



TO: City Council

Files: PM 15-02
UP 15-10
UP 15-12
AR 15-16

FROM: Mike Sawley, Associate Planner (879-6812, mike.sawley@chicoca.gov)

RE: Appeal of Chico Walmart Expansion Project, 2044 Forest Avenue
AP Nos: 002-370-057, 002-370-055, and 002-170-004

REPORT IN BRIEF

On October 6, 2016, the Planning Commission, on a 5-2 vote (Howlett and Worley opposed), approved the Chico Walmart Expansion Project. The approval included adoption of three separate resolutions that:

- Certified the Environmental Impact Report (EIR);
- Adopted certain findings of environmental effect, a Statement of Overriding Considerations (SOC), and a Mitigation Monitoring and Reporting Program (MMRP); and
- Approved the project entitlements, including the parcel map, two use permits, and site design and architectural review applications.

On October 17, 2016, *Chico Advocates for Responsible Economy*, (“CARE”), represented by attorney Brett Jolley, filed an appeal of the Commission’s action claiming that:

- The EIR cannot be certified,
- The findings for the approvals are not supported by substantial evidence,
- The project is inconsistent with various General Plan policies, and
- The appellants and others were denied due process and a fair hearing based on statements made by Planning Commissioners at the October 6 hearing.

The appeal is included under **Attachment 1**. This report addresses each point raised in the appeal. Staff recommends that the appeal be denied and that the Planning Commission’s approval be upheld.

Recommendation:

The Community Development Director recommends that the City Council hold a public hearing on the appeal and, under separate motions, adopt the following resolutions:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION’S DECISION TO CERTIFY THE ADEQUACY OF THE ENVIRONMENTAL IMPACT REPORT FOR THE CHICO WALMART EXPANSION PROJECT (**Attachment 2**)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION’S DECISION TO: 1) ADOPT FINDINGS REGARDING ENVIRONMENTAL EFFECTS, 2) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CHICO WALMART EXPANSION PROJECT (**Attachment 3**)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO CONDITIONALLY APPROVE PARCEL MAP 15-02, USE PERMIT 15-10, USE PERMIT 15-12, AND SITE DESIGN AND ARCHITECTURAL REVIEW 15-16 (**Attachment 4**)

FISCAL IMPACT:

N/A

PLANNING COMMISSION ACTION:

At its October 6, 2016, meeting the Planning Commission conducted a public hearing and, on a 5-2 vote (Howlett and Worley opposed), approved the Chico Walmart Expansion Project. The approval included adoption of three separate resolutions as follows:

- Planning Commission Resolution No. 16-11 certified the EIR.
- Planning Commission Resolution No. 16-12 adopted certain CEQA findings of fact, an SOC, and an MMRP.
- Planning Commission Resolution No. 16-13 approved the project entitlements, including the parcel map, two use permits, and site design and architectural review applications.

The three adopted Planning Commission resolutions are provided under **Attachment 5**.

BACKGROUND

There is a significant amount of background information pertaining to the project for Council's consideration. To keep this staff report at a manageable size, please refer to the October 6, 2016 Planning Commission staff report, and staff report addendum provided to the Commission at the meeting (see **Appendix A** of this report). The Commission report provides a complete overview and analysis of the project and related environmental review process. A complete transcript of the October 6 Commission meeting, as well as copies of the visual slides presented at the meeting are included under **Appendix A** of this report.

The Draft EIR and Final EIR have previously been provided to each Councilmember in hard copy. The documents can be accessed online at the following web address: http://www.ci.chico.ca.us/planning_services/OtherPlanningDocumentsandReports.asp

The appellant, CARE, submitted comments on the Draft EIR raising similar issues identified in the appeal. City responses to the CARE's concerns about urban decay, traffic, General Plan consistency, and air quality mitigations were issued as part of the Final EIR (see **Attachment 6**). The responses are referenced below, as applicable, to facilitate Council's review of the back-and-forth on these issues.

APPEAL ISSUES AND STAFF RESPONSES

The initial appeal received on October 17, 2016, simply requested "a de novo hearing before the Chico City Council appealing all aspects of the Planning Commission's approval," and did not include any specific reasons as to why the appeal was filed (see **Attachment 1**). The City Clerk notified Mr. Jolley that the appeal filing was deficient because it lacked a description of

the grounds (i.e. reasons) for making the appeal. Both CMC 2.80.080, and Section 7 of the City's appeal form require this information to complete a valid appeal filing. Prior to the appeal deadline on October 17 the appellant provided a supplemental letter for the appeal, which is also provided under **Attachment 1**.

The appeal outlines four main categories of dispute with the Planning Commission's action, each containing multiple sub-components. The issues raised in the appeal are reproduced below and organized into an outline format to facilitate staff responses.

Issues Related to Certification of the EIR

The appeal claims that *"The EIR is defective and cannot be certified because it fails to adequately identify and mitigate all significant and potentially significant environmental impacts, including but not limited to:*

- 1) *Physical deterioration/urban decay*
 - a) *store closures and deterioration of existing retail areas resulting from the project;*
 - b) *unreasonably high and unattainable definition for urban decay;*
 - c) *unsupported claim that "the residual grocery sales impacts attributable to the project drop to less than \$500,000."*
- 2) *Traffic*
 - a) *impacts to Business/Baney intersection*
 - b) *degraded levels of service at E. 20th St and SR 99,*
- 3) *Air quality*
 - a) *inadequate mitigation measures;*
 - b) *failure to properly disclose human health impacts,*
- 4) *Solid waste disposal (impacts from PLA),*
- 5) *Aesthetics (overhead transmission lines not undergrounded)"*

Staff Responses:

Item 1a: *"store closures and deterioration of existing retail areas resulting from the project":*

The EIR evaluated the potential for store closures and subsequent long-term vacancies that could result from the proposed project under two scenarios: 2018 and 2021 (Draft EIR, Chapter 3.12 and Urban Decay Study, Appendix J). Also see Responses to CARE-17 and CARE-19 from the Final EIR, **Attachment 6**.

The analysis found that there could potentially be enough sales diversions in 2018 resulting from the project plus other planned retail projects in the area to induce closure of 60,100 to 80,500 square feet of competing outlets. However, the analysis further finds that, by 2021, there would be enough new demand generated within the market area for a range of other retail goods to backfill all vacated space.

As documented in the Urban Decay Study, the Chico market has a strong history of backfilling retail space, including larger scale vacancies (Exhibit 38 in Appendix J of the Draft EIR). Moreover, the potential induced vacancy would increase the overall market-wide retail vacancy rate by approximately 1 percent, from 4.4 to 5.4 percent, *"which continues to be well within the range of a robust, healthy commercial sector"* (Appendix J, page 53).

The Study concludes that the combination of current market conditions, Chico's strong history of backfilling vacant retail sites, and regulatory controls create conditions that are unlikely to result in a substantial amount of urban decay. For these reasons, the Draft EIR concluded that no potentially significant environmental impacts associated with urban decay would occur as a result of the proposed project.

Item 1b: *“unreasonably high and unattainable definition for urban decay;”*

The CEQA Guidelines do not provide a definition of “urban decay,” however, as noted on Page 3.12-1 of the Draft EIR, Section 15131(a) of the CEQA Guidelines states that:

Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

Thus, store closures alone cannot be identified as a potentially significant environmental impact. Only substantial physical changes that may occur as a result of prolonged store vacancies may be used to describe an urban decay CEQA impact of the proposed project.

The most widely recognized definition for “urban decay” came from the *Bakersfield Citizens for Local Control* court decision, which required that two EIRs for Walmart-anchored retail centers consider whether *“the shopping centers individually and/or cumulatively, indirectly could trigger the downward spiral of retail closures and consequent long-term vacancies that ultimately result in decay.”*

Similarly, the Draft EIR defines urban decay as *“visible symptoms of physical deterioration (plywood-boarded doors and windows, illegal refuse dumping onsite, dilapidated fencing, etc.), that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and long-term vacancies. This physical deterioration to properties or structures is so prevalent, substantial, and lasting for a significant period of time that it impairs the proper utilization of the properties and structures, and the health, safety, and welfare of the surrounding community”* (pages 3.12-12 and 3.12-13).

This definition is acceptable because it focuses on the physical changes that may result from prolonged business vacancies. In tracing the chain of cause and effect, the Urban Decay Study identified, among other factors, that Chico's local economy is sufficiently strong to backfill vacant retail sites, including anchor tenants, within a timeframe that heads off substantial physical degradation of these sites. The conclusion that the proposed project would not cause or significantly contribute to urban decay is reasonable.

Item 1c: *“unsupported claim that ‘the residual grocery sales impacts attributable to the project drop to less than \$500,000.’”*

The referenced statement is supported by Draft EIR Table 3.12-7 (Page 3.12-24), and further explained in the narrative after the table.

Item 2a: *“The EIR is defective and cannot be certified because it fails to adequately identify and mitigate all significant and potentially significant environmental impacts, including but not limited to [Traffic] impacts to Business/Baney intersection”*

This issue was addressed on page 2-1 and 2-2 of the Final EIR as follows: *“Baney Lane and Business Lane are privately owned facilities with public access easements that allow any vehicle to travel over them, including trucks. Pursuant to General Plan Policy CIRC-1.4, the City’s Level of Service (LOS) standards do not apply to these roadways. Thus, Business Lane and Baney Lane (as well as the intersections of Business Lane/Baney Lane and Business Lane/Toys R Us driveway) do not qualify as study facilities.”*

“Business Lane and Baney Lane (as well as the intersections of Business Lane/Baney Lane and Business Lane/Toys R Us driveway) were not included in the Level of Service analysis; however, these facilities were reviewed by Fehr & Peers for their functionality and recommendations were made regarding Baney Lane. Turning movements were reviewed at the private intersections of Business Lane/Toys R Us and Business Lane/Baney Lane and were found to be acceptable to accommodate the projected traffic.” Also see Responses to CARE-3, through CARE-6, and CARE-8 from the Final EIR, **Attachment 6**.

Further, the following quantitative analysis regarding the project’s potential effect at the intersection of Business Lane and Baney Lane was provided in Final EIR:

“Exhibits 3.11-12 and 3.11-13 in the Draft EIR show that the difference between cumulative no project volumes and cumulative plus project volumes actually result in a net reduction of vehicle trips on Business Lane attributable to the proposed project. Although inbound traffic volumes onto Business Lane from East 20th Street increase with the project by 27, 63 and 86 vehicles during the AM, PM and Saturday peak hours, respectively, outbound volumes from the Toys R Us parking lot onto westbound East 20th Street decrease by 31, 94 and 94 vehicles during those same respective peak periods. The reduction in outbound trips using Business Lane is attributable to the left-turn restrictions on Baney Lane associated with the project. Therefore, the project may be regarded as having a slightly beneficial or close-to-neutral effect regarding its reliance on Business Lane relative to the no project scenario.” (Page 3-126)

Therefore, the EIR addressed the fact that operations at the intersection of Business and Baney Lanes are not subject to City LOS standards, and explained that the project represents a slightly beneficial or close-to-neutral effect upon anticipated future traffic at the intersection.

Item 2b: *“degraded levels of service at E. 20th St and SR 99,”*

The EIR and Traffic Study, (Chapter 3.11 and Appendix I of the Draft EIR, respectively), included a detailed LOS analysis at six intersections on East 20th Street, including two shared with on-ramp/off-ramp locations for State Route 99 (SR-99), as well as two on-ramp/off-ramp locations for SR-99 located at E. Park Avenue and Skyway Road.

The EIR found that SR-99 would operate at acceptable LOS under Existing Plus Project and Short-Term scenarios. Under the Cumulative Plus Project scenario, the southbound weave segment between the SR-32 on-ramp and E. 20th Street off-ramp would operate at unacceptable levels during the PM peak hour. Paying street facility improvement fees to the City of Chico would partially mitigate the impact, as the fees could in turn be used to help fund

improvements to SR-99, however the impact must be considered potentially significant and unavoidable in a CEQA context because the timing of physical roadway improvements that would offset the impact cannot be assured to precede the impact described.

In conclusion, the EIR did address the potential for degraded traffic LOS impacts on E. 20th Street and SR-99, and the appeal provides no evidence to support the claim that the EIR analysis is inadequate.

Item 3a: *“The EIR is defective and cannot be certified because it fails to adequately identify and mitigate all significant and potentially significant environmental impacts, including but not limited to inadequate [air quality] mitigation measures;”*

See Responses to CARE-15 and CARE-16 from the Final EIR, **Attachment 6**. The Butte County Air Quality Management District (BCAQMD) submitted a letter to the City on July 29, 2016 indicating the District’s concurrence with Draft EIR mitigation measures and conclusions for air quality and greenhouse gas emissions (Page 3-11 of the Final EIR). The appeal does not offer any details or evidence in support of its claim that the EIR fails to adequately identify and mitigate all significant and potentially significant environmental impacts.

Item 3b: *“failure to properly disclose human health impacts,”*

Impact AIR-4 from the Draft EIR adequately addresses whether the project would expose sensitive receptors to substantial pollutant concentrations of criteria air pollutants, fugitive dust, toxic air contaminants from diesel emission, or naturally occurring asbestos. The methodology and thresholds used in the EIR for this analysis of potential human health impacts are consistent with guidance contained in BCAQMD’s 2014 CEQA Air Quality Handbook. The same BCAQMD letter mentioned above also states: *“The District recognizes that Impacts AIR-4 and AIR-5 are expected to be less than significant and does not require additional mitigation measures.”* The appeal fails to offer any evidence in support of its claim that the EIR fails to properly disclose potential human health impacts.

Item 4: *“Solid waste disposal (impacts from PLA),”*

The abbreviation “PLA” stands for polylactic acid, sometimes referred to as “corn plastic”. It is a biodegradable, non-recyclable polymer derived from corn and can be used for various types of packaging instead of petroleum-based plastics. Also non-toxic, PLA would break down in the landfill and the resulting methane captured would be used for electrical generation. The County estimates that over 90 percent of the methane emitted from the Neal Road Landfill is captured by their electrical generation system.

The Draft EIR estimated project generation of operational solid waste (403 cubic yards per year; Table 3.10-11 on Page 3.10-17) and compared it to available capacity at Neal Road Recycling and Waste Facility (20.8 million cubic yards). As noted under Table 3.10-11, the waste generation values were not adjusted to account for recycling and waste reduction activities that would serve to divert waste from the landfill. Thus, the analysis provides a “conservative, worst-case” estimate of solid waste generation, including PLA packaging.

The Draft EIR concluded that impacts from solid waste disposal would be less than significant because of adequate available landfill capacity. The fact that PLA is in the waste stream does

not affect the conclusion of adequate landfill capacity contained in the EIR. The appeal fails to provide any evidence in support of its claim that the EIR does not properly analyze solid waste disposal and potential impacts from PLA.

