14 Program as a requirement that I did here is review of
15 single-occupant vehicle trips.

16 We have identified a number of different ways
17 that can be done. We have everything from improving
18 connectivity within the site for pedestrians, to offering
19 ride-sharing for employees, providing information about
20 trip reduction, transit, various things to advise folks of
21 alternatives to single-occupant vehicle.

22 The second one is enhancement of the existing
23 eTrans bus stop on Forest Avenue. The idea here is to
24 have shelter, seating, transit information, make it more
25 appealing to folks riding public transit.

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1 Pre-construction surveys for protected plants and
2 wildlife species, which is mainly for the undeveloped
3 area, and then storm water pollution prevention measures
4 during both construction and operations. And then to
5 mitigate impacts at the intersection of East 20th and
6 Forest Avenue.

7 (Inaudible) can provide funds to the city for
8 improvements of that intersection. And specifically those
9 improvements would be re-striping the Forest Avenue
10 approach so that an existing through lane would be
11 re-striped to provide a through left-turn lane. So the
12 idea is to provide additional left-turn storage or passing
13 for vehicles turning on East 20th Street.

14 In conjunction with that, the signal timing at
15 that intersection would be changed from the existing
16 80 phase to split phase on the Forest Avenue approach to
17 allow that type of turning movement to occur.

18 And lastly, Wittmeier Drive, we've identified
19 some options to enhance safety on that street.
20 Specifically, conflicts between traffic associated with
21 the proposed project and Wittmeier Auto Center operations.

22 So the Draft EIR review period will close on
23 August 1st. And after that -- well, we will assemble all
24 the comments, and then we will begin the process of
25 preparing the responses to those comments.

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1 Once that process is complete, those comments
2 would be compiled in a document called the final EIR. And
3 those responses will be made publicly available at least
4 ten days prior to the first public hearing, at which the
5 project will be considered for approval.

6 And then at that meeting, the final EIR will be
7 submitted to the Planning Commission for consideration and
8 certification.

9 So in a few minutes the floor will be opened up
10 for public comment.

11 And first thing -- and some folks have already
12 done that. All individuals who are interested in speaking
13 tonight are asked to fill out a speaker card so we can
14 keep track of those who spoke. And also, we encourage
15 anyone who speaks tonight to also submit written comments.

16 And finally, the purpose of this meeting is to
17 talk about the conclusions and the analysis in the Draft
18 EIR. The project merits will be discussed at later
19 meetings.

20 And with that, I'll turn it over to Mike Sawley.

21 MR. SAWLEY: I guess I could just flash light on
22 the insight and repeat some of the things Grant just said.

23 First, to clarify and make sure everybody
24 understands, tonight we're focussed on getting comments on
25 the Environmental Impact Report, not necessarily comments

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1 on the project. We will have public hearings in the
2 future to discuss the merits of the project. Comments
3 like "I like it" or "I don't like it," those will be
4 properly placed at a future public hearing, not
5 necessarily tonight where we're focused on EIR comments.

6 We have sheets in the back that are prepared, so
7 you can fill them out and submit comments at your leisure.

8 And I just want to remind everybody that if you
9 don't get comments in tonight, we still have until
10 August 1 to. So there's a couple weeks left.

11 With that, we'll turn back over to
12 Planning Commissioner to begin the public hearing.

13 MS. SCOTT: Great. Thank you.

14 Madam chair?

15 MS. SCOTT: Yes.

16 MR. EVANS: And I don't have a PowerPoint slide
17 on this, but just to remind the Commission that tonight's
18 meeting is not for comment, but the Commission is to hear
19 the comments that others are making.

20 And your analysis and comments can be taken at a
21 later meeting after all of the comments from the public
22 come in in written form or tonight taken down by the
23 stenographer and responded to in written form by the
24 consultant at a later date.

25 MS. SCOTT: Great. Thank you.

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1 UNIDENTIFIED SPEAKER: And then to the public and
2 to the Commission, for the benefit of the stenographer, if
3 you could please speak clearly and probably spell your
4 last name while you're speaking, that helps create a very
5 clear record for the project.

6 Thank you.

7 MS. SCOTT: So just to reiterate one more time
8 before we open the public hearing, this is a really unique
9 opportunity that we have. And I am very thankful for the
10 staff, that they presented an opportunity to hold a public
11 hearing.

12 If you see on other projects that we have that
13 might not have such an impact to the community or so much
14 community input that is needed, comments are simply
15 submitted to the city via written. So this is a really
16 unique opportunity that we have to solicit comments and
17 hear from you directly.

18 With that comes a level of responsibility on
19 behalf of the Commission and everybody here. So if there
20 are comments that do get off subject or talk about the
21 merits of the project as a whole, do not reflect what is
22 in the document, I'm going to have to ask you to sit down
23 or to reframe your comments so that we're really getting
24 the feedback that we need from the community to present a
25 solid and really strong final EIR.

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1 We definitely want to hear from you and want to
2 be able to answer your questions. We will not be doing
3 that in the public hearing. So please don't direct any
4 questions to the Commission or staff during the public
5 hearing.

6 Mike Sawley here responds to every e-mail, every
7 phone call, and is happy to talk to you after the meeting
8 or during the break. And we have great project
9 consultants to lead or direct any comments or questions
10 outside the public hearing. So within the public hearing,
11 please direct your comments to the Draft EIR.

12 We have a list, which is great. So I ask that if
13 you're able and willing to stand up and line up maybe two
14 people deep so that we can move through the public
15 hearing. And we will be using the stoplight just as a
16 guidance of where we're at. I'm not sure if you can see
17 that, but I'll keep tallies. So I'll let you know if
18 you're getting a little off track with your time.

19 MR. EVANS: As people come up to the mic and talk
20 about specific subjects in the EIR, I'd like to follow. I
21 have no idea how to get there. Is there any way we can
22 get page 3-3-4 or something like that so we can go to it?
23 Is there any way we can do that?

24 MR. SAWLEY: I'm not sure what you're asking.

25 MR. EVANS: Well, if somebody wants to come up

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1 and make a specific comment on air quality, disagreeing
2 with what's in here, I'd like to be able to turn to the
3 paragraph they're referencing and read it for myself and
4 highlight it so I can look at it.

5 MR. VIEG: More than likely, as part of the final
6 EIR, there's a comment that says "I disagree with
7 something." The final will say and will reference you to
8 that page. So I don't know -- we're in realtime tonight.
9 I don't know how we would stop.

10 MR. EVANS: Fair enough. Just thought I'd ask.

11 MS. SCOTT: If you do want to speak and you
12 didn't get a speaker card in, feel free to bring it up. I
13 do want to stop that at -- maybe when we get down to the
14 last speaker, I'll do a last call, and then we'll wrap it
15 up.

16 So we have one more.

17 We'll start with the first speaker, which I think
18 was Mr. Perle.

19 MR. PERLE: Thank you. And thank you very much
20 for allowing me to speak this evening.

21 My name is Ben Perle, P-e-r-l-e. I'm the
22 Vice President of Operations for the Oxford Suites, which
23 is one of the businesses that operates on Business Lane.

24 We want to make some comments that are addressed,
25 and some key points that we outlined in a written document

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1 you should have received this afternoon. And that can be
2 provided to you. And just highlight some of the things
3 that we feel are inadequate in the EIR.

4 The first one is the noise measurements. We
5 don't feel they were properly measured or properly
6 executed. In the report, the EIR does not provide the
7 necessary documentation regarding the number of trucks
8 currently using the Business Lane, nor the time of day
9 this traffic was measured. As you can imagine, being a
10 hotel, that's a pretty significant omission.

11 Additionally, it's critical for us when Wal-Mart
12 is asking to increase the traffic from 8:00 p.m. to
13 8:00 a.m., possibly double that traffic, as you know,
14 hotels sell a good night's sleep. We feel adding traffic
15 like this could be very impactful [sic].

16 Secondly, the noise measurements that were
17 provided in the EIR were done on one single day in
18 January. Not exactly the peak time of operations for any
19 business in Chico.

20 It was also done without prior authorization of
21 Oxford Suites Corporate Office. The measurement mics were
22 put on our property without ever being asked, and were
23 said to be put there for one day.

24 Another point we wanted to highlight was the EIR
25 does not address the fact that Wal-Mart is proposing to

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1 continue to use and actually increase the use of private
2 roads. In some of the comments made we spoke about
3 Wittmeier and Forest, but never the fact that both
4 Baney Lane and Business Lane are private roads, never
5 intended to have traffic.

6 And I think the city knows this very well,
7 because they know this wasn't built by city specs, because
8 it was built by the developer.

9 Currently nothing in the long-term maintenance
10 plan is in place. And, again, Wal-Mart is asking private
11 businesses to really foot the bill for long-term
12 maintenance of those roadways.

13 And we're not the only ones on that road. Both
14 Baney and Business Lane were constructed to service
15 businesses along those roads, like I said. And those
16 18-wheelers and double axles, all those vehicles that now
17 come down there were not what that road was built for.

18 We feel that the adverse impacts are not being
19 addressed in the EIR, and that no mitigation plan is being
20 proposed by Wal-Mart.

21 Lastly and probably most importantly, we don't
22 understand why the truck delivery routing that is proposed
23 is not more focused on the southwest side of Wal-Mart's
24 property by Wittmeier and Forest where Wal-Mart is already
25 going to do significant improvements to the intersection,

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1 and where routing will solely impact their property as
2 opposed to adjacent property owners.

3 We feel they have an opportunity to assign it
4 correctly and not use a private two-lane road that
5 accommodates pedestrians, bikers, as well as the
6 possibility of eliminating the traffic that currently
7 turns into the Toys R Us private parking to get back onto
8 the main artery. I'm sure you're all aware of that.

9 Thank you very much.

10 MS. SCOTT: Thank you very much.

11 Mr. Keyser, and then Mr. Gundert will be next.

12 No?

13 We'll move on to Leonard Gundert.

14 MR. GUNDERT: You want me to spell my name?

15 MS. SCOTT: I think we have it. Yeah.

16 MR. GUNDERT: Thanks for letting me speak.

17 I'm just a citizen of Chico. I road my bike over
18 to -- what is it -- Wittmeier Lane, the street in between
19 there, a couple days ago just to kind of check it out.
20 And the first thing that struck me was there were cars
21 parked almost in every conceivable spot up and down that
22 lane. And I don't know if they were from Wittmeier
23 employees or extra overflow stock.