Item 5: “Aesthetics (overhead transmission lines not undergrounded)”

The Draft EIR disclosed the presence of the existing, high-voltage overhead power lines, and noted that the project would relocate the overhead lines to follow the perimeter of the development area. If this change in alignment were to be considered for its aesthetic impact, the applicable threshold would inquire whether or not re-routing the existing lines would “*substantially degrade the existing visual character or quality of the site and its surroundings.*”

Because the lines already exist through the site and surrounding area, changing the manner in which they traverse the site, including following a more circuitous route as proposed, does not represent a potentially significant visual degradation in this area of low aesthetic sensitivity, particularly in light of the enhanced store elevations that would be accommodated by the overhead line re-alignment. The appeal fails to provide any evidence in support of its claim that the EIR did not adequately analyze potential aesthetic impacts related to the overhead transmission lines.

Issues Related to the Findings

The appeal claims that “*The findings [are not supported by substantial evidence in the record], including those required by:*

6. *CEQA Guidelines*
 - a. *§ 15091 and*
 - b. *§ 15093 and by*
7. *state and local law for use permits, subdivision maps, and architectural review.*
8. *The Project will cause significant harm to other properties in the community and*
9. *the benefits claimed by Walmart are not supported by substantial evidence and cannot be said to outweigh the significant environmental impacts of the Project”*

Staff Responses:

Section 15384 of the CEQA Guidelines defines “substantial evidence” as follows:

“Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Item 6a: *“The findings, including those required by CEQA Guidelines§ 15091... are not supported by substantial evidence in the record.”*

The findings made by the Planning Commission that correspond to CEQA Guidelines Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations) are located in Exhibit I of Planning Commission Resolution No. 16-12.

For each potentially significant impact contained in the EIR, CEQA Guidelines Section 15091 requires the City to make written findings to document that mitigation measures have been required *“which avoid or substantially lessen the significant environmental effect as identified in the final EIR”*. The majority of findings in the exhibit are synthesized from the Draft and Final EIR documents prepared for the project, which reference and include substantial evidence in support of their conclusions.

The Mitigation Monitoring and Reporting Program (MMRP), because it was adopted as Exhibit II of Planning Commission Resolution 16-12 and reinforced as a condition of project approval in Exhibit II of Planning Commission Resolution 16-13, constitutes substantial evidence that the Planning Commission required changes to the proposed project which avoid or substantially lessen the significant environmental effects of each potentially significant impact identified in the EIR. Hence, the findings made by the Planning Commission meet the requirements of CEQA Guidelines Section 15091. The appeal fails to provide any evidence in support of its claim that the findings made by the Planning Commission do not meet the requirements of CEQA Guidelines Section 15091.

Item 6b: *“The findings, including those required by CEQA Guidelines§... 15093... are not supported by substantial evidence in the record.”*

For the potentially significant traffic impact that cannot be mitigated to less than significant, CEQA Guidelines Section 15093 requires the City *“to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.”* If the benefits outweigh the unavoidable adverse environmental effects in the City’s judgment, then the impact may be considered acceptable.

There are ten separate and independent reasons cited in the Statement of Overriding Considerations that provide grounds for finding that the project’s benefits outweigh its potentially unavoidable significant impact. One such example is:

“The Project will generate additional property, sales and fuel tax revenue, as the assessed valuation of the Project site will be greatly increased, and additional taxable sales will be generated by the expanded and new retail uses and fuel station.”

This finding is supported by substantial evidence contained in the Urban Decay Study (Draft EIR, Appendix J), which reflects an expert’s opinion predicated upon factual data obtained from various sources as cited in the study (U.S. Securities and Exchange Commission, U.S. Bureau of Labor Statistics, California Board of Equalization, etc.).

Specifically, after subtracting the estimated sales that would be diverted from existing businesses, the project is estimated to add \$43.5 million in total net new sales to the City of

Chico's retail base. Discounting the total new sales to account for non-taxable food items equates to approximately \$33.1 million in net new annual taxable sales.

Using the City's rate of receiving 0.95 percent of total taxable sales that take place within the City, it is estimated that the City of Chico stands to increase sales tax revenues by approximately \$314,000 per year as a result of the project. Additional City revenues would be realized when structural improvements are made on the site and the property is re-assessed to a higher value.

The City need not defend all ten findings that justify the SOC, but as a second example:

"The Project will reinforce Chico's status as a regional retail node by increasing commercial retail and service offerings within an established regional and highway-oriented commercial area."

This finding is supported by various descriptions of the project contained in the record and information contained the General Plan. The General Plan includes the project site within the "East 20th Street Opportunity Site." The East 20th Street Opportunity Site is one of three designated Regional Center Opportunity Sites within the city, and the accompanying description states:

This Regional Center contains the Chico Mall and a number of national chain retail stores. It also contains an approximately 8-acre vacant property on the west side of Forest Avenue and a large vacant lot between the Kohl's and the Chico Mall on Springfield. The retail centers in this area are all single story with large surface parking areas, providing the potential to intensify the commercial uses. Its convenient location near an exit from State Route 99 increases its revitalization potential as a thriving regional commercial center.

Thus, substantial evidence exists in the record in support of the findings made pursuant to CEQA Guidelines Section 15093. As allowed by the CEQA definition of substantial evidence, other data conceivably exists and other conclusions might also be reached, but that does not disqualify the validity of relying upon the substantial evidence in the record that supports the conclusions reached. The appeal fails to provide any evidence in support of its claim that the findings are not supported by substantial evidence in the record.

Item 7: "The findings, including those required by... state and local law for use permits, subdivision maps, and architectural review are not supported by substantial evidence in the record."

This appeal item lacks the specificity needed to prepare anything more than a general response. The findings for approval of the project applications generally refer to information contained in the General Plan, adopted City Design Guidelines, municipal code, and EIR, and makes reasonable inferences based on that information. The appeal fails to provide any evidence in support of its claim that the findings are not supported by substantial evidence in the record.

Item 8: "The Project will cause significant harm to other properties in the community"

Staff is not aware of any information in the record to substantiate this claim. The appeal fails to provide any evidence in support of its claim that the Project will cause significant harm to other properties in the community.

Item 9: "the benefits claimed by Walmart are not supported by substantial evidence and cannot be said to outweigh the significant environmental impacts of the Project"

The Planning Commission's actions did not rely upon benefits of the project claimed by the applicant. All findings in the Statement of Overriding Considerations reflect the City's independent judgment.

Issues Related to General Plan Consistency

The appeal claims: **[10]**"The Project is inconsistent with the General Plan in that it conflicts with Policy Circ. 1.1, 1.1.1, 1.2, 1.4 and Policy ED 1.5, and therefore such conflicts preclude approval."

Staff Responses:

Item 10: See Responses to CARE-10, CARE-11, CARE-12 and CARE-20 from the Final EIR, **Attachment 6**. No further response is necessary.

Issues Related to Due Process at the Planning Commission Meeting

The appeal claims that **[11]** "*Appellants and others were denied due process and a fair hearing before the Planning Commission. Certain Commissioners stated on record that the Commission lacked discretion to deny the Project if the Project and/or Applicant met certain criteria. This is an incorrect statement of the standards and discretionary jurisdiction of the Commission to determine whether to approve subdivision maps, use permits, and/or architectural review applications and prejudiced the hearing process against my clients and other Project opponents.*"

Staff Responses:

Item 11: This item appears to refer to Commission deliberations, specifically an exchange between Commissioner Bennett and Commissioner Howlett (Page 131 of the transcript, **Appendix A**). The quotation from the transcript reads:

Commissioner Bennett: "And, again, I appreciate and respect your opinion. But it almost -- I mean, one of the big issues in Chico in the past has been transparency. If a project meets the general guidelines and requirements of the City of Chico then, in my opinion, it should be approved because it does comply. It is part of our position and I think our responsibility to respect the ability of individuals and businesses to comply with the requirements of the City of Chico, and therefore if there aren't any major issues -- and I don't consider some of the comments you made are major issues. They are issues of course, but to eliminate the transparency that I think the City of Chico has worked very hard to move forward to remove that, I think it's a step backwards. And now that's -- I'm done."

Because this remark was made after the public hearing portion of the meeting, and was

explicitly qualified as a personal opinion by one of the seven Planning Commission members, it did not deprive anyone in the public the chance to be heard fairly at the hearing and have their issues considered by the Commission as a whole.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (Draft EIR) was prepared and circulated for a 45-day public review period from June 17, 2016, to August 1, 2016. A noticed public hearing was held by the Planning Commission on July 21, 2016 to receive comments on the Draft EIR. The Draft EIR identified the potential environmental impacts associated with the project and provides mitigation measures to substantially reduce these impacts. Responses to comments pertaining to environmental issues were included in the Final EIR, as well as an errata section that refines and clarifies specific statements in the Draft EIR. The Final EIR was released on September 9, 2016. The Planning Commission certified the EIR (comprised of the Draft EIR and Final EIR volumes, combined), on October 6, 2016. A Notice of Determination was filed with the County Clerk-Recorder's Office on October 7, 2016 and State Clearinghouse on October 10, 2016.

A discussion of the environmental review process and significant unavoidable traffic impact is included on pages 20-23 of the Planning Commission Staff Report (See **Appendix A**).

PUBLIC CONTACT

A 10-day public hearing notice was mailed to all landowners and residents within 500 feet of the site, and a legal notice was published in the *Chico Enterprise Record* on October 29, 2016. Comments received during the circulation period for the Draft EIR (06/17/16 thru 08/01/16) are included in the Final EIR along with City responses to the issues raised within those comments. Comments received between 08/02/16 and 10/06/16, are contained in **Appendix A** of this report. Public comments received between 10/06/16 and 11/04/16 are provided under **Attachment 7**.

Reviewed by:



Mark Wolfe, Community Development Director

Approved by:



Mark Orme, City Manager

DISTRIBUTION:

PC Distribution

AP Sawley

Shore, McKinley, & Conger, LLP, Attn: Brett Jolley, 3031 West March Lane, Suite 230W
Stockton, California 95219-6500

C.A.R.E., P.O. Box 3064, Chico, CA 95927

Sheppard Mullin Richter & Hampton LLP, Attn: Alexander L. Merritt, Four Embarcadero
Center, 17th Floor, San Francisco, CA 94111-4109

Gresham Savage Nolan & Tilden, PC, Attn: Miriam Montesinos, 580 California Street, 12th
Floor, San Francisco, CA 94104

RSC Engineering, Attn: Tiffany Wilson, 2250 Douglas Blvd., Ste. 150, Roseville, CA 95661
Walmart Stores Inc., Attn: Michael Allan, 2001 SE 10th Street, Bentonville, AR 72716

ATTACHMENTS:

1. Appeal
2. City Council Resolution Certifying the EIR
3. City Council Resolution Adopting CEQA Findings, SOC and MMRP
4. City Council Resolution Approving the Applications Subject to Conditions
5. Planning Commission Resolution Nos.16-11, 16-12 and 16-13
6. CARE Draft EIR Comments and Final EIR City Responses
7. Public Comments Received 10/06/16 through 11/04/16

Appendix A: Background Materials

PDF page#

- Planning Commission Staff Report (including Attachments A through P) 1-308
- Planning Commission Staff Report Addendum Provided at 10/06/16 Meeting 309-422
- Transcript of Planning Commission Meeting on 10/06/16 423-598
- Presentation Slides Shown at Planning Commission Meeting on 10/06/16 599-664

X:\Current Planning\Parcel Map\2015\02 Walmart Expansion (72189)\City Council\CC report 11-15-16 mtg.docx

**CITY OF CHICO
APPLICATION FOR APPEAL TO CITY COUNCIL**

DECISIONS OF BOARDS, COMMISSIONS, OFFICERS OR EMPLOYEES
(Pursuant to Chapter 2.80 and Section 18.17.080 of the Chico Municipal Code)

1. Name of Appellant Chico Advocates for Responsible Economy ("CARE") Address 33 Stonebridge Dr. Zip Code Chico, CA 95793 Phone N/A
2. Official Representative (If Any) Brett Jolley Address 3031 W. March Ln. Zip Code Stockton, CA 95219 Phone (209) 477-8171

3. Address or Location of Property Involved (If Applicable)
Chico Wal-Mart Expansion Project (2044 Forest Ave.)

4. Confirmation of the Timely Filing of Appeal:
 Final Decision of a City Board or Commission:
Date of meeting at which the decision was made October 6, 2016
(Appeal must be filed within 10 days following the date of meeting)
 Decision/Determination/Order Made by City Officer or Employee:
Date of personal service or postmark _____
(Appeal must be filed within 10 days that written notice of decision was served in person or 15 days of depositing in mail, whichever occurs first)

5. Indicate if this appeal is being filed pursuant to Chico Municipal Code:
 Chapter 2.80 entitled "Appeals from a Decision, Determination or Order Made or Issued by a City Board, Commission, Officer or Employee".
 Section 18.17.080 entitled "Appeals to the City Council" involving minor land divisions, boundary line modifications and mergers or subdivision design and improvement standards.

6. Briefly state (a) the decision/determination/order that was made, and (b) the name of the Board, Commission, Officer or Employee who made it.
Chico Planning Commission's approval of the Chico Wal-Mart Expansion Project (Files PM 15-02, UP 15-10, UP 15-12. AR 15-16)

7. State the reason(s) for filing the appeal and specifically identify the item(s) you are requesting to appeal. Only the item(s) specifically identified by you on this application will be considered for appeal. You may attach additional sheets if necessary. Please attach a copy of any written notice received from the City.
CARE requests a de novo hearing before the Chico City Council appealing all aspects of the Planning Commission's approval of the Wal-Mart Expansion Project on October 6, 2016, including but not limited to certification of the EIR, adoption of findings and statement of overriding considerations, and approval of parcel map, use permits, and architectural review.
October 14, 2016
Date BVA [Signature]
Signature of Appellant or Official Representative

Fee Received* \$ _____ Official Receipt No. _____ Received By: _____

*Qualified low income applicants may file for an appeal fee exemption.



SHORE, MCKINLEY & CONGER, LLP
ATTORNEYS AT LAW

Dennis Shore
John H. McKinley
John R. Conger
Brett S. Jolley
Aaron S. McKinney
Scott L. Harper
Megan E. Galarneau
Megan K. Hall
Ricky Gill
Ranette Sonnenberg

3031 West March Lane
Suite 230
Stockton, California 95219-6500
Telephone 209-477-8171
Facsimile 209-477-2549
www.smcslaw.com

1104 Corporate Way
Sacramento, CA 95831
700 Ygnacio Valley Rd
Suite 330
Walnut Creek, CA 94596

Brett S. Jolley
bjolley@smcslaw.com

October 17, 2016

Deborah Presson
City Clerk
411 Main Street,
Chico, CA 95928
Email: Debbie.presson@chico.ca.gov

Re: Appeal of Walmart Expansion Project filed by Chico Advocates for a Responsible Economy (CARE) today and supplemental grounds statement for appeal

Dear Ms. Presson,

Pursuant to our phone conversation at approximately 3:50 this afternoon you advised that the City Attorney has stated that the notice of appeal filed by my clients today is "too broad" and therefore is deficient and does not constitute a valid appeal. You further advised that my clients must provide a supplemental appeal statement identifying the grounds for appeal by 5:00 p.m. today. You agreed that any such document may be submitted to you via email (thank you).