24 But that was something that struck me. And
25 that's something to consider. Where are those cars going

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1 to go if that changes in some way, ya know, if there's
2 another exit or entrance put in there?

3 But what I really wanted to raise some
4 questions -- I don't really have as many comments as I
5 have questions. And if the details are in the EIR and I
6 missed them, I apologize.

7 But when I found out about the grocery pick-up
8 feature, that people will be able to order groceries and
9 pharmacy items online evidently, and then drive their car
10 up and have it brought out -- I assume brought out to the
11 car and loaded into the car. And I thought, "Wow. What a
12 great convenience." And then I thought, "Well, wait a
13 minute. What about all the idling cars?" Particularly if
14 it really takes off and is a success. It seems to me that
15 it would be hard to mitigate the idling car problem
16 with -- I don't know how many lanes there are.

17 But that's something I think needs to be looked
18 at. Maybe it already has been, but I want to make sure it
19 gets looked at because you can go on and do lots of
20 research on idling and CO2 emissions.

21 There's the -- the EPA has a program where
22 they're trying to encourage school districts to get their
23 school busses not to idle because of the CO2 emissions.

24 With the Chico Target for 2020, the Chico City
25 Target for reducing CO2 emissions, that Final Action Plan,

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1 or whatever it's called, I thought that probably wouldn't
2 be a good idea to have dozens of idling cars waiting for
3 their groceries to be brought out to their cars. But
4 maybe they got that all figured out. I don't know.

5 And there's been studies showing that CO2
6 emissions are worse if you let your car idle for more than
7 ten seconds as opposed to turning it off. And of course I
8 can't see people turning their cars on and off constantly
9 while they advance in line to wait to have their groceries
10 brought out to their car or their pharmacy items.

11 The other thing that I thought was interesting in
12 part of the EIR was the construction emissions impact was
13 not really featured in there. I think the way I read it
14 was that all of the CO2 emissions and environmental
15 impacts on the construction itself were spread out
16 over -- I think a 20-year period or something like that.

17 Anyway, it was -- I don't know what the correct
18 word is -- energized -- or spread out over a period of
19 time. And I thought that was odd to do it that way,
20 because the impact would not be spread out over that
21 period of time. It would be during the construction, and
22 who knows how long that would be.

23 So I think that the construction emissions impact
24 needs to be looked at a little bit from a different angle
25 for the extreme impact that it really could have.

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1 Other interesting parts of the EIR, the nearest
2 single-family homes are as near as 330 feet east of the
3 project site. The nearest school is Butte College Chico
4 Center, it's 1,100 feet to the south. And then you have
5 Chapman Elementary School less than 2,000 feet to the
6 northwest.

7 And I think it's worth asking, would you send
8 your child there to those schools or to Chapman School
9 knowing that air quality would be affected in such a way,
10 not only from construction, but from the idling?

11 And that's all I have. Thank you.

12 MS. SCOTT: Michael Riley and then Chris Nelson.

13 MR. RILEY: Good evening, counsel.

14 My first recommendation would be on the
15 Forest Avenue frontage, that they provide a complete bus
16 pullout, so the local bus system will get completely out
17 of the way of traffic, which would then help prevent
18 traffic buildup behind them, and your air quality, if you
19 worry about that. They've got to give up a couple of
20 spaces for parking inside the parking lot for that.

21 Now, I really do support the project. I would
22 like to see a stronger accounting for what we've lost, if
23 it's been done, nine years ago or eight years ago. The
24 property taxes that we've lost every year; the school
25 taxes that were being paid; the building taxes that were

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1 being paid; the park fees that were being paid. So we've
2 lost over the last six, seven years, because this project
3 was not put through originally, and where are the benefits
4 with this one coming from? What tax benefits will the
5 schools benefit each and every year? Plus on top of the
6 school fees they're getting for the construction, the park
7 fees for all the construction, the roadway fees on the
8 construction, and then the annual revenue.

9 I've got to tell you, when I was on United Ways
10 Board for roughly 20 years, Wal-Mart, their employees, who
11 everybody says we're under paid, were some of the most
12 giving members of our community. Giving from every one of
13 their paychecks, be it a dime, be it a quarter, be it a
14 dollar. When there's an emergency and we needed funding,
15 Wal-Mart managers would come forward and provide us what
16 we needed for the community.

17 So again, I see additional employees being
18 employed by Wal-Mart that the community can benefit even
19 further from this.

20 Thank you.

21 MS. SCOTT: Thank you.

22 Chris Nelson, then Loreta Torres.

23 MS. NELSON: Good evening. I don't see the
24 timer. Is it up there somewhere?

25 MS. SCOTT: I'm not sure it's working, but I'll

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1 let you know when --

2 MS. NELSON: Okay.

3 So I didn't have -- the Draft EIR is, you know,
4 very long. Some of the things it seemed to me is that
5 this EIR, No. 1, is inconsistent, inadequate and
6 inaccurate. I know that Carbon Solutions is a trade
7 organizations for Wal-Mart. They do all of their EIRs.
8 And therefore they kind of have a cookie-cutter approach.
9 But there are inconsistencies in there that are very
10 important.

11 And, also, before I say that, in case I forget, I
12 want to make sure all of you review the 2008 comments in
13 the last EIR. Because some of the things, like the man
14 said, I can remember him saying the same thing the last
15 time this came up about how great Wal-Mart is and his big
16 yahoo for Wal-Mart.

17 So anyway, I hope you'll review all of that
18 please.

19 Anyway, what I wanted to say is that in terms of
20 traffic, I was glad the man from Oxford Suites got up.
21 Because I was trying to figure out in my own mind how
22 traffic would be routed through the Toys R Us. It's the
23 most ridiculous and ineffective way to route traffic. And
24 it's already in place, and there's no plan to change it
25 from the looks of things.

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1 So anyway, they make it look as if it's all
2 acceptable as it is. They give it like Bs and Cs. And,
3 actually, I would say, you know, from having driven it
4 over the years living in Chico, it's so inadequate as it
5 is now. I just can't imagine how they came up with their
6 traffic surveys. And as he said, it was done over a very
7 short period of time.

8 But they say -- so they're supposed to pay their
9 fair share on this.

10 "Paying fair-share fees would partially mitigate
11 the impact, but the impact would remain potentially
12 significant and unavoidable because the timing of physical
13 intersection improvements cannot be guaranteed to occur
14 prior to the future traffic volumes that would cause the
15 intersection to operate at an unacceptable level of
16 service."

17 So this is vague; it's alarming. And how much
18 are we willing to put up with so they can have these huge
19 profits?

20 And the other part of that is that I'm very
21 concerned about the future. I'm very concerned about our
22 Climate Action Plan here in Chico. I think to be good
23 stewards of this earth, we have to cut back on fossil fuel
24 use. We don't want to have all these extra fuel stations.

25 They state in there, "Moreover, as demonstrated

0019

1 in the analysis, new market area demand for gasoline sales
2 will more than exceed the anticipated Wal-Mart fuel
3 station gasoline sales. Thus, any potential for sales
4 diversions throughout the market area will be more than
5 offset by additional new demand generated by the time the
6 project achieves its first full year of operations."

7 So what about our carbon action plan, you know?
8 Where are you submitting that in? Where's the mitigation
9 on all the -- the speaker before me talked about his
10 concerns about idling cars. And there's all these extra
11 cars. You know, they don't talk about buying solar or
12 buying diesel pumps, or anything like that. This is
13 business as usual for the (inaudible.) It's very, very
14 alarming.

15 Lastly, I want to talk about retail. They say
16 that the local retail can absorb a 3 percent cut.
17 However, then in another place on page 64 of the -- I
18 forget what it's called. For the section on the appendix
19 it says:

20 "Alternatively, if no offset is considered for
21 market fluctuations, the effect on grocery store vacancy
22 could equate to 43,500 square feet of space, which is more
23 consistent with the size of a full-service grocery store.
24 For the sake of preparing a conservative analysis, it is
25 assumed that about 60,100 to 80,500 square-feet of retail

0020

1 space could experience closures in Chico as a result of
2 the cumulative projects."

3 After they talked on and on and on about there
4 wouldn't be an affect on retail, then they state this. So
5 I really feel that it's, you know, poorly done. And it's
6 very difficult to follow because it's huge.

7 And you just have to watch out for what you're
8 getting into, because in the -- there is a -- I sent you
9 today this "Why Local Matters" thing. And it's about how
10 local businesses often always, in fact, through all the
11 studies that they've done, they give a greater share of
12 every dollar to the local economy, they create local
13 (inaudible), they invest in their employees, they're there
14 during economic downturns, they bring higher income growth
15 and lower levels of poverty. It's just generally better
16 for local uses.

17 So I hope that you won't approve this Wal-Mart.

18 Thanks.

19 MS. SCOTT: Thank you.

20 Torres?

21 MS. TORRES: Now, for several years in a row I
22 have sat in front of Wal-Mart to register people to vote
23 and given them information. And as they went by, one out
24 of every three persons using Wal-Mart told me, "No, we
25 don't live in the city. We're coming out from Tehama and

0021

1 north."

2 They didn't live in Butte County. So I'm
3 thinking in terms of Wal-Mart's impact, and their revenue
4 to our state, which we all know needs the revenue. They
5 have lunch when they come to town. They don't just come
6 to buy groceries at Wal-Mart, they buy gas, and of course
7 they can buy gas wherever they want and find it cheapest.
8 And they buy other items.

9 A Wal-Mart that is bigger will attract more
10 revenue in my opinion. And we, again, need revenue.

11 There are plans in the pipeline to build 400
12 homes within two miles east of the Wal-Mart parking.
13 Those occupants, some from low income housing, which are
14 included in those plans, will be also needing additional
15 places to buy their food at lower prices.

16 MS. SCOTT: Ms. Torres, can I --

17 MS. TORRES: Okay. Now I'm going to get to
18 the --

19 MS. SCOTT: Okay. Thank you.

20 MS. TORRES: I had this all planned. Excuse me.
21 I didn't realize we were going to be passed around here.

22 I did read the EIR, by the way. And improvements
23 must be carefully planned. And I agree that you are
24 watching this very carefully, but I have seen over the
25 last few years all of the planning that has already gone

0022

1 into this, all the discussions that have gone into this,
2 and the improvements and back and forth, trying to find
3 mitigation for the traffic offsets.

4 And I believe these traffic offsets will be
5 improvements, at least to the south side where there's
6 nothing but a barren field of weeds.