At the outset, my clients dispute that the appeal form is deficient. We believe the appeal sufficiently identifies all information required by Chico Municipal Code § 2.80.080 and is valid upon filing earlier today. Moreover, without the City identifying the specific deficiencies in the appeal, it is difficult, if not impossible, for the Appellants to address or correct the alleged deficiencies. Nevertheless, because we have just over one hour to respond, we believe the implication of the City's allegation is that the appeal does not sufficiently provide "a brief description of all grounds for making the appeal."

{00142139.}

Attachment 1

Therefore, we provide the following supplement to the information already provided in section 7 of the appeal form:

- The EIR is defective and cannot be certified because it fails to adequately identify and mitigate all significant and potentially significant environmental impacts, including but not limited to physical deterioration/urban decay (store closures and deterioration of existing retail areas resulting from the project; unreasonably high and unattainable definition for urban decay; unsupported claim that "the residual grocery sales impacts attributable to the project drop to less than \$500,000."), traffic (impacts to Business/Baney intersection and degraded levels of service at E. 20th St and SR 99), air quality (inadequate mitigation measures; failure to properly disclose human health impacts), solid waste disposal (impacts from PLA), aesthetics (overhead transmission lines not undergrounded);
- The findings, including those required by CEQA Guidelines §§ 15091 and 15093 and by state and local law for use permits, subdivision maps, and architectural review, are not supported by substantial evidence in the record. The Project will cause significant harm to other properties in the community and the benefits claimed by Walmart are not supported by substantial evidence and cannot be said to outweigh the significant environmental impacts of the Project;
- The Project is inconsistent with the General Plan in that it conflicts with Policy Circ. 1.1, 1.1.1, 1.2, 1.4 and Policy ED 1.5, and therefore such conflicts preclude approval;
- Appellants and others were denied due process and a fair hearing before the Planning Commission. Certain Commissioners stated on record that the Commission lacked discretion to deny the Project if the Project and/or Applicant met certain criteria. This is an incorrect statement of the standards and discretionary jurisdiction of the Commission to determine whether to approve subdivision maps, use permits, and/or architectural review applications and prejudiced the hearing process against my clients and other Project opponents.

Appellants reserve any and all rights afforded by law amend this notice of appeal and/or to expand on or introduce additional arguments and evidence prior to the close of the final public hearing on the appeal.

City Clerk Deborah Presson
October 17, 2016
Page 3

In addition, please note that I will be unavailable during the week of October 24, 2016. Accordingly, please do not schedule the hearing during that time. In addition, if City seeks input from the applicant in selecting a hearing date, we respectfully request that the same consideration be extended to Appellants.

Thank you.

Very truly yours,

SHORE MCKINLEY & CONGER LLP

A handwritten signature in blue ink, appearing to read "Brett S. Jolley", with a long horizontal flourish extending to the right.

BRETT S. JOLLEY
Attorney-at-Law

1 WHEREAS, subsequent to close of the review and comment period, the City prepared a
2 Final EIR in accordance with CEQA, including City responses to all comments submitted during
3 the Draft EIR public review period, and to fully address all potential effects of implementation of
4 the Project; and

5 WHEREAS, the Final EIR was forwarded to all commenting agencies on or about
6 September 9, 2016, which was not less than ten (10) days prior to the date established for a
7 Planning Commission hearing to consider the proposed Project; and

8 WHEREAS, the Planning Commission of the City of Chico considered the Project, staff
9 report, comments received prior to the public hearing held on October 6, 2016, comments received
10 at the duly noticed public hearing on October 6, 2016, and voted 5-2 to certify the EIR prepared
11 for the Project; and

12 WHEREAS, an appeal of the Planning Commission's decision to certify the EIR to the
13 City Council was filed by Chico Advocates for Responsible Economy ("CARE"); and

14 WHEREAS, pursuant to Chico Municipal Code (CMC) Section 2.80, the City Council has
15 held a public hearing at which it considered the entire record of proceedings before the Planning
16 Commission for the Project as well as all testimony, documents or other new evidence that was
17 presented at said hearing, and has independently weighed all such evidence.

18 NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as
19 follows:

20 1. The City Council makes the following findings based upon the entire record before it,
21 including but not limited to the Draft EIR, all documents incorporated by reference therein, all
22 comments received and responses provided, the Findings of Fact and Statement of Overriding
23 Considerations (as provided in Exhibit I to City Council Resolution No. ____-16), the Mitigation
24 Monitoring and Reporting Program (as provided in Exhibit II to City Council Resolution No. ____-
25 16), and all other evidence in the record of these proceedings:

26 A. The recitals set forth above are true and correct.

27 B. The NOP and Draft EIR were duly prepared, noticed, and properly circulated in accordance
28 with the provisions of CEQA.

1 C. All comments received during the period of public review have been duly considered and
2 incorporated into the Final EIR, and when necessary, replied to, all in accordance with
3 CEQA.

4 D. The City provided written responses to all public agency comments received on the Draft
5 EIR at least ten (10) days before certification of the Final EIR, pursuant to the provisions
6 of CEQA.

7 E. A good faith effort has been made to identify potentially feasible mitigation measures and
8 alternatives to the extent necessary to avoid or substantially lessen the significant adverse
9 effects of the project, and such mitigation measures and alternatives were considered in the
10 review process in accordance with the provisions of CEQA.

11 F. The EIR for the proposed Project has been properly completed and has identified all
12 significant environmental effects of the proposed Project, and there are no known potential
13 significant environmental effects that are not addressed in the EIR.

14 G. A good faith effort has been made to seek out and incorporate all points of view in the
15 preparation of the Draft EIR and the Final EIR.

16 H. The City Council has reviewed and considered the information in the EIR.

17 I. The EIR for the Project reflects the City Council's independent judgment and analysis.

18 2. Decision on Appeal and Certification of the EIR.

19 A. The appeal of the Planning Commission's decision to certify the EIR is denied; and

20 B. Having independently considered the EIR, the City Council hereby certifies that the EIR
21 has been prepared, circulated for agency and public review, and completed in compliance
22 with the requirements of CEQA and fully and adequately discloses and addresses all
23 environmental issues known to be associated with the Project.

24 3. The City Council hereby specifies that the materials and documents which
25 constitute the record of proceedings upon which its decision is based are located at and under
26 the custody of the City of Chico Community Development Department.

27 //

28 //

1 THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico
2 at its meeting held on November 15, 2016, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAINED:

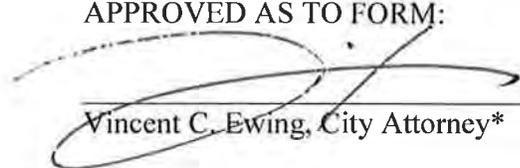
7 DISQUALIFIED:

8 ATTEST:

9
10
11 _____
Deborah R. Presson
City Clerk

12
13 4852-9374-1113, v. 1
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED AS TO FORM:



Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

1 WHEREAS, because the adoption of the mitigation measures and alternatives will not
2 avoid or substantially lessen all identified significant effects on the environment associated with
3 the Project, CEQA requires the City to adopt a Statement of Overriding Considerations in the event
4 the City Council upholds the Planning Commission’s decision to approve the Project; and

5 WHEREAS, the City is required by Public Resources Code section 21081.6 (a) to adopt a
6 mitigation monitoring and reporting program to ensure that the mitigation measures adopted by
7 the City are actually carried out; and

8 WHEREAS, a Mitigation Monitoring and Reporting Program for the Project has been
9 prepared.

10 WHEREAS, the Planning Commission of the City of Chico considered the Project, staff
11 report, comments received prior to the public hearing held on October 6, 2016, comments received
12 at the duly noticed public hearing on October 6, 2016, and voted 5-2 to adopt certain CEQA
13 Findings of Fact regarding environmental effects, adopt a Statement of Overriding Considerations,
14 and adopt a Mitigation Monitoring and Reporting Program prepared for the Project; and

15 WHEREAS, an appeal of the Planning Commission’s decision to adopt the CEQA
16 Findings of Fact regarding environmental effects, adopt a Statement of Overriding Considerations,
17 and adopt a Mitigation Monitoring and Reporting Program prepared for the Project to the City
18 Council was filed by Chico Advocates for Responsible Economy (“CARE”); and

19 WHEREAS, pursuant to Chico Municipal Code (CMC) Section 2.80, the City Council has
20 held a public hearing at which it considered the entire record of proceedings before the Planning
21 Commission for the Project as well as all testimony, documents or other new evidence that was
22 presented at said hearing, and has independently weighed all such evidence.

23 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as
24 follows:

25 1. The appeal of the Planning Commission’s decision to adopt certain CEQA Findings of Fact
26 regarding environmental effects, adopt a Statement of Overriding Considerations, and adopt a
27 Mitigation Monitoring and Reporting Program is denied, affirming the Planning Commission’s
28 decision; and

1 2. The City Council adopts the CEQA Findings of Fact attached at Exhibit I to this resolution,
2 as required by Public Resources Code section 21081, subdivision (a);

3 3. The City Council adopts the Statement of Overriding Considerations, included within
4 Exhibit I to this resolution, as required by Public Resources Code section 21081, subdivision (b);

5 4. The City Council adopts the Mitigation Monitoring and Reporting Program attached as
6 Exhibit II to this resolution, as required by Public Resources Code section 21081.6, subdivision
7 (a).

8 THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of
9 Chico at its meeting held on November 15, 2016, by the following vote:

10 AYES:

11 NOES:

12 ABSENT:

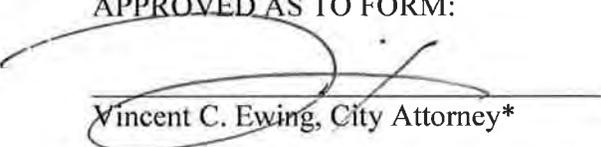
13 ABSTAINED:

14 DISQUALIFIED:

15 ATTEST:

16
17
18 _____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:



Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

**CEQA FINDINGS OF FACT
and
STATEMENT OF OVERRIDING
CONSIDERATIONS**

**I.
INTRODUCTION**

These findings, as well as the accompanying statement of overriding considerations have been prepared in accordance with the California Environmental Quality Act (“CEQA”) the CEQA Guidelines (14 CCR § 15000 et seq.), and the local procedures adopted by the City of Chico (“City”). The City is the lead agency for the environmental review of the project and has the principal responsibility for its approval. The project covered by these findings and the relevant CEQA documents is known as the Chico Walmart Expansion Project (“Project”).

**II.
STATEMENT OF FINDINGS.**

The findings and determinations contained herein are based on the competent and substantial evidence, both verbal and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the City Council hereby incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited herein, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the City Council’s approval of mitigation measures recommended in the EIR, and the reasoning set forth in responses to comments in the Final EIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this Council with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

**III.
DEFINITIONS AND ACRONYMS**

“BCAQMD” means Butte County Air Quality Management District

“CDFW” means California Department of Fish and Wildlife

“CEQA” means California Environmental Quality Act.

“City” means City of Chico.

“Commission” or “Planning Commission” means the Planning Commission of the City of Chico.

“Council” or “City Council” means the City Council of the City of Chico.

“DEIR” or “Draft EIR” means the Draft Environmental Impact Report for the Chico Walmart Expansion Project, dated June 17, 2016.

“EIR” means Environmental Impact Report, including both the DEIR and FEIR.
“FEIR” or “Final EIR” means the Final Environmental Impact Report for the Chico Walmart Expansion Project, dated September 9, 2016.
“LOS” means level of service.
“MM” means mitigation measure.
“MMRP” means Mitigation Monitoring and Reporting Program.
“NO_x” means nitrogen oxide.
“NOP” means Notice of Preparation.
“NOP/IS” means Notice of Preparation and Initial Study.
“PM₁₀” means particulate matter equal to or less than 10 microns in diameter.
“ROG” means reactive organic gases.
“RWQCB” means Regional Water Quality Control Board
“SCH” means State Clearinghouse.
“USACE” means U.S. Army Corps of Engineers
“VOC” means Volatile Organic Compounds

IV. **PROJECT DESCRIPTION**

A. PROJECT DESCRIPTION

The City is evaluating the environmental effects of (1) expanding the existing Walmart store located at 2044 Forest Avenue by up to 66,500 square feet; (2) developing an eight-pump fuel station (16 vehicle fueling positions) with a 1,500-square-foot convenience market; and (3) create two outlot parcels that would have a combined development potential of 52,000 square feet of commercial uses. Following the subdivision, the Walmart/fuel station/parking lot parcel (Parcel 1) would total 21.88 acres, Parcel 2 would be 2.63 acres, and Parcel 3 would be 2.57 acres.

Following expansion, the Walmart would be approximately 195,688 square feet. All new square footage would be for indoor uses; no changes to outdoor garden center square footage or outdoor display/sales areas are proposed. The expanded store would provide 55,729 square feet for grocery sales and grocery stockroom area. The remaining square footage would be used for general merchandise sales and storage. In addition to the store expansion, the following uses are anticipated as part of the proposed project:

- Expanded grocery sales;
- Pharmacy/merchandise drive-through;
- Fueling station; Other retail and service tenants; and
- Permanent outdoor display and sales area

New landscaping, parking and updated signage will also be included as part of the Project. End uses for Parcels 2 and 3 have not yet been identified. Based on the allowable uses of the “CR—Regional Commercial” zoning district, it was assumed for purposes of the EIR that these parcels can support retail or restaurant uses at approximately 10,000 square feet per acre. This would yield a building of approximately 26,300 square feet on Parcel 2 and a building of approximately 25,700 square feet on Parcel 3. Future development proposals on these parcels may require additional environmental review depending on the nature of the approvals required.

Discretionary approvals for the Project include approval of a Tentative Parcel Map, Use Permit, Planned Development Permit, and Site Design and Architectural Review. Draft EIR Section 2, Project Description provides a complete description of the Project.

B. PROJECT OBJECTIVES.

The objectives of the proposed Project are to:

1. Positively contribute to the local economy through new capital investment, creation of new employment opportunities, expansion of the tax base, and increased retail offerings.
2. Reinforce Chico's status as a regional retail node by increasing commercial retail and service offerings within an established regional and highway-oriented commercial area.
3. Expand an existing regional-serving retail use close to SR-99 in order to better serve the retail demands of the Market Area, while also minimizing the need for infrastructure improvements.
4. Promote economic growth in accordance with the goals and policies set forth in the City of Chico General Plan.
5. Facilitate the development of undeveloped and underutilized land on an infill site zoned for commercial use in the Chico city limits.
6. Develop complementary fuel station, retail, and restaurant uses that are compatible with surrounding land uses and which provide consumers with additional convenient and competitive options.
7. Design a site plan to minimize overall access and circulation conflicts, such as facilitation of the circulation between the store, service station and future development on the adjacent parcel.
8. Enhance bicycle and pedestrian circulation by relocating the existing Class I bicycle/pedestrian path around the perimeter of the site in order to minimize conflicts with motor vehicles.
9. Improve the overall visual appearance of the area by removing two outdated and unsightly billboards and developing new commercial uses that employ high-quality contemporary architecture and landscaping.

C. PROJECT APPROVALS.

In order to implement the Project, the Project proponent will need the following approvals from the City:

- Tentative Parcel Map
- Use Permit (for drive-in/drive-through sales and gas station)
- Planned Development Permit
- Site Design and Architectural Review
- Final Map Approval or Recordation
- Building and grading permits

V.
ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the City issued a Notice of Preparation (NOP) of an EIR on October 6, 2015 (SCH# 2015102017). This notice was circulated to the public, local, State, and Federal agencies, and other interested parties to solicit comments on the proposed Project.

Pursuant to CEQA Guidelines Section 15082(c)(1), the City of Chico held a public scoping meeting for the proposed Project on Thursday, October 15, 2015 in the Chico City Council Chambers, 421 Main Street, Chico, CA 95927. The meeting was duly noticed in the NOP that was posted on the City's website and directly mailed to public agencies and private parties, as well as in a public notice printed in the Chico Enterprise-Record. Approximately 20 persons attended the meeting and six persons provided oral testimony.

The EIR includes an analysis of the following issue areas:

- Aesthetics, Light and Glare
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services and Utilities
- Transportation
- Urban Decay

The Draft EIR determined that the Project would have no impact on Agriculture and Forest Resources, Mineral Resources, Population and Housing or Recreation. Therefore, impacts to these areas were not further studied in the EIR.

The City published the DEIR for public and agency review. The public review period was 45 days, beginning June 17, 2016, and ending on August 1, 2016. The City received a number of comment letters from agencies and the public regarding the DEIR. In September 2016, the City published a Final EIR for the Project.

VI.
RECORD OF PROCEEDINGS

The record of proceedings for the decision on the Project consists of the following documents, at a minimum:

- The Notice of Preparation dated October 6, 2015, and all other public notices issued by the City in conjunction with the Project;
- Oral testimony received at the October 15, 2015 public scoping meeting;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- Comments received on the Notice of Preparation issued by the City;
- The DEIR and all appendices to the DEIR for the Project;
- Notices of Completion and of Availability, providing notice that the DEIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the comment period on the DEIR;
- All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the DEIR;
- The Final EIR for the Project dated September 2016, including all documents referred to or relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following:
 - All timely comments received on the DEIR and responses to those comments;
 - All Technical appendices to the EIR;
 - Letters and correspondence submitted to the City following the release of the FEIR;
 - The Mitigation Monitoring and Reporting Program for the Project;
- The Notices of Public Hearing issued in connection with Planning Commission and City Council hearings on the Project.
- All findings and resolutions adopted by the City in connection with the Project approvals, and all documents cited or referred to therein;
- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with

respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the DEIR or FEIR;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing.
- Any documentary or other evidence submitted to the City at any other information sessions, public meeting or public hearing;
- The relevant files of the City of Chico Community Development Department for the Project;
- The relevant City files and the materials submitted by the Project applicant;
- The City of Chico General Plan and Chico Municipal Code;
- Matters of common knowledge to the City including, but not limited to Federal, State, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the record is the Community Development Director of the City of Chico, located at 411 Main Street, Chico, CA 95928.

VII.

FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 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[.]” The same statute states that 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.” Section 21002 goes on to state that “in the event [that] 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 announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three

permissible conclusions. The first such finding is that “[c]hanges 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.” (CEQA Guidelines, § 15091, subd. (a)(1)).

The second permissible finding is that “[s]uch 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.” (CEQA Guidelines, § 15091, subd. (a)(2))

The third potential conclusion is that “[s]pecific 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.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.”

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy 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.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, will specify whether the effect in question has been reduced to a less than significant level, or has been substantially lessened but remains significant. Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the FEIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a)) With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its

“unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

VIII. **MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and is being approved by the City Council by the same resolution that adopts these findings. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is a separate document from the EIR.

IX. **FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES**

The DEIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project may cause. Some of these significant impacts can be reduced to a level of less than significant through the adoption of feasible mitigation measures. Others cannot be reduced to a less than significant level and will be significant and unavoidable. For the reasons set forth in Section XI, *infra*, however, the City has determined that overriding economic, social or other considerations outweigh the significant, unavoidable effects of the Project.

The City finds that all impacts related to Aesthetics, Light and Glare, Hazards and Hazardous Materials, Land Use, Public Services and Utilities and Urban Decay were all determined to be less than significant without the need for mitigation.

The City’s findings with respect to Project impacts requiring mitigation within the following topical areas are made below. With the exception of these identified impacts, the City finds that other impacts within these topical areas do not require mitigation and are less than significant. Likewise, unless otherwise specifically identified below, all cumulative impacts within these impact areas were determined to be less than significant.

A. Air Quality/Greenhouse Gas Emissions

- 1. Impact AIR-1:** The DEIR found that the Project could potentially conflict with or obstruct implementation of the applicable air quality plan. The Butte County portion of the Sacramento Air Basin is currently designated non-attainment for the state and federal ozone and PM_{2.5} standards and the PM₁₀ state standards. The current applicable air quality plan for the BCAQMD is the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Plan (**DEIR at 3.2-21 to 3.2-23**).

The DEIR found that compliance with Butte County Air Quality Management District Rules 205, 230 and 231, along with best management practices to minimize fugitive dust and diesel emissions, would reduce impacts to less than significant. These requirements are contained in Mitigation Measure AIR-1.

- a. Finding Regarding Impact AIR-1 and Mitigation Measure AIR-1:** The incorporation of Mitigation Measure AIR-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

- 2. Impact AIR-2:** The DEIR found that the Project could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation; specifically, with regard to the Project's anticipated construction and operational emissions of ROG and NO_x. Mitigation Measure AIR-2a has been provided, that requires the applicant to use low VOC paint for the interior of all proposed structures, and Mitigation Measure AIR-2b has been provided that requires the applicant to utilize off-road diesel equipment that meets the Tier 3 emission standards for all off-road equipment that is greater than 50 horsepower. Mitigation Measures AIR-2c through AIR-2j have been provided to reduce operational ROG and NO_x emissions (such as through preparation of a Transportation Demand Management Program), and Mitigation Measure AIR-2k would require the Project applicant to participate in an Off-site Mitigation Program in order to reduce ROG and NO_x operational emissions to less than significant levels, consistent with the BCAQMD's CEQA Handbook and current practices. As a result, the DEIR found that incorporation of Mitigation Measures AIR-2a through AIR-2k would reduce these impacts to less than significant. **(DEIR at 3.2-23 to 3.2-39).**
 - a. Finding Regarding Impact AIR-2 and Mitigation Measures AIR-2a through AIR-2k:** The incorporation of Mitigation Measures AIR-2a through AIR-2k into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

- 3. Impact AIR-3:** The DEIR found that the Project may result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in nonattainment under an applicable federal or state ambient air quality standard; specifically, due to the Project's PM_{2.5} and PM₁₀ emissions. However, the DEIR found that incorporation of Mitigation Measures AIR-2a through AIR-2k (discussed above) would reduce these impacts to less than significant. **(DEIR at 3.2-40).**

strategies will be implemented, but if avoidance is not possible then mitigation will take place in consultation with the California Department of Fish and Wildlife (CDFW). CDFW would need to approve the mitigation plan prior to transplantation and commencement of construction activities. The DEIR found that incorporation of Mitigation Measure BIO-1 would reduce these impacts to less than significant. **(DEIR at 3.3-24 to 3.3-26).**

- a. Finding Regarding Impact BIO-1 and Mitigation Measure BIO-1:** The incorporation of Mitigation Measure BIO-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 2. Impact BIO-2:** The DEIR found that the Project could potentially impact special-status wildlife species including the western spadefoot, burrowing owl, Swainson's hawk, bats, migratory birds, and vernal pool shrimp species. Mitigation Measures BIO-2a to BIO-2d require the preparation of protocol-level surveys and preconstruction surveys by a qualified biologist, as well as avoidance and relocation procedures if special-status species are found, in coordination with CDFW. Mitigation Measure BIO-2e requires monitoring by a qualified biologist for any activities that may impact seasonal wetland. **(DEIR at 3.3-26 to 3.3-35).** These DEIR found that incorporation of Mitigation Measures BIO-2a to BIO-2e would reduce impacts to special status wildlife species to less than significant.
 - a. Finding Regarding Impact BIO-2 and Mitigation Measures BIO-2a to BIO-2e:** The incorporation of Mitigation Measures BIO-2a to BIO-2e into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 3. Impact BIO-3:** The DEIR found that the Project could potentially impact 0.02 acres of depressional seasonal wetland. No direct impacts to the wetland are proposed, and indirect impacts would be avoided during certain phases of the Project pursuant to Mitigation Measure BIO-2e. Two Project features are proposed within 50 feet of the seasonal wetland: one of the poles associated with the relocated high-voltage overhead power lines, and the relocated Class I bicycle/ pedestrian path. Mitigation Measure BIO-3 is provided, which requires relocating the power line pole and bike path a minimum of 50 feet from the wetland such that the indirect impact measures of Mitigation Measure BIO-2e can be implemented. With these changes to the Project, no direct or indirect impacts to the seasonal wetland would occur during construction of all Project features currently proposed for construction. For any future Project phases that necessitate work within 50 feet of the seasonal wetland, such as development of Parcel 2 or other Project feature, the developer shall implement Mitigation Measure BIO-4, which requires the applicant to obtain the

requisite approvals from USACE and RWQCB. The DEIR found the implementation of Mitigation Measures BIO-2e, BIO-3, and BIO-4 would reduce this potential impact to a level of less than significant. (DEIR at 3.3-35 to 3.3-36).

a. Finding Regarding Impact BIO-3 and Mitigation Measures BIO-2e BIO-3 and BIO-4: The incorporation of Mitigation Measures BIO-2e, BIO-3 and BIO-4 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

4. Impact BIO-4: The DEIR found that the Project may potentially impact 0.02 acres of federally-protected wetlands. No development is proposed that would directly impact the wetland. Mitigation Measures BIO-2e and BIO-3 would require relocating all known Project features at least 50 feet away from the wetland such that indirect impact avoidance measures can be implemented during construction. However, the future development plans for Parcel 2 are not known at this time and could result in direct and/or indirect impacts to the wetland. If construction is necessary within 50 feet of the wetland, then there is potential for direct or indirect impacts to the federally protected depression seasonal wetland, Mitigation Measure BIO-4 requires the Project applicant to obtain a Section 404 Clean Water Act Permit from the USACE and a Section 401 Water Quality Certification from the RWQCB prior to the issuance of any construction, grading, or demolition permits that entail work within 50 feet of the wetland. If the USACE or RWQCB determine that no permit from their agency is required for a particular phase of the Project, then Mitigation Measure BIO-4 provides that letters to that effect from each agency would satisfy the mitigation for the Project phase in question. Regarding any direct impacts to the wetland, the mitigation requires that any Waters of the U.S. or jurisdictional wetlands that would be lost or disturbed shall be replaced or rehabilitated on a "no-net loss" basis in accordance with the USACE mitigation guidelines or permit conditions. The DEIR found the implementation of Mitigation Measure BIO-4 would reduce impacts to a level of less than significant. (DEIR at 3.3-36 to 3.3-37).

a. Finding Regarding Impact BIO-4 and Mitigation Measure BIO-4: The incorporation of Mitigation Measure BIO-4 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

C. Cultural Resources

1. Impact CUL-1: The Cultural Resources Assessment indicated that there were no records of historic resources or evidence of such resources in the Project area. Nonetheless, there is always the possibility that previously unknown historic

resources exist below the ground surface within the Project site. The DEIR found that subsurface construction activities associated with the proposed Project may damage or destroy previously undiscovered historic resources. The DEIR found the implementation of standard cultural resources construction mitigation as required under Mitigation Measure CUL-1 would reduce this impact to less than significant. **(DEIR at 3.4-9).**

a. Finding Regarding Impact CUL-1 and Mitigation Measure CUL-1: The incorporation of Mitigation Measure CUL-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. Impact CUL-2: The Cultural Resources Assessment indicated that there were no records of archaeological resources or evidence of such resources in the Project area. Nonetheless, there is always the possibility that previously unknown archaeological resources exist below the ground surface within the Project site. The DEIR found that subsurface construction activities associated with the proposed Project may damage or destroy previously undiscovered archaeological resources. However, the DEIR found the implementation of standard cultural resources construction mitigation as required under Mitigation Measure CUL-1 would reduce this impact to less than significant. **(DEIR at 3.4-10).**

a. Finding Regarding Impact CUL-2 and Mitigation Measure CUL-1: The incorporation of Mitigation Measure CUL-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

3. Impact CUL-3: The Cultural Resources Assessment indicated that the northwest corner of the Project area may extend onto the Modesto Formation, which is a potentially fossiliferous unit that may be impacted by Project-related excavations. However, this portion of the Project area is built with the existing Walmart store and infrastructure, and, thus, the upper soil layers were previously disturbed by grading and earthwork activities. The Cultural Resources Assessment concluded that it is highly unlikely that any significant paleontological resources would be encountered. However, if significant paleontological resources are discovered, the DEIR found the implementation of Mitigation Measure CUL-3 will reduce impacts to a level of less than significant. **(DEIR at 3.4-10 to 3.4-11).**

a. Finding Regarding Impact CUL-3 and Mitigation Measure CUL-3: The incorporation of Mitigation Measure CUL-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have

been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

4. **Impact CUL-4:** The Cultural Resources Assessment indicated that there were no records of Native American burial sites or evidence that human remains are known to exist within the Project area. However, there is always the possibility that subsurface construction activities associated with the Project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. However, if human remains are discovered, the DEIR found the implementation of Mitigation Measure CUL-4 would reduce impacts to a level of less than significant, through contact with the Butte County Coroner and the Native American Heritage Commission, as well as compliance with State law. (DEIR at 3.4-11 to 3.4-12).

- a. **Finding Regarding Impact CUL-4 and Mitigation Measure CUL-4:** The incorporation of Mitigation Measure CUL-4 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

D. Geology, Soils and Seismicity

1. **Impact GEO-2:** The Project would involve grading, building construction, and paving activities that could result in erosion and sedimentation. Left unabated, the accumulation of sediment in downstream waterways could result in the blockage of flows, potentially causing increased localized ponding or flooding. However, the Project will be subject to existing city regulations requiring implementation of stormwater quality control measures during construction activities. These pollution prevention practices include erosion control measures such as sediment traps and vegetating disturbed areas, which would prevent soil and sediment from entering downstream waterways. The DEIR found the incorporation of Mitigation Measure HYD-1a would reduce impacts to less than significant. (DEIR at 3.5-8).