7 Chico is growing, and growth is excellent. I
8 hope you will approve this plan and send it on to the city
9 counsel.

10 Thank you.

11 MS. SCOTT: Thank you.

12 First, I think I heard from Ms. Torres on the
13 impact to urban decay and those being positive.

14 MR. DERISH: Hi, my name is Seth Derish, and
15 thank you for having me tonight.

16 I'm on the Board of Directors of the Butte
17 Environmental Counsel, but I'm not here officially for the
18 Board, because we haven't taken a position yet for the
19 Wal-Mart plan.

20 The proposed Wal-Mart Super Center, first of all,
21 has thousands of new daily vehicle trips to an already
22 congested traffic road, making for unnecessary traffic
23 gridlock. This will become much more hazardous for
24 bicycle riders in the area.

25 According to the Draft EIR for the project, it

0023

1 was proposed that 2 percent of the strip mall will
2 contribute two trips to the segment between 99 and 32, and
3 East 20th Street. So that will operate at unacceptable
4 levels. And even feasible mitigation measures that
5 Wal-Mart may propose lessen the severity of impacts would
6 be significant and unavoidable.

7 The very minimal part-time jobs that the Wal-Mart
8 expansion would arguably create will be offset by the
9 significant net job losses and sales tax revenues lost
10 that the other community will face when Wal-Mart puts out
11 other grocers, and several of our "mom and pop" stores out
12 of business, because they can't compete with Wal-Mart's
13 low employee wages and tax-subsidized benefits, and
14 cheap-bulk foreign goods.

15 Published reports indicate that Wal-Mart's low
16 wages have full-time employees seeking public assistance.
17 These people are working physical, often difficult jobs.
18 They receive 2.66 billion in government health each year,
19 including one billion in health care assistance. That
20 works up to about \$5,815 per worker or \$420,000 per store.
21 These were from studies from 2013.

22 We know the impact this store has on the already
23 over-burdened homeless assistance program in Butte County.
24 We already have five full-service grocery stores near the
25 proposed new center, and several small grocery and

0024

1 convenient stores. We need to know what the low-quality
2 full-service grocery store has done for our small
3 community.

4 In regards to solar power, I did not see any
5 plans for the solar power in the EIR. Although Wal-Mart
6 states in their own corporate documents that they are
7 committed to making a real difference by working to create
8 economic opportunity enhancements, sustainability of
9 operations, as well as assistance with operating in
10 strange and local communities.

11 Finally, in terms of the economic impact issue,
12 the consultant conducted the bare minimal urban decay
13 study required, and did not account for the cumulative
14 impact for the proposed super center of clientele on all
15 the grocery and similar retail stores in the area.

16 The fact that Food Maxx will likely close if this
17 project is approved in October is not made now. We should
18 ask a more comprehensive impact study be conducted that
19 takes into account a very real negative impact the project
20 would have on several existing local businesses and jobs.

21 Thank you.

22 MS. SCOTT: Thank you.

23 Bill Helmer?

24 MR. HELMER: My name is Bill Helmer. And thank
25 you for the opportunity to speak at this public hearing.

0025

1 One thing that I noticed that was missing from
2 the Draft EIR, which it absolutely should be in there, is
3 some background of the past projects. Because this is
4 another iteration of a previous project, or the projects
5 going back to 2002.

6 The Draft EIR in 2006 listed, at that time, what
7 was previous. From 2002 there was a lawsuit, there was a
8 whole history of what went on. And this project is an
9 expansion of Wal-Mart; the previous one was an expansion
10 of Wal-Mart. A fuel station, the past 2009 was a fuel
11 station; this one is a fuel station. And then two parcels
12 with retail or restaurant space in 2009; this one, the
13 same thing.

14 So essentially it's another iteration of the same
15 project. And yet when you read the EIR, there's
16 absolutely no reference to what went on before. And I
17 think it's very important to know that history.

18 And that's why I wanted to make -- actually not
19 discussion, but to request that all the past documents,
20 the relevant documents on all these proposals of Wal-Mart
21 be placed in an electronic form on the Planning Service
22 Web site so people can have this referenced.

23 Can that be done?

24 MS. SCOTT: The Planning Staff can't answer your
25 question right now, but we'll record it in the public

0026

1 hearing, and then you can ask them afterwards or we can
2 address it in the final comments for final EIR.

3 So there can't be dialogue right now, but we'll
4 certainly address your question.

5 MR. HELMER: Okay. Yeah, it has to be before.

6 I'm not used to this, because where I came from
7 in Inyo County, all the public hearings before the
8 Planning Commission, always there was interaction with
9 staff.

10 MS. SCOTT: And this is new for us too, and just
11 because it's a special public hearing just to receive
12 comments on this. So any other public hearing, our city
13 and staff are willing and very readably able to answer
14 questions. But just the unique on this --

15 MR. HELMER: Okay.

16 Just a clarification there, these were for Draft
17 Environmental Impact Reports before Planning Commissions
18 for Inyo County. Staff would clarify -- they would
19 clarify positions, so that you could clarify, "Well,
20 what's this? And what does this mean?" So you can make
21 more coherent comments.

22 So I actually like that, because just saying it
23 would be nice to have a public hearing to say, "Yeah, I
24 think we can do that." But hopefully I could call you
25 tomorrow to see if that was placed on the Web site.