- a. **Finding Regarding Impact GEO-2 and Mitigation Measure HYD-1:** The incorporation of Mitigation Measure HYD-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

E. Hydrology and Water Quality

1. **Impact HYD-1:** The DEIR found that construction and operational activities associated with the Project have the potential to degrade water quality in

downstream water bodies. Mitigation Measure HYD-1a is proposed, which would require the Project applicant to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The implementation of this mitigation measure would ensure that potential, short-term, construction water quality impacts are reduced to a level of less than significant. The City will also require the Project applicant to prepare a Stormwater Mitigation Plan (SWMP) for review and approval that identifies BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP would include design concepts that are intended to accomplish a “first flush” objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. To ensure that stormwater quality measures are implemented, Mitigation Measure HYD-1b is proposed, which would require the Project applicant to prepare and submit a SWMP to the City of Chico for review and approval. The implementation of this mitigation measure would ensure that potential, long-term, operational water quality impacts are reduced to a level of less than significant. **(DEIR at 3.7-8 to 3.7-11).**

- a. **Finding Regarding Impact HYD-1 and Mitigation Measures HYD-1a and HYD-1b:** The incorporation of Mitigation Measure HYD-1a and HYD-1b into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact’s significant effects on the environment.

F. Noise

1. **Impact NOI-1:** The DEIR found that the Project could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance during construction activities. Mitigation Measure NOI-1 would require noise attenuation measures such as limitations on construction hours, equipment specifications and temporary noise barriers. The DEIR found the implementation of Mitigation Measure NOI-1 would reduce impacts to less than significant. **(DEIR at 3.9-28 to 3.9-36).**

- a. **Finding Regarding Impact NOI-1 and Mitigation Measure NOI-1:** The incorporation of Mitigation Measure NOI-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact’s significant effects on the environment.

2. **Impact NOI-4:** The DEIR found that the Project would result in temporary increases in noise levels above ambient noise levels, due to the transport of workers and movement of construction materials to and from the Project site, or from the noise generated on-site during site preparation, grading, building construction, paving, and painting activities. The DEIR found that compliance with the City’s

permissible time periods for construction activities, as well as implementing the best management noise reduction techniques and practices outlined in Mitigation Measure NOI-1, would ensure that potential short-term construction noise impacts on sensitive receptors in the Project vicinity would be reduced to less than significant. (DEIR at 3.9-47 to 3.9-48).

- a. **Finding Regarding Impact NOI-4 and Mitigation Measure NOI-1:** The incorporation of Mitigation Measure NOI-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

G. Transportation

1. **Impact TRANS-3:** The DEIR concluded that the intersection of E. 20th St./Forest Avenue would be degraded from an acceptable LOS E under Cumulative No Project conditions to an unacceptable LOS F under Cumulative Plus Project conditions. The City is currently contemplating modifying plans to include roundabouts instead of roadway widening along E. 20th Street, however, the roundabout alternative has not been formally incorporated into the City's Capital Improvement Program. Mitigation Measure TRANS-3b requires the Project applicant to pay fair-share costs of off-site circulation improvements at E. 20th Street/Forest Avenue. Under either improvement option (restriping or roundabout), the intersection would operate at acceptable levels after mitigation. Therefore, the residual significance of this impact would be less than significant. To mitigate the impact, the applicant shall provide the City of Chico with the requisite funds for improving the intersection of E 20th Street/Forest Avenue. The improvements shall consist of: a) restriping the northbound approach (Forest Avenue) to provide a left-turn lane, a shared left-turn/ through lane, a through lane, and a right-turn lane, and b) modifying the signal operation to provide split phasing on the northbound and southbound approaches. The City of Chico shall implement the improvements when monitoring determines that the intersection operation is approaching unacceptable levels. This improvement is reflected in Mitigation Measure TRANS-3a. (DEIR at 3.11-57 to 3.11-65).

- a. **Finding Regarding Impact TRANS-3 and Mitigation Measures TRANS-3a and TRANS-3b:** The incorporation of Mitigation Measures TRANS-3a and TRANS-3b into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. **Impact TRANS-4:** The DEIR found that the Project would conflict with the applicable Congestion Management Program. Operations on southbound SR-99 north of E. 20th Street are projected to degrade from an acceptable LOS E under Cumulative No Project conditions to an unacceptable LOS F under Cumulative

Plus Project conditions during the PM peak hour. The proposed Project would pay all adopted transportation fees (as required by Mitigation Measure TRANS-3b), but the impact would remain potentially significant and unavoidable because the timing of physical intersection improvements cannot be guaranteed to occur prior to the future traffic volumes that would cause the segment of SR-99 to operate at an unacceptable level of service. *As such, the residual significance of this impact would be significant and unavoidable.* (DEIR at 3.11-66 to 3.11-81).

- a. **Finding Regarding Impact TRANS-4 and Mitigation Measure TRANS-3b:** The Project's cumulative contribution to the impacts on southbound SR-99 north of E. 20th Street can be minimized through Mitigation Measure TRANS-3b. The City hereby directs that this mitigation measure be required in or incorporated into the Project. However, implementation of that mitigation will not reduce those impacts to less than significant.

3. **Impact TRANS-5:** The DEIR found that the Project could potentially increase hazards due to a design feature; specifically, proposed roadway modifications on Wittmeier Drive could potentially affect access to the Project site and Wittmeier Auto Center while increasing hazards along the roadway. The current lane configuration may impede vehicular access and truck loading from Wittmeier Drive into the Wittmeier Auto Center south of the roadway, particularly at its easternmost driveway. Vehicular conflicts may also occur as drivers attempt to navigate the cul-de-sac in tandem with vehicles arriving and departing from the westernmost Walmart driveway. Also, the westernmost driveway being directly aligned with the Wittmeier Drive travel lanes may cause vehicular conflicts for vehicles turning in and out of the Wittmeier Auto Center driveways. Mitigation Measure TRANS-5 provides two potential options for addressing these potential conflicts, subject to review and approval by the City of Chico. The DEIR found that with implementation of one of the specified options, impacts would be reduced to less than significant. (DEIR at 3.11-82 to 3.11-84).

- a. **Finding Regarding Impact TRANS-5 and Mitigation Measure TRANS-5:** The incorporation of Mitigation Measure TRANS-5 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

4. **Impact TRANS-7:** The DEIR found that the Project may conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The existing Class I path would be relocated to near the edge of the Project site, paralleling Forest Avenue, Wittmeier Drive, and SR-99. While the proposed Project includes a portion of the planned SR-99 Bikeway, approximately 75 feet of the bikeway located between the southwest corner of the proposed bicycle path and the southern edge of the Project site are not included in the proposed Project. Without an accommodation of a potential future extension of the City's planned SR-99

Bikeway to the southern edge of the Project site, this is considered a potentially significant impact. To mitigate this impact, the Project shall be modified to include an easement for a potential future Class I bikeway connection that would extend south from the southwesterly corner of the Project site. With the ability reserved by the City to establish a future connection to this planned bikeway facility, this potential impact would be reduced to a level of less than significant. This recommendation is reflected in Mitigation Measure TRANS-7. The DEIR found the implementation of Mitigation Measures TRANS-7 would reduce this potential impact to less than significant. **(DEIR at 3.11-85 to 3.11-87).**

- a. **Finding Regarding Impact TRANS-7 and Mitigation Measure TRANS-7:** The incorporation of Mitigation Measure TRANS-7 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

X.

PROJECT ALTERNATIVES

A. ALTERNATIVES ANALYSIS

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives but would avoid or substantially lessen one or more of the project's significant effects (CEQA Guidelines Section 15126.6(a)).

Section 15126.6 of the CEQA Guidelines requires the consideration of a reasonable range of potentially feasible alternatives that could reduce or eliminate any significant adverse environmental effects of the proposed project, including alternatives that may, to some degree, impede the project's objectives.

Public Resources Code section 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[.]" 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."

"[I]n the event [that] 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."

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, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, §

15126.6, subd. (f)(1)) 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.

Where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b))

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

The discussion regarding Project impacts in Section IX, above, reveals that most significant effects identified in the EIR will be reduced to less than significant through the incorporation of mitigation measures. There remain, however, some effects which cannot be substantially lessened and will remain significant and unavoidable. Specifically, the Project would have a significant and unavoidable impact to transportation, due to generating new trips to the segment of southbound State Route 99 between State Route 32 and E. 20th Street that would operate at unacceptable levels under Cumulative Plus Project conditions. Thus, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to this identified transportation impact. If any alternatives are in fact superior with respect to this impact, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the DEIR, the City may approve the Project as mitigated, after adopting a Statement of Overriding Considerations.

The Draft EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

- (1) No Project Alternative;
- (2) Walmart Expansion Only Alternative; and
- (3) Reduced Intensity Alternative.

Significant and Unavoidable Impacts

The Project-specific significant and unavoidable impacts that would result from Project implementation are:

- **Regional Facilities:** The proposed Project would contribute new trips to the segment of southbound State Route 99 between State Route 32 and E. 20th Street that would operate at unacceptable levels under Cumulative Plus Project conditions. Feasible mitigation measures are proposed to lessen the severity of impacts; however, the residual significance of this impact would be significant and unavoidable.

The EIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the Project to determine whether any of the alternatives could meet most or all of the Project’s objectives, while avoiding or substantially lessening its significant, unavoidable impacts. Three alternatives that could potentially meet the Project objectives were considered as part of the environmental review for the Project. The following section provides a summary of the alternatives considered.

Summary of Alternatives Considered

The EIR examined a reasonable range of alternatives to the proposed Project to determine whether any of those alternatives could meet most or all of the Project’s objectives while avoiding or substantially lessening its significant impacts. The alternatives in the EIR were selected taking into consideration the following factors:

- **Alternative 1 - No Project.** This alternative assumes that the site remains in its partially developed state with the existing Wal-Mart store continuing in operation and the remainder of the site remaining vacant. **(DEIR at 5-2 to 5-3)**
- **Alternative 2- Walmart Expansion Only Alternative.** Under the Walmart Expansion Only Alternative, the existing Walmart store would be expanded by up to 66,500 square feet as proposed; the fuel station and Parcel 2 and 3 retail/restaurant uses would be eliminated. The expanded Walmart store would total 197,802 square feet. **(DEIR at 5-3 to 5-9).**
- **Alternative 3- Reduced Intensity Alternative.** Under the Reduced Density Alternative, a 25 percent reduction in development potential would be applied to each Project use. The Walmart store would be expanded by 49,875 square feet; the fuel station would consist of six pumps and a 1,125-square-foot convenience market; Parcel 2 would total 19,725 square feet; and Parcel 3 would total 19,275 square feet. The Reduced Density Alternative would develop a total of 90,000 square feet of new commercial uses on-site. **(DEIR at 5-9 to 5-14).**

Alternatives Eliminated from Detailed Consideration

Three alternative locations (Barber Yard, South Entler and the Sunset Hills Golf and Country Club) were considered and rejected based on various operational concerns or environmental constraints. **(DEIR at 5-15 to 5-16).**

B. APPROACH.

For each Project alternative discussed below, the potentially significant environmental impacts of the alternative are identified, as well as impacts of the proposed Project that would be avoided.

The same environmental categories presented for the proposed Project in the DEIR, Section 3, Environmental Impact Analysis, have been addressed for each alternative. If a significant Project-related impact would be avoided under the alternative, or if the alternative would cause a significant impact that would not occur under the proposed Project, the impact category is generally discussed below. If a significant impact would not be avoided or created under the alternative, and, therefore, remains similar to that identified for the proposed Project, the impact category is not discussed.

C. FINDINGS REGARDING ALTERNATIVES ANALYZED IN DETAIL

Alternative 1 – No-Project

Characteristics

CEQA Guidelines Section 15126.6(e) requires that a “no-project” alternative be evaluated in an EIR. The “no-project” analysis shall discuss the existing conditions at the time the notice of preparation is published or at the time environmental analysis is commenced. The “no-project” alternative is what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. CEQA Guidelines Section 15126(e)(2) states that “If the environmentally superior alternative is the “no-project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”

Under the No Project Alternative, the proposed expansion of the Walmart store, the gas station and the outlot parcels, which would support retail or restaurant uses, would not be built. This alternative assumes that the site remains in its partially developed state with the existing Walmart store continuing in operation and the remainder of the site remaining vacant.

Conclusions

Under the No Project Alternative, the existing Walmart store would remain unchanged and no new development would occur. The Walmart store would continue to retail general merchandise and a limited amount of food and beverage items, and operate between 6 a.m. and 12 a.m. (midnight), 7 days a week. No changes to these characteristics would occur. Accordingly, this alternative would avoid all of the proposed Project’s significant impacts (including significant unavoidable impacts), as well as the need to implement any mitigation measures.

The No Project Alternative would avoid the proposed Project’s significant and unavoidable impacts and would have less impact on all environmental topical areas. However, it would not advance any of the Project objectives, including: (1) positively contributing to the local economy and (2) reinforcing Chico’s status as a regional retail node. The No Project Alternative would not meet the following Project objectives: (3) expanding an existing regional-serving retail use; (4) promoting economic growth in accordance with the goals and policies set forth in the City of Chico General Plan; (5) facilitating the development of undeveloped and underutilized land on an infill

site; (6) developing complementary fuel station, retail, and restaurant uses; (7) designing a site plan to minimize overall access and circulation conflicts; (8) enhancing bicycle and pedestrian circulation; and (9) improving the overall visual appearance of the area by removing two outdated and unsightly billboards.

Based on these considerations, the City finds that the No Project Alternative is less desirable than the proposed Project and is infeasible and, therefore, rejects this alternative.

Alternative 2- Walmart Expansion Only Alternative

Characteristics

The Walmart Expansion Only Alternative consists of the expansion of the Walmart store as contemplated by the proposed Project and the elimination of all other new commercial uses, as well as improvements to Wittmeier Drive. The purpose of this alternative is to evaluate a land use concept that includes the largest component of the proposed Project, while also eliminating the smaller components in order to reduce site disturbance and the amount of new development.

The Walmart store would be expanded by 66,500 square feet to 197,802 square feet. The expanded Walmart store would operate 24 hours a day, 7 days a week, and would retail groceries and general merchandise. The store would have the same visual appearance and occupy the same footprint as contemplated by the proposed Project. The internal circulation and parking layout would be modified to accommodate the store expansion. To offset the loss of parking by the store expansion, new parking would be constructed on approximately 3 acres where the fuel station would be constructed under the proposed Project.

(The Class I bicycle/pedestrian trail would be re-routed around the perimeter of the new parking area, but the balance of the facility would maintain its current alignment.) Additionally, the Baney Lane driveways would be modified to prevent left-out turning movements. No vehicular connections would be provided to Wittmeier Drive, and the cul-de-sac would maintain its current lane configuration and traffic control devices (e.g., side street stop control at Forest Avenue).

Aside from the 3 acres occupied by the new parking area, the undeveloped portion of the Project site would remain in its existing condition for the foreseeable future. This includes the depression seasonal wetland in the southwest corner of the Project site and the wooden freeway billboards, which would not be removed. (This alternative assumes that no changes to the billboards would occur, as there would be no impetus to terminate the existing outdoor advertising agreement.) This alternative would require the same discretionary approvals as the proposed Project, including Tentative Parcel Map, Use Permit, Planned Development Permit, and Site Design and Architectural Review.

Conclusions

A full evaluation of the potential environmental impacts of the Walmart Expansion Only Alternative, as compared to those of the proposed Project, is provided at DEIR pages 5-3 to 5-9. The Walmart Expansion Only Alternative would lessen the severity of, but would not avoid, the significant and unavoidable transportation impact (the only significant and unavoidable impact that would occur) associated with the proposed Project.

The Walmart Expansion Only Alternative would advance all of the Project objectives, although several would be advanced to a lesser degree than the proposed Project, primarily because of the 53,500-square-foot reduction in development potential and the \$29.6 million reduction in new sales. This includes objectives related to: (1) positively contributing to the local economy through new capital investment, creation of new employment opportunities, expansion of the tax base, and increased retail offerings; (2) increasing commercial retail and service offerings within an established regional and highway-oriented commercial area; (3) expanding an existing regional-serving retail use close to SR-99 in order to better serve the retail demands of the Market Area; and (4) facilitating the development of undeveloped and underutilized land on an infill site. Additionally, the Walmart Expansion Only Alternative would not advance the objectives associated with (1) developing complementary fuel station, retail, and restaurant uses that are compatible with surrounding land uses and that provide consumers with additional convenient and competitive options; or (2) improving the overall visual appearance of the area by removing two outdated and unsightly billboards.

CEQA requires the identification of an environmentally superior alternative in an EIR. If the “No Project” alternative is the environmentally superior alternative, then the EIR must also identify an environmentally superior alternative from the remaining alternatives.

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. 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.

The City has determined that the Walmart Expansion Only Alternative is the environmentally superior alternative. However, differences in impacts between this alternative and the Project are only nominal, as the significant and unavoidable transportation impacts that would occur under the Project would only be reduced, but not avoided by this alternative. In addition, the applicant’s Project objectives are not fully met by this alternative. Based on these considerations, the City finds that the Walmart Expansion Only Alternative is less desirable than the proposed Project, and rejects this alternative.

Alternative 3- Reduced Intensity Alternative

Characteristics

The Reduced Density Alternative consists of a 25 percent reduction to each Project use that would result in a net reduction of two fuel station pumps and 30,000 square feet relative to the proposed Project. In total, this alternative would develop six fuel station pumps and 90,000 square feet of new commercial uses on the Project site. The purpose of this alternative is to evaluate a land use concept which reduces the overall development intensity, while still facilitating the development of similar commercial uses on the Project site.

The Walmart store expansion would occur in the same location, although it would add 49,875 square feet to the store instead of 66,500 square feet. The expanded store would total 181,177 square feet. All other operational characteristics would be identical to the proposed Project. The fuel station would have a canopy over six pumps (12 vehicle fueling positions) and a 1,125- square-foot convenience market. All other operational characteristics would be identical to the proposed Project. The development potential on Parcels 2 and 3 would be reduced to 19,275 square feet and 19,725 square feet, respectively. As with the proposed Project, end users would be retail or restaurant.

The Reduced Density Alternative would have the same internal circulation facilities and driveway connections as the proposed Project. The Baney Lane driveways would be modified to prohibit left-out movements, and the Wittmeier Drive cul-de-sac would have two driveway connections. As contemplated by the proposed Project, a signal would be installed at the intersection of Forest Avenue/Wittmeier Drive, and the Class I bicycle/pedestrian trail would be re-routed around the perimeter of the Project site. This alternative would require the same discretionary approvals as the Project, including Tentative Parcel Map, Use Permit, Planned Development Permit, and Site Design and Architectural Review.

Conclusions

A full evaluation of the potential environmental impacts of the Reduced Intensity Alternative, as compared to those of the proposed Project, is provided at DEIR pages 5-9 to 5-13. The Reduced Intensity Alternative would lessen the severity of, but would not avoid, the significant and unavoidable transportation impact (the only significant and unavoidable impact that would occur) associated with the proposed Project.

The Reduced Density Alternative would advance all of the Project objectives, although several would be advanced to a lesser degree than the proposed Project primarily because of the 30,000-square foot reduction in development potential and the \$15.4 million reduction in new sales. This includes objectives related to (1) positively contributing to the local economy through new capital investment, creation of new employment opportunities, expansion of the tax base, and increased retail offerings; (2) increasing commercial retail and service offerings within an established regional and highway-oriented commercial area; and (3) expanding an existing regional-serving retail use close to State Route 99 in order to better serve the retail demands of the Market Area.

Based on these considerations, the City finds that the Reduced Intensity Alternative is less desirable than the proposed Project, and rejects this alternative.

XI.

STATEMENT OF OVERRIDING CONSIDERATIONS

“CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d))

To reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment, an agency must prepare a statement of overriding considerations.” (CEQA Guidelines, § 15021, subd. (d), 15093)

A statement of overriding considerations must set forth the specific reasons why the agency found that the project’s “specific economic, legal, social, technological, or other benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, subd. (a), 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

As set forth above, the approval of the Project will result in significant adverse environmental effects in relation to transportation that cannot be avoided even with the adoption of all feasible mitigation measures.

B. FINDING OF OVERRIDING CONSIDERATIONS

The following statement identifies the reasons why, in the City’s judgment, the benefits of the Project outweigh its unavoidable significant impacts.

The City finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. The substantial evidence supporting the various benefits can be found in the documents identified for inclusion in the Record of Proceedings.

The City has considered the EIR, the public Record of Proceedings on the proposed Project and other written materials presented to and prepared by the City, as well as verbal and written testimony received, and hereby determines that implementation of the Project would result in the following substantial public benefits:

1. The Project will result in the expansion of an existing building and construction of new complementary retail uses and a fuel station on a currently underutilized site located within an urbanized commercial area, rather than the abandonment of an existing building and the development of an entirely new building on a vacant site. Expanding an existing building and adding complementary retail uses and a fuel station on an underutilized site will result in efficient in-fill and full development of a site which is already designated and zoned for the proposed use and which is surrounded by other commercial use. Expansion on an existing site will also result in fewer environmental impacts than would be associated with construction of an entirely new store and other retail uses at a different, previously undeveloped location.
2. The Project will strengthen the commercial vitality of the community’s regional retail market by upgrading and expanding the existing store in order to retain and increase its competitiveness in the regional market.

3. The Project will reinforce Chico's status as a regional retail node by increasing commercial retail and service offerings within an established regional and highway-oriented commercial area.
4. The Project will positively contribute to the local economy by creating jobs. Using a standard commercial employment rate of 1 employee/500 square feet, the proposed Project is estimated to create as many as 240 new jobs. New employment opportunities would include full-time and part-time positions. The California Employment Development Department estimated that there were 6,600 unemployed persons in Butte County as of May 2016. Of this figure, an estimated 2,600 unemployed persons are in Chico. In addition, the Project will create temporary construction jobs.
5. The Project would expand an existing regional-serving retail use close to SR-99 in order to better serve the retail demands of the market area, while also minimizing the need for new infrastructure improvements.
6. The Project will generate additional property, sales and fuel tax revenue, as the assessed valuation of the Project site will be greatly increased, and additional taxable sales will be generated by the expanded and new retail uses and fuel station.
7. The Project will promote economic growth in accordance with the goals and policies set forth in the City of Chico General Plan; specifically, Goal ED-3, which calls for the City to maintain a redevelopment strategy that encourages successful commercial and employment centers.
8. The Project will enhance bicycle and pedestrian circulation by relocating the existing Class I bicycle/pedestrian path around the perimeter of the site in order to minimize conflicts with motor vehicles.
9. The Project will improve the overall visual appearance of the area by removing two outdated and unsightly billboards and developing new commercial uses that employ high-quality contemporary architecture and landscaping.
10. The Project will provide retail services which are responsive to the purchasing patterns of a large portion of the City's population.

After weighing the economic, legal, social, technological, and other benefits of the proposed Project against the significant unavoidable impacts of the Project identified in the EIR, the City hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the City adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact Report and herein; (ii) rejected alternatives to the Project, as discussed in the Environmental Impact Report and herein; and (iii) recognized the significant unavoidable impacts of the Project, the City hereby finds that

the benefits of the proposed Project, as stated herein, are determined to be overriding considerations that warrant approval of the Project and outweigh and override its significant unavoidable transportation impacts, and thereby justify the approval of the Chico Walmart Expansion Project.

4822-4165-6889, v. 1

X:\Current Planning\Parcel Map\2015\02 Walmart Expansion (72189)\City Council\CEQA Findings and SOC - Council.docx

**Mitigation Monitoring and Reporting Program
for the
Chico Walmart Expansion Project
Draft Environmental Impact Report
City of Chico, Butte County, California
State Clearinghouse Number 2015102017**

Prepared for:

City of Chico

Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95927
530.879.6800

Contact: Mr. Mike Sawley, Associate Planner

Prepared by:

FirstCarbon Solutions

1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Report Date: September 9, 2016