0027

1 MR. SAWLEY: Yes, I have a stack of cards in the
2 back. And anyone can grab one and contact me at any time.

3 MR. HELMER: Okay. That's great.

4 I wanted the Planning Commission to know that,
5 too, to have that past history, it's really important.
6 I'm a little disingenuous just to see this, because if
7 there's no history, it really means a lot.

8 And one of the points where it really means a lot
9 is actually according to CEQA. CEQA Guideline Section
10 15123.2, which is something that should be in the
11 summary -- it's areas of controversy -- under areas of
12 controversy. It should be in the summary.

13 And I quote, areas of the controversy -- this is
14 what shall be in the EIR, Draft EIR -- areas of
15 controversy known for the lead agency, including issues
16 raised by agencies and the public.

17 Now, as everyone knows, the past proposals for
18 Wal-Mart were very controversial. So rather than just
19 kind of boiler plate what's in a CEQA Guideline's
20 checklist, the obvious area of controversy is expansion of
21 Wal-Mart itself. So that's where it really needs to be
22 addressed as an area of controversy in that summary. So
23 that's something I would like to see.

24 And also there's a number of impacts, I think,
25 that -- just to shorten it here -- the traffic impacts

0028

1 seem to be a little bit glossed over. I'd like to see
2 more details of exactly what's going to happen to
3 East 20th Street, Forest Avenue, the intersections, and of
4 course the huge problem with Business Lane and Baney Lane.
5 They really haven't been dealt with in this Draft EIR.

6 As the person from Oxford Suites stated, there's
7 real problems with those private roads. And yet if you're
8 coming off 99 going south into Wal-Mart, that's what you
9 take to get there.

10 And so if you have this expansion -- and it's
11 also nearly 16,000 square feet more than the 2009
12 expansion. So we're talking a larger project, not a
13 smaller project. Because the retail section goes from
14 5,000 in 2009 to 52,000. Even though the Wal-Mart itself
15 is reduced, the two retail restaurant proposals have been
16 expanded.

17 And so a lot of that is just not dealt with. And
18 also I'd like to see -- there doesn't seem to be any
19 improvement from the proposals in 2009 to now. Like, what
20 have they done to try to make it better, this project?
21 And it doesn't seem to me -- a previous commenter stated
22 about solar. The Chico Climate Action Plan recommends
23 solar, and yet -- solar in parking lots. That was not
24 done, even though that's recommended.

25 So there were lots of things that could have been

0029

1 done and that weren't.

2 And just lastly, I would like to see in the
3 alternatives a reasonable alternative that has an --
4 besides the no-project alternative -- that has some
5 alternative that has all impacts reduced to a less than
6 significant level.

7 The alternatives, besides no-project alternative,
8 that are now, all have unavoidable significant impacts.
9 It seems to me it's reasonable to have an alternative
10 reduced to less than significant.

11 And that could possibly be the retail restaurant
12 expansion without the expansion of Wal-Mart or the gas
13 station, and it still meets a retail objective. But
14 something in there to give the public a chance, "Well,
15 maybe we can deal with this that won't have all these
16 traffic impacts and impacts to air and greenhouse gas
17 emissions, and we can have an alternative that's less than
18 significant."

19 So thank you very much.

20 MS. SCOTT: Thank you, Mr. Helmer.

21 Mr. Nickell?

22 MR. NICKELL: It's great to see you.

23 MS. SCOTT: You too. It's weird to see you on
24 this side.

25 MR. NICKELL: I apologize for my voice, it will

0030

1 come in and out. It's from surgeries. So if you start
2 laughing, I don't care. It doesn't hurt my feelings.

3 My name is Tom Nickell, N-i-c-k-e-l-l. I'm a
4 former City Counsel member and Vice Mayor of the city of
5 Chico, and I was on the City Counsel on the first Wal-Mart
6 project.

7 Right, Brendan and Mike?

8 MR. SAWLEY: Affirmative.

9 MR. NICKELL: No, I love you guys. You guys are
10 awesome.

11 This new project on the EIR really hasn't changed
12 anything in terms of what I saw back when I was on
13 counsel, to be honest with you.

14 The fact is is that there's no really economic
15 study done. We did an economic study with Dr. Gallow from
16 Chico State. And the problem is when they were talking
17 about not affecting jobs in the community and everyone is
18 physically responsible, etc., at that point in time what I
19 did -- and because the report originally said 150 new
20 jobs, minimum wage jobs.

21 At the final vote -- I was the swing vote -- that
22 the final report that I was given and the counsel was
23 given, was they said 75. And when I confronted the
24 Wal-Mart representative, I said, "So how many jobs are we
25 going to have?" She says 150. So I raised the report

0031

1 during the meeting and I said, "Well, the final report
2 that you're telling us is only 75."

3 What I did, because I was retired from the
4 California Highway Patrol, is I went to Food Maxx, Costco,
5 all those places, and the fact is is that the project
6 would eliminate 268 jobs, well-paying jobs. These are
7 people buying houses, buying cars, buying appliances,
8 sending their kids to private schools, whatever. This was
9 not a minimum wage.

10 I actually interviewed three people who worked at
11 Wal-Mart, and they said, "We make minimum wage. We don't
12 get raises unless we're management." And the fact is I'm
13 looking at a system where during my ten-year on the city
14 counsel, we were in a recession, the worst recession in
15 the United States --

16 MS. SCOTT: Tom, the city attorney is going to
17 come after me if I don't ask you to focus on the Draft EIR
18 comments.