THIS PAGE INTENTIONALLY LEFT BLANK

Table 1: Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.2—Air Quality/Greenhouse Gas Emissions</p> <p>MM AIR-1: During construction activities, The applicant shall ensure that construction activities:</p> <p>(1) Adhere to the provisions of Butte County Air Quality Management District Rules 205, 230, and 231; and</p> <p>(2) Incorporate specific Best Practices to minimize diesel exhaust and fugitive dust emissions during construction, as specified in Appendix C of the Butte County Air Quality Handbook, October 23, 2014, available at: http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf. Examples of these types of measures include, but are not limited to:</p> <ul style="list-style-type: none"> • Limiting idling of construction vehicles to 5 minutes or less. • Ensuring that all small engines are tuned to the manufacturer’s specifications. • Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel. • Utilizing construction equipment that meets ARB’s 2007 certification standard or cleaner. • Using electric powered equipment when feasible. • The applicant shall prepare and submit documentation (e.g., equipment plan or certification) to the City of Chico verifying compliance as part of the grading permit application. <p>Pursuant to the above, the developer shall prepare and submit a dust control plan consistent with Rule 205 prior to or in conjunction with building and/or grading permits, subject to approval by city staff, and shall note and demonstrate on the construction plans that architectural coatings and asphalt to be used for the project shall meet the standards set forth by District Rules 230 and 231. Additionally, the developer shall maintain material safety data sheets or other records at the construction site that document the content of volatile organic compounds (VOCs) of the architectural coatings and asphalt used at the project site, in compliance with District Rules 230 and 231.</p>					
	Submittal of documentation; notes on construction plans; site inspection	Prior to issuance of building permits; during construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AIR-2a: During the architectural coating phase of construction activities, the project applicant shall require that all construction contractors utilize low volatile organic compound (VOC) paint that does not exceed 150 grams of VOC per liter for interior architectural coatings. The applicant shall keep records documenting the VOC content of paint products and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During the architectural coating phase of construction activities	City of Chico		
MM AIR-2b: During grading and earthwork activities, the applicant shall require that all off-road diesel-powered construction equipment greater than 50 horsepower meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards. The applicant shall keep records certifying the emissions rating of all off-road diesel-powered construction equipment and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During grading and earthwork activities	City of Chico		
MM AIR-2c: To the extent feasible, future development on Parcels 2 and 3 shall provide pedestrian sidewalk connections to both the Walmart store and bike path networks, and new structures shall include roof overhangs that are sufficient to block the high summer sun from windows, but also allow the lower winter sun to enter windows.	Site Design and Architectural Review; review of building plans	Prior to issuance of building permits	City of Chico		
MM AIR-2d: Prior to issuance of building permits, the project applicant shall prepare and submit building plans to the City of Chico that demonstrate that all new structures have outdoor electrical outlets that are accessible to maintenance workers and landscapers to allow the use of electric powered equipment.	Review of building plans	Prior to issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2e: Prior to issuance of building permits, the applicant shall revise the landscape plans to include primarily native drought-resistant trees that are low ROG emitting. For example, the sycamores (<i>Platanus</i> spp.) shall be replaced with species such as maples (<i>Acer</i> spp.), pistache (<i>Pistacia</i> spp.) and zelkova species.</p>	Review of building plans	Prior to issuance of building permits	City of Chico		
<p>MM AIR-2f: Prior to issuance of the certificate of occupancy for the expanded Walmart store, the applicant shall retain a qualified transportation consultant to prepare and submit a Transportation Demand Management (TDM) program to the City of Chico for review and approval. The TDM program shall identify measures to reduce daily gasoline-powered and diesel-powered vehicle trips to the project site, with an objective of a minimum 10 percent reduction in gasoline-powered and diesel-powered trips. The approved TDM program shall be implemented in conjunction with the opening of the expanded store. Examples of trip reduction measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Post transit information (maps, schedules, fares, etc.) in a public area of Walmart that is accessible to employees and patrons; • Provide employer-subsidized transit passes; • Sponsor an employee ride sharing program; • Provide employee lockers for personal items; • Provide employees with an employee only restroom with a shower; • Provide secure indoor bicycle parking (racks or lockers) for employees; • Provide customer bicycle parking (racks) in safe and convenient locations; • Allow flex scheduling or compressed scheduling practices; • Provide preferential parking spaces for clean air vehicles; • Provide a minimum of two charging stations for electric vehicles; and 	Review of TDM program; site inspection	Prior to issuance of the certificate of occupancy for the expanded Walmart store	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> If home delivery service is provided in the future, it shall be performed using low-emission or alternative-fueled (electric, natural gas, hydrogen, etc.) vehicles. 					
<p>MM AIR-2g: To the extent that such equipment is readily available and can adequately perform all tasks, Walmart shall use electric-, propane-, or natural gas-powered mobile equipment (forklifts, non-street legal street sweepers, etc.) for operational activities within the project site. Existing gasoline- or diesel-powered mobile equipment may continue to be used until its service life is exhausted.</p>	Submittal of documentation; site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2h: Prior to occupancy of the expanded Walmart store, the applicant shall enhance the existing Butte Regional Transit stop on Forest Avenue. The enhanced transit stop shall conform to Butte Regional Transit design standards and provide a minimum of a shelter, seating, lighting, transit information, and a pedestrian connection to the Walmart store entrance.</p>	Site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2i: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall implement idling restriction program for heavy-duty diesel vehicles. The program shall require that all trucks comply with state regulations limiting idling to no more than 5 minutes. The program shall be implemented through signage in all loading areas and training of store personnel about the idling restrictions.</p>	Submittal of documentation; site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		
<p>MM AIR-2j: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall provide at least of one electrical hookup in each of the two proposed Walmart loading docks that is capable of powering a truck-mounted transport refrigeration unit (TRU) with an electrical hookup option.</p>	Site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2k: Prior to the recordation of the Final Map, the project applicant shall participate in an Offsite Mitigation Program coordinated through the BCAQMD. The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Offsite Mitigation Program.</p>	<p>Submittal of documentation</p>	<p>Prior to the recordation of the Final Map</p>	<p>City of Chico</p>		
<p>Section 3.3—Biological Resources</p>					
<p>MM BIO-1: Prior to issuance of any grading or construction permits or the first ground-disturbing activities, the applicant shall retain a qualified botanist to conduct two focused botanical surveys for special-status plant species within the undeveloped portion of the project site. The first survey shall occur in April and the second survey shall occur in either May or June. The surveys shall be conducted for the following plant species: Ahart’s paronychia, Butte County meadowfoam, woolly meadowfoam, adobe lily, Bidwell’s knotweed, Butte County golden clover, depauperate milkvetch, Ferris’ milkvetch, hogwallow starfish, pink creamsacs, Red Bluff dwarf rush, round-leaved filaree, Tehama navarretia, and veiny monardella. If no special-status plants are observed, then a letter report documenting the results of the final survey shall be provided to the project applicant and the City of Chico Community Development Department for their records, and no additional measures are required. If any of the non-listed special-status plants occur within the project site, they shall be avoided to the extent feasible. If the plants cannot be avoided, the biologist shall prepare a special-status plant mitigation and monitoring plan in consultation with the California Department of Fish and Wildlife (CDFW). The plan shall be subject to CDFW approval and may include, but is not limited, to the following elements as applicable to the species, based on the project</p>	<p>Submittal of documentation</p>	<p>Prior to issuance of any grading or construction permits or the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> A salvage/transplanting program for the salvage and transfer of special-status plants populations before the initiation of construction activities to another location either off-site or on-site that will be preserved in perpetuity (via conservation easement, deed restriction, or other appropriate legal means). Permits may be required from the CDFW or USFWS if a listed species is found and may require further mitigation in consultation with the appropriate agency or agencies. The program shall specify appropriate timing of salvage and transplanting efforts based on the specific special-status plant species found and the propagation program shall establish success criteria for the affected special-status plants. In addition to salvaging of special-status plants themselves, salvage efforts shall include topsoil and seedbanks surrounding impacted plants, if doing so will not contribute to the spread of invasive or noxious plant species. Purchasing credits at an off-site mitigation bank approved by USFWS or CDFW, as applicable, based on the listed plant species found. Criteria that must be met within the special-status plant mitigation and monitoring plan prior to commencement of construction or grading within the undeveloped portions of the project site. <p>USFWS or CDFW, as applicable, shall approve the plan prior to transpiration or commencement of grading or construction activities.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to these plant species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	<p>Submittal of documentation</p>	<p>Prior to issuance of any grading or construction permits or the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-2a: Prior to any ground-disturbing activities, the applicant shall retain a qualified biologist to conduct a protocol-level survey for the western spadefoot during the appropriate period to identify western spadefoot toads (e.g., following a rain event during the breeding season, identification of other known active breeding populations in the region). If no western spadefoot are observed, then a letter report shall be submitted to the City of Chico Community Development Department and CDFW for their records. Additionally, a preconstruction survey shall be conducted within 14 days prior to the start of any ground disturbance to verify absence of this species from the project area.</p> <p>If western spadefoot are found, ground disturbance shall cease and consultation with CDFW shall occur prior to resumption of ground-disturbing activities to develop an impact minimization plan that may include but is not limited to relocation, timing restrictions, habitat compensation, etc. The plan shall be reviewed and subject to approval by CDFW and implemented prior to ground-disturbing activities.</p> <p>In addition, if western spadefoot are found, the biologist shall be on-site during initial grading. If western spadefoot toad is observed within the project footprint, all construction shall temporarily halt until the biologist relocates the species to suitable habitat within the project site, but outside of the project footprint, or other suitable location in the project vicinity.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the western spadefoot and all required conservation measures or mitigation required under the Butte Regional Conservation</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to any ground-disturbing activities; during initial grading activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>					
<p>MM BIO-2b: Prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct four protocol-level surveys during the breeding season (one site visit between February 15 and April 15 and three between April 15 and July 15, one of which shall be conducted after June 15), at least three weeks apart, in accordance with the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation (2012 Staff Report). The survey shall include an approximately 500-foot (150-meter) buffer around the project site, where access is permitted. If the surveys are negative, then a letter report shall be prepared documenting the methodology and results within two weeks following the final survey. If the surveys result in negative findings, the biologist shall still conduct a take avoidance survey between 14 days and 30 days prior to commencement of construction, in accordance with the 2012 Staff Report. A letter report documenting the methodology and results shall be submitted to the City of Chico Community Development Department and CDFW following the results of the final survey for their records.</p> <p>If burrows are observed within the undeveloped portion of the project site or within 500 feet of the project site, an impact assessment shall be prepared and submitted to the CDFW, in accordance with the 2012 Staff Report. If it is determined that project activities may result in impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat, the project proponent shall consult with CDFW and develop a detailed mitigation plan such that the habitat acreage, number of</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>burrows, and burrowing owls impacted are replaced in a manner acceptable to CDFW. The mitigation plan shall be based on the methods provided in the 2012 Staff Report.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the burrowing owl and all required conservation measures or mitigation required under the Butte Regional Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>					
<p>MM BIO-2c: No more than 14 days prior to the start of ground disturbance or tree removal, the applicant shall retain a qualified biologist to conduct a pre-construction surveys for special-status bat species. If no special-status bats are observed roosting, then a letter report documenting the results of the survey shall be provided to the City of Chico Community Development Department, CDFW, and any other applicable resource agency for their records. A subsequent bat survey shall be required if construction does not commence within 14 days of a negative survey, or if construction is planned to resume after halting for more than 14 days.</p> <p>If bats are found, the biologist shall consult with the CDFW prior to ground disturbance, tree removal, or other construction activity to determine specific avoidance measures. Avoidance measures may include establishing a minimum 250-foot buffer around the roosting location until it is no longer occupied. Construction activities, including but not limited to tree removal, shall not proceed within the buffer until the biologist has determined that the roost is no longer</p>	Notes on construction plans; submittal of documentation; site inspection	No more than 14 days prior to the start of ground disturbance or tree removal; during construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>occupied by the bats and has communicated the determination in writing to the City of Chico Community Development Department and CDFW.</p> <p>MM BIO-2d: No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31), the applicant shall retain a qualified biologist to conduct a preconstruction survey for active nests. If the preconstruction survey shows that there is no evidence of active nesting bird nests, then a letter report shall be provided to the City of Chico Community Development Department and any applicable resource agency for their records.</p> <p>If any active nests are located within the project site, an appropriate buffer zone shall be established around the nests, as determined by the biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone, where construction activities shall be prohibited, until the end of breeding season or until the young have successfully fledged. Buffer zones are typically 100 feet for migratory bird nests and 250 to 500 feet for raptor nests. A qualified biologist shall monitor active nests weekly during construction to evaluate potential nesting disturbance by construction activities. If establishing the typical buffer zone is impractical, the qualified biologist may reduce the buffer depending on the species, and daily monitoring by the biologist is required to ensure that the nest is not disturbed and no forced fledging occurs. Monitoring as described above shall continue until the qualified biologist determines that the nest is no longer occupied and has communicated the determination in writing to the City of Chico Community Development Department and applicable resource agency.</p> <p>This mitigation measure does not apply to vegetation removal</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31); during construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>activities that occur outside of the nesting season (September 1 to February 14).</p> <p>MM BIO-2e: For phases of the project that would result in ground disturbance within 250 feet of the seasonal wetland but do not involve any disturbance within 50 feet of the seasonal wetland, the applicant shall implement indirect impact avoidance measures as follows:</p> <ol style="list-style-type: none"> 1. Retain a qualified biologist to direct the installation of silt fencing and high-visibility fencing a minimum of 50 feet from the edge of the seasonal wetland; 2. Conduct a Worker Awareness Training Program prior to the start of construction informing workers of the wetland and advising them to stay clear of the area. The training shall be repeated as necessary for all subsequent sub-contractor crews that are scheduled to begin working on the project; 3. Retain a qualified biologist to monitor on-site vegetation clearing and initial grading activities; and 4. Develop and implement a dust control plan, consistent with Rule 205 of the Butte County Air Quality Management District (Fugitive Dust Emissions), which regards the silt fencing around the seasonal wetland as a property line over which allowing wind-driven fugitive dust shall be minimized. <p>Upon submitting applications to the city for grading, construction, or other site disturbance, the developer shall provide a scaled drawing that depicts the wetland, 50-foot and 250-foot buffers around the wetland, and proposed work area(s), including designated equipment/material staging and worker parking areas. The developer shall arrange a preconstruction inspection of the silt/visibility fencing by city staff prior to commencement of construction.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>If future phases of the project necessitate directly impacting the seasonal wetland, such as development of Parcel 2 or other project feature, the developer shall either assume presence or conduct protocol-level surveys for listed vernal pool branchiopods in accordance with the USFWS Survey Guidelines prior to any ground-disturbing activities. Protocol surveys consist of one wet-season survey and one dry-season survey. If the developer decides to conduct protocol-level surveys and the surveys result in negative findings of the federally listed species, then no additional measures are required so long as the USFWS accepts the negative survey results. If listed branchiopods are found during protocol surveys or presence is assumed, then the applicant shall pursue consultation with the USFWS to obtain a Biological Opinion that authorizes the work. The developer shall implement all conditions (aka Reasonable and Prudent measures) identified in the Biological Opinion as well as those contains in any associated permits.</p> <p>If a future phase of the project necessitates work within 50 feet of the seasonal wetland but no direct impacts are anticipated then the developer shall prepare a detailed plan for the work demonstrating that no impacts will occur to the wetland and obtain letter of no effect (or “not likely to adversely affect” determination) from the Army Corps of Engineers.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the listed vernal pool shrimp species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-3: The applicant shall modify all improvement plans and construction drawings to provide a minimum separation of 50 feet between the seasonal wetland and (1) the poles associated with the relocated high-voltage overhead power lines, and (2) the relocated Class I bicycle/pedestrian path, subject to review and approval by City Public Works and Community Development Department staff. The separation distance of these project features from the wetland shall be sufficient to enable implementation of the indirect impact avoidance measures of Mitigation Measure BIO-2e.</p>	<p>Approval of improvement plans</p>	<p>Prior to construction activities</p>	<p>City of Chico</p>		
<p>MM BIO-4: If construction occurs within 50 feet of the depressional seasonal wetland in the southwestern portion of the project site, the applicant shall obtain all requisite approvals and permits from the USACE and Regional Water Quality Control Board (RWQCB) for impacts to Waters of the United States and Waters of the State prior to issuance of any City permits for construction, grading, or demolition activities that occurs within 100 feet of the resource. If the USACE or RWQCB determine that no permit from their agency is required for a particular phase of the project, then this mitigation measure only requires acknowledgement of such from each agency regarding the project phase in question. If any future phase of the project involves direct impacts to the wetland, then the developer shall mitigate the impact through either (1) creation and preservation of seasonal wetland habitat within the project site, (2) off-site restoration of features of equal or greater value, or (3) purchase of credits at an agency-approved mitigation bank in the region at a ratio to be determined through consultation with the USACE and RWQCB, but no less than a 1:1 ratio.</p> <p>This mitigation measure shall not apply if the Draft Butte</p>	<p>Submittal of documentation</p>	<p>Prior to construction activities that occur within 100 feet of the depressional seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the depression seasonal wetland, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.					
Section 3.4—Cultural Resources					
MM CUL-1: If prehistoric or historic-period archaeological resources are encountered, all earth-disturbing construction activities within 100 feet of the find shall halt and the City of Chico Community Development Department shall be notified at (530) 879-6800. Prehistoric archaeological materials might include obsidian and chert flakedstone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 72 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through	Notes on construction plans	Prior to construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of Chico. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>					
<p>MM CUL-3: In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include (1) the results of any geotechnical</p>	Notes on construction plans	Prior to construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>investigation prepared for the project area, (2) specific details of the construction plans for the project area, (3) background research, and (4) limited subsurface investigation within the project area. If a high potential to encounter paleontological resources is confirmed, subsurface construction shall be temporarily halted until a monitoring plan of further project subsurface construction is prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the City of Chico.</p>					
<p>MM CUL-4: In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Butte County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC Section 5097.98), who in turn would make recommendations to the City of Chico for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines Section 15064.5(d)).</p>	Notes on construction plans	Prior to construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.7—Hydrology and Water Quality</p> <p>MM HYD-1a: Prior to the issuance of grading permits, the project applicant shall file a Notice of Intent with and obtain a facility identification number from the State Water Resources Control Board. The project applicant shall also submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Chico that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The City of Chico shall review and approve the SWPPP. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:</p> <ul style="list-style-type: none"> • Comply with the requirements of the State of California’s most current Construction Stormwater Permit. • Temporary erosion control measures shall be implemented on all disturbed areas. • Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. • Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water 	<p>Approval of Stormwater Pollution Prevention Plan; notes on construction plans</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Quality Control Board to determine adequacy of the measure.</p> <ul style="list-style-type: none"> In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. 					
<p>MM HYD-1b: Prior to the issuance of building permits, the project applicant shall submit a final Storm Water Mitigation Plan (SWMP) to the City of Chico for review and approval. The plan shall be developed using the California Stormwater Quality Association’s “New Development and Redevelopment Handbook.” The SWMP shall identify pollution prevention measures and BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP shall include design concepts that are intended to accomplish a “first flush” objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p>	Approval of Storm Water Mitigation Plan	Prior to the issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.9—Noise					
<p>MM NOI-1: The following noise attenuation measures shall be implemented during construction activities:</p> <ul style="list-style-type: none"> Construction activities are limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays and federal holidays. The City of Chico shall have discretion to permit construction activities to occur outside of these hours if compelling circumstances warrant an exception (e.g., weather conditions necessary to pour concrete). All construction equipment shall use noise reduction devices (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction devices were installed by the manufacturer, a minimum of a muffler shall be installed for the duration of project-related construction activities. If stationary equipment (compressors, pumps, generators, etc.) is to be used within 300 feet of any office or residential receptor, a noise barrier shall be erected to attenuate noise. The noise barrier shall consist of an enclosure, temporary noise panels/barriers, or acoustical/sound blankets over fencing. 	Notes on construction plans; site inspection	During construction activities	City of Chico		
Section 3.11—Transportation					
<p>MM TRANS-3a: Prior to issuance of the first building permit for the proposed project, the applicant shall provide the City of Chico with the requisite funds for improving the intersection of E. 20th Street / Forest Avenue. The improvements shall consist of: (1) restriping the northbound approach (Forest Avenue) to provide a left-turn lane, a shared left-turn/through lane, a through lane, and a right-turn lane; and (2) modifying the signal operation to provide split phasing on the</p>	Receipt of fees	Prior to issuance of the first building permit	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
northbound and southbound approaches. The City of Chico shall implement the improvements when monitoring determines that the intersection operation is approaching unacceptable levels.					
MM TRANS-3b: Prior to issuance of building permits for the proposed project, the applicant shall pay the fair-share cost of off-site circulation improvements, as calculated through the City's adopted development impact fee program.	Receipt of fees	Prior to issuance of building permits	City of Chico		
MM TRANS-5: Prior to the approval of any improvement plans for Wittmeier Drive, the project applicant shall retain a qualified traffic engineer to evaluate the following options for addressing (1) conflicts between through and turning vehicles and (2) vehicle movement enhancements on Wittmeier Drive. The engineer shall identify a recommended option or options for each issue, and the applicant shall prepare and submit plans to the City of Chico for review and approval that reflect the recommended options. The approved plans shall be incorporated into the proposed project. To address conflicts between through and turning vehicles, one or both of the following options shall be implemented: <ul style="list-style-type: none"> • Option 1: Modify the eastbound dual left-turn lanes on Wittmeier Drive to provide a single left-turn lane, thereby providing an extra lane to facilitate westbound turning movements and truck loading and unloading. Based on estimated Plus Project peak-hour left-turn movements from Wittmeier Drive to Forest Avenue, it is not anticipated that dual left-turn lanes are necessary to accommodate turning vehicle queues. • Option 2: Install a roundabout at the Wittmeier Drive cul-de-sac to address potential vehicular conflicts between vehicles turning in the cul-de-sac and vehicles entering and exiting 	Review of improvement plans	Prior to the approval of any improvement plans for Wittmeier Drive	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>the westernmost Walmart driveway on Wittmeier Drive. The roundabout would also address potential safety issues arising from vehicles entering and exiting the westernmost Walmart driveway at higher rates of speed.</p> <p>To address vehicle movement enhancements, one of the following options shall be implemented:</p> <ul style="list-style-type: none"> • Option A: One left-turn lane and one through-right lane in the eastbound direction, and one through-left lane and one right-turn pocket in the westbound direction. Truck loading and unloading activity could occur on the curbside between the two driveways on the south side of Wittmeier Drive. • Option B: One left-turn lane and one through-right lane in the eastbound direction, one through-right lane in the westbound direction, and one two-way center left-turn lane with a median extending 50 feet west of the Forest Avenue/Wittmeier Drive intersection. Truck loading and unloading activity could occur in the two-way center left-turn lane. 	Review of final parcel map	Prior to recordation of the final parcel map	City of Chico		
<p>MM TRANS-7: Prior to recordation of the final parcel map, the project applicant shall provide an easement for a potential future Class I bikeway connection that would extend south from the southwesterly corner of the project site to the planned SR-99 Bikeway.</p>					