19 MR. NICKELL: Okay. Sorry.

20 MS. SCOTT: So let's focus on the urban decay and
21 the number of jobs and salary on that. So comment more on
22 that. And let's continue if you have anything else on the
23 Draft EIR.

24 MR. NICKELL: Well, the Draft EIR, you talked
25 about traffic mitigation, 25 years on the Highway Patrol,

0032

1 Caltrans has not had the money to make any improvements on
2 SR-99. They have no money. The last money they had was
3 on the East First Avenue three-lane improvement. The next
4 project that they're going to have is going to be SR-99
5 and 149 to bring another three lanes up to Highway 70.

6 The fact is is that there's no mitigations
7 whatsoever on 20th Street, all the way to Skyway or
8 whatever, and it's going to cost millions of dollars. The
9 city does not have the money to do that project. We're
10 talking years. We're talking at least ten years.

11 And I'm talking about the Draft EIR. And the
12 fact is you're going to have big-rigs that are going to
13 sit idle, running their compressors to keep their food
14 cold all night long.

15 So the gentleman at the Oxford Suites made a
16 great point; they're going to sit there and idle. And I
17 don't know if you guys have ever sat there and listened to
18 a compressor from a big-rig, after 25 years it's very
19 noisy.

20 And the fact is is that in the EIR, the economic
21 study, and I'll bring this forward, is that from your
22 protege, Jennifer Cline, they talk about EIR finds
23 Wal-Mart expansion likely won't harm the economy. Well,
24 "likely" means it might happen or it might not, or
25 anything like this.

0033

1 So anyway, to get that done and being in the
2 highway patrol is that there's no money. There's no money
3 for these mitigation impacts on the 99 or anything on
4 Park Avenue, 20th Street or anything in this city. There
5 is no money, no plans, no nothing. And the fact is
6 they're going to make expansion that is going to make more
7 congestion which is already there.

8 Bob, you awake? I got to give you a hard time.
9 I love you so much.

10 But the fact is you're going to have people
11 idling their cars, gas stations, etc. There's no
12 mitigations whatsoever, and the fact is -- I'm going to
13 stop rambling, because you guys have bigger --

14 And by the way, B tag (phonetic) has no money to
15 put a transit center in there. Because when I was on the
16 city council, we were looking at more like Skyway and
17 Bruce Road to get, because it was easier for them to
18 access the Paradise area, which was the main reflection.

19 And thank you very much for your time. It's
20 always great.

21 MS. SCOTT: Thank you. I hope you come back and
22 visit us.

23 MR. NICKELL: Oh, I will. I apologize for my
24 voice. But, you know, with surgeries.

25 MS. SCOTT: Mr. Kelley and then Ms. Faith.

0034

1 MR. KELLEY: Good evening, commissioners. I'm
2 Dave Kelley.

3 I took an eight-year run on the Planning
4 Commission, and it was a lot of fun, and I was a Chair
5 during the Wal-Mart hearing, what, 10, 12 years ago. I
6 was expecting a packed house tonight.

7 And during the time I was on the Planning
8 Commission, there were two nights of testimony until 11
9 o'clock or midnight, and then two nights of deliberation.
10 And there was a lot of controversy as some people said in
11 here.

12 And I think the world has changed a lot between
13 then and now. Back then they called them activists and
14 nowadays they call them haters. I think there's a lot of
15 people that hate Wal-Mart that use this to get their
16 agenda across. Well, that's not really -- your
17 jurisdiction here is land use; purely land use. That goes
18 on to city counsel. I have moral considerations for
19 Wal-Mart.

20 I think if you look next to -- the lot next to
21 Wal-Mart, if there was a Dollar General store going in and
22 a Buffalo Wild Wings, this place would be empty. It's
23 just retail. That land has always been designed for
24 retail. People are always going to drive there. They're
25 going to drive there now.

0035

1 If you look at the 2030 General Plan that I was
2 involved with the whole time, I was here for four years,
3 they assumed an increase growth rate at 2 percent
4 population each year. Now, Chico is never going to grow
5 at that rate. It's more like one-and-one-quarter percent.

6 So all this growth coming, whether it is
7 Buffalo Wild Wings, Dollar General, Wal-Mart, have already
8 been factored into the town. You would have to take into
9 account traffic, climate control and climate change,
10 things like that. But this really isn't rocket science.
11 This is land use. It's people buying retail.

12 So I'm hoping to make sure you stay focused on
13 the land-use factor and not wrapped up in the moral
14 reasons one way or the other. That's city council's
15 priority or prerogative.

16 Thank you.

17 MS. SCOTT: Did you have a specific comment in
18 there on the EIR, Mr. Kelley? No? Okay.

19 Kathy Faith then Dan Everhart and Grant Parks.

20 And anyone who is coming in late, I just want to
21 remind you, we are only taking comments on the Draft EIR.
22 So any comments on the merits of the project, we ask you
23 to save those for a future hearings.

24 MS. FAITH: Faith, like "keep the faith."

25 I did not read this document, but I have been

0036

1 here through the history the people were talking about
2 that some of you seem to have been through.