THIS PAGE INTENTIONALLY LEFT BLANK

- 1 A. The overall density and proposed uses of the Project are consistent with the General Plan
2 Diagram designation of Regional Commercial.
- 3 B. The Project would result in compatible infill development/redevelopment within a
4 Regional Commercial Opportunity Site, consistent with goals LU-4, LU-5, CD-5, and
5 policies LU-1.3, LU-4.2 and LU-5.1, in that the parcel layout would not cause significant
6 conflicts with existing or anticipated Regional Commercial uses in the area. The Project
7 is also consistent with the General Plan's emphasis on intensifying and revitalizing
8 commercial uses within the East 20th Street Opportunity Site. The parcels are of sufficient
9 size to accommodate development in compliance with the City's regulations and all
10 necessary utilities and services are available to serve the parcels, lending further support
11 for this finding of infill compatibility for the Project. No specific plans apply to the Project.
- 12 C. The site is suitable for the type and density of the proposed development in that it is
13 relatively level, surrounded by compatible commercial land uses and, as conditioned,
14 sufficient areas are provided to meet applicable development regulations pertaining to
15 buildings, off-street parking and landscaping. Based on evidence and mitigation provided
16 by the EIR, the design and improvements associated with the subdivision are not likely to
17 cause substantial environmental damage, substantially injure fish or wildlife or their
18 habitat, or cause serious public health problems. The design of the subdivision would not
19 conflict with public easements for access through the subdivision because all abandoned
20 public access easements would be replaced with new easements that convey substantially
21 the same public benefit.
- 22 D. Placing the re-located 115-kilovolt and 15-kilovolt overhead power lines underground is
23 infeasible in the case of this Project, and therefore not required pursuant to Chico Municipal
24 Code Section 19.60.120.
- 25 E. As supported by the Mitigation Monitoring and Reporting Program, Conditions of
26 Approval, Subdivision Report (attached hereto as Exhibits I, II and III), the EIR, the record
27 of proceedings before the Planning Commission for the Project, and the staff report for the
28 appeal, the proposed parcel map and its design conform with the requirements of Title 18

1 and Title 19 of the Chico Municipal Code, and is consistent with the Chico General Plan.

2 F. No substantial evidence has been presented that would require disapproval of the Project
3 pursuant to Government Code Section 66474.

4 G. The EIR for the Project reflects the City's independent judgment and analysis.

5 2. With regard to Site Design and Architectural Review 15-16 the City Council finds that:

6 A. Expanding and adding additional commercial uses at the partially-developed Project site
7 represents compatible infill development/redevelopment within a Regional Commercial
8 Opportunity Site, consistent with goals LU-4, LU-5, CD-5, and policies LU-1.3, LU-4.2
9 and LU-5.1, in that the proposed layout would not cause significant conflicts with existing
10 or anticipated Regional Commercial uses in the area. The Project is also consistent with
11 the General Plan's emphasis on intensifying and revitalizing commercial uses within the
12 East 20th Street Opportunity Site.

13 As explained in the EIR, approving the Project could result in an unacceptable Level of
14 Service (LOS) for a southbound segment of SR-99 between SR-32 and East 20th Street
15 under the 2035 cumulative plus Project modeling scenario, during the Saturday p.m. peak
16 hour. Because an acceptable level of service may not be maintained for this facility, there
17 is a potential inconsistency with Policy CIRC-1.4. However, the proposed Project design,
18 as modified by mitigation measures identified in the EIR, would achieve consistency with
19 the remaining policies in the Circulation Element. The proposal is consistent with CIRC-
20 1.2, CIRC-2.2.3 and CIRC-3.6, in that it would construct necessary internal and adjacent
21 roadway circulation improvements, use traffic calming measures to reduce cut-through
22 traffic, and include safe and secure bicycle parking facilities. Mitigation measures and
23 existing City processes would ensure Project consistency with CIRC-1.3, CIRC-3.1.1,
24 CIRC 5.3, CIRC-9.1, CIRC-9.1.2, CIRC-9.1.3 and CIRC-9.3, by requiring payment of fair
25 share costs for citywide street facility improvements (MM TRANS-3b), incorporating a
26 planned bikeway connection through the site (MM TRANS-7), supporting public transit
27 (MM AIR-2h), and reducing vehicle trips through the use of travel demand management
28 strategies (MM AIR-2f), respectively.

1 Consistent with policy OS-1.2, mitigation measures also ensure that Project-related
2 impacts to the onsite wetland are avoided, or mitigated by requiring the applicant to obtain
3 all necessary state and federal permits for future development that may affect special status
4 species or their habitat.

5 The energy efficiency measures outlined in the applicant's project description for the store
6 expansion are consistent with policy SUS-5.2, which calls for supporting the inclusion of
7 energy efficient design in private projects.

8 The site design and architectural aspects of the Project are generally consistent with
9 policies CD-3.2, CD-5.3, and LU-4.4, in that the existing public bike path would be
10 replaced in a manner that would facilitate future connectivity to other public bikeways, the
11 store expansion would include higher quality materials (such as multiple storefront
12 windows and decorative stone columns), and a better-articulated façade and roofline
13 relative to the existing building.

14 Approval of the Project is consistent with General Plan goals and policies to enhance
15 Chico's long-term prosperity (ED-1), and ensure that regulations and permitting processes
16 for the conduct of commerce do not unreasonably inhibit local business activity (ED-1.3).
17 Although a specific future potential traffic impact is projected to be inconsistent with
18 Policy 1.4, the overall Project, as conditioned, implements many other policies and is
19 consistent with the General Plan when considering the policy framework as a whole. No
20 Neighborhood Plans or area plans apply to the Project.

- 21 B. The Project promotes orderly development and higher use of land by expanding into
22 undeveloped land within an existing regional-serving shopping area, and including
23 circulation improvements that will address existing and future projected needs at the site.
24 Updating the store's appearance and installing landscape improvements in the parking area
25 will increase desirability of investment in the area and achieve a higher visual aesthetic,
26 consistent with the stated purposes of CMC 19.18. The Project is consistent with Design
27 Guidelines that call for commercial buildings to incorporate varied building depths,
28 materials and rooflines (DGs 2.2.22, 2.2.25, 2.2.31), and create a sense of focus toward

1 main entrances through distinguished tower elements, awnings, and storefront windows
2 (DG 2.2.23). Conditions would ensure consistency with DGs that encourage integral
3 parapet roof designs that avoid a "stuck on" appearance (DGs 2.2.24, 2.2.26).

4 The store expansion is appropriately scaled for this Regional Commercial shopping area
5 comprising the Chico Mall and other large format retailers (DG 1.2.13). Bicycle and
6 pedestrian paths are well marked and in many cases lined with landscaping, which
7 enhances safety (DGs 2.1.23, 2.1.33, 2.1.34). Design Guideline consistency is further
8 enhanced by screening HVAC units with roof parapets, parking lot and drive-through areas
9 with landscaping, and wall-mounted utilities with other building elements, as called-for by
10 DGs 2.1.25, 2.1.36 and 2.2.28. Store elevations reflect superior design solutions over the
11 initial Project submittals, and eschew large, bright-blue trademark elements seen in other
12 communities (DGs 1.8.11, 1.8.12, 2.2.13).

13 The Project relates to the greater area and conveys permanence through the use of stone
14 and split-faced CMU, and colors are chosen from a rich palette with white accents that are
15 well placed to complement future signage (DGs 1.2.21, 1.2.32, 2.2.32). The proposed
16 painted and raised wall patterns would promote a pedestrian scale for the main building by
17 breaking up the elevations into single-story sized elements, and reducing the overall
18 perceived height (DG 2.2.11). Conditions are recommended to ensure Project consistency
19 with DG 1.5.13 and 1.5.16, regarding excessive nighttime lighting, and DG 2.1.28,
20 regarding the provision of adequate amounts of parking lot shading.

21 Based on all the above, and subject to conditions as noted, the Project is consistent with
22 the City's adopted Design Guidelines.

23 C. The design, materials and colors of the proposed new building are visually compatible with
24 the surrounding commercial development, specifically regarding the earth-tone colors,
25 exterior textures, flat parapet roof, and tower elements. Exterior equipment will be
26 properly screened from view by roof parapets, landscaping or by structural walls.

27 D. The proposed structures are compatible with the site in that there is ample space provided
28 and the design meets applicable development standards, including building height

1 limitations, setbacks, landscaping and parking requirements. The expanded store and new
2 fuel station will be adequately buffered by landscaping, and the buildings will not
3 unnecessarily block views or unacceptably dominate its surroundings.

4 E. The proposed landscaping includes sufficient variety and would provide visual relief along
5 the Forest Avenue frontage for the fuel station, at new and former driveways along Baney
6 Lane, and throughout the existing and proposed parking areas. Specific attention is paid
7 to screening the drive-through pharmacy/merchandise pick-up area with a variety of trees
8 and shrubs, and to enhance pedestrian orientation by lining the dedicated footpath through
9 the parking area with landscaping on one side. Overall, the landscape design, as
10 conditioned, would provide adequate coverage of plant materials and result in an attractive
11 environment across the entire Project site.

12 3. With regard to Use Permit 15-10 the City Council finds that:

13 A. Chico Municipal Code Section 19.44.020 provides for drive-through sales in the CR zoning
14 district, subject to use permit approval, and CMC 19.76.120 provides for permanent
15 outdoor retail sales and activities in the CR zoning district, subject to use permit approval.
16 Use Permit 15-10 has been processed in accordance with the requirements of Chapter
17 19.24.

18 B. The proposed uses consist of the addition of drive-through sales to an expanded retail store
19 and outdoor retail sales within a partially-developed site. All drive-through improvements
20 will be constructed to City standards, which are intended to promote the health, safety, and
21 general welfare of the public. Drive-through access will be from an off-street parking area,
22 so any off-site affects would be minimal. Adequate vehicle circulation and stacking would
23 be provided, and emergency access to the site would remain unobstructed. The requested
24 outdoor sales in the parking area would not occupy required parking spaces, and the use
25 has existed for several years without any known issues. It does not block any emergency
26 access routes or otherwise disrupt onsite circulation. The outdoor sales component
27 requested on the storefront sidewalk area would not impede pedestrian circulation.
28 Outdoor parking lot sales are typical at large-format retailers, particularly in front of

1 Garden Centers, and sidewalk displays/sales are typical in front of grocery stores. No
2 detrimental impacts to the health, safety, or welfare of neighborhood workers or residents
3 have been identified in association with the proposed drive-through or outdoor sales uses.
4 Based on the above, the proposed drive-through and outdoor sales would not be detrimental
5 to the health, safety, and general welfare of persons residing or working in the
6 neighborhood of the proposed uses.

7 C. The proposed drive-through and outdoor retail sales would take access from an off-street
8 parking area where the use would be fully contained on the Project site, so any off-site
9 affects to property or improvements would be minimal. Adequate vehicle circulation and
10 stacking would be provided, and emergency access to the site would remain unobstructed.
11 Adding new driveways to access the site from Wittmeier Drive will add options for
12 incoming customers, helping to disperse traffic patterns across the site and minimize any
13 issues that may occur at existing points of access.

14 The outdoor sales component requested on the storefront sidewalk area would not impede
15 pedestrian circulation. Outdoor parking lot sales are typical at large-format retailers,
16 particularly in front of Garden Centers, and sidewalk displays/sales are typical in front of
17 grocery stores. No detrimental impacts to the health, safety, or welfare of neighborhood
18 workers or residents have been identified in association with the proposed drive-through
19 or outdoor sales uses.

20 Existing regulations require that any public improvements damaged during the course of
21 construction be repaired or reconstructed by the applicant. No other impacts to property
22 or improvements have been identified. Based on the above, the proposed drive-through
23 and outdoor sales would not be detrimental or injurious to property and improvements in
24 the neighborhood, or the general welfare of the City.

25 D. The proposed drive-through and outdoor sales uses are consistent with the Regional
26 Commercial designation for the site, which accommodates a wide variety of retail uses,
27 including those which are auto-oriented (such as drive-through uses). The uses are also
28 consistent with the General Plan's policy framework and the General Plan as a whole, as

1 outlined in Section 2, above.

2 E. The proposed uses consist of the addition of drive-through sales to an expanded retail store
3 and outdoor retail sales within a partially-developed site. All drive-through improvements
4 will be constructed