3 And I don't have a specific comment, but as
4 I'm -- I'm a little concerned. You're city staff. I'm a
5 little concerned that it seems like you're already on
6 board. I guess you're supposed to present this, but I'm
7 confused by that. Because when I was listening, it just
8 seemed like -- I don't know. We'll just leave that up for
9 grabs.

10 But I'm a little concerned. But I'm hoping that
11 you're really taking things in that people are saying,
12 because it is important.

13 But my concern is in general the nature of how
14 Wal-Mart has done this EIR. Because in listening to what
15 people are saying -- again, I didn't read it -- but it
16 seems that it's not just disingenuous, it's duplicative.
17 And I would like you to go into that as much as possible
18 to see where things are.

19 MS. SCOTT: Thank you.

20 Mr. Everhart?

21 While we're getting that, why don't we have
22 Mr. Parks join us.

23 MR. PARKS: Ladies and gentlemen, my name is
24 Grant Parks.

25 In regards to the Draft EIR document, we're

0037

1 trying to make the Wal-Mart 55,000 feet bigger, bringing
2 it to a total of about 197,000 feet. That's almost
3 33 percent bigger. Unless the growth for the goods and
4 products that Wal-Mart sells, it's very likely that it
5 will impact local businesses. So please consider that in
6 your revision.

7 Recently a Wal-Mart expansion was made in
8 Red Bluff, California. Now, when it's a Wal-Mart
9 expansion, they didn't just make it like in addition to a
10 house where they put new stuff onto the existing building;
11 they built a whole new Wal-Mart. So now when you drive
12 down the street, there's an empty Wal-Mart next to a fully
13 functioning huge Wal-Mart.

14 It seems redundant. And I would hope that the
15 extra parcels of land that are purchased, that that does
16 not happen if this plan does go through. So please revise
17 that on your revision of the EIR.

18 And lastly, public transit in Chico isn't used
19 very often. Residents of Chico rarely use it. Students
20 who you would think would use it more to get to
21 Butte College campuses and as well as the adjacent
22 apartments in the proximity do not use it either.

23 So I do not believe that creating a new fancy bus
24 stop near the Wal-Mart and near the school is going to
25 increase the overall public transit in the county.

0038

1 Thank you very much, and please consider my
2 thoughts when doing the EIR revision.

3 MS. SCOTT: Thank you.

4 And Mr. Everhart?

5 MR. EVERHART: We rely on business labor, the
6 grow process, manufacturing necessities. Most luxuries,
7 because of the economy, are provided by centralized
8 production, and made possible by inexpensive fuel, which
9 allows long-distance transportation to be more lucrative
10 than local alternatives.

11 Extracting, burning and buying cheap, dirty, fuel
12 requires more centralized production for our environmental
13 segregation, which includes heating up our climate.

14 I'm curious about the carbon impact of shipping
15 more jobs to China, shipping more goods from China to
16 Chico. Apparently the EIR points out that they expect
17 added fuel demand as they go -- as the expansion goes into
18 place. So I'm curious how much of that is people driving
19 from even farther, as Ms. Torres said, to Chico in order
20 to buy stuff at Wal-Mart.

21 And besides the fact of the locals, if you're
22 pointing to where the carbon offsets are that are
23 offsetting the extra carb, which will be used by these
24 other impacts, I'd appreciate it.

25 Thank you.

0039

1 MS. SCOTT: Thank you.

2 And I think that is it. Do we have any more?

3 No.

4 Okay. So with that I will close the public
5 hearing.

6 I just want to say thank you to everybody. I
7 really appreciate you coming down and giving your
8 testimony tonight.

9 Just as a reminder, if you could also send in
10 your written comments. Mr. Sawley has those business
11 cards in the back. So those have his e-mail address on
12 there and phone number.

13 But we're still accepting comments until
14 August 1st, and really do want to have a strong final EIR.
15 So any specific comments you can give to that, I
16 appreciate.

17 Thank you for going through this document and
18 really caring how Chico looks in the future.

19 So with that, I'll bring it back to the
20 Commission and we'll go to Item 5, regular agenda; there's
21 none.

22 Item 6 is business from the floor. Members of
23 the public may address the Commission at this time on any
24 matter not already listed on the agenda. You can't talk
25 about the Draft EIR. With comments being limited to three

0040

1 minutes. The Commission cannot take any action at this
2 meeting under this section of the agenda.

3 Is there any business from the floor? No? Okay.

4 Item 7, reports and communications, and Item 7.1
5 is a planning update.

6 MR. VIEG: I have nothing planned.

7 MS. SCOTT: Great. We'll move to Item 8;
8 adjournment.

9 Thank you.

10 (Whereupon the meeting adjourned at 7:36 p.m.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss
COUNTY OF SACRAMENTO)

I, JILLIAN M. SUMNER, a Certified Shorthand Reporter, licensed by the state of California and empowered to administer oaths and affirmations pursuant to Section 2093 (b) of the Code of Civil Procedure, do hereby certify:

That the witness was present at the time and place herein set forth and was by me sworn to testify as to the truth;

The said proceedings were recorded stenographically by me and were thereafter transcribed under my direction via computer-assisted transcription;

That the foregoing transcript is a true record of the proceedings which then and there took place;

That I am a disinterested person to said action.

IN WITNESS WHEREOF, I have subscribed my name on July 27, 2016.

JILLIAN M. SUMNER
Certified Shorthand Reporter No. 13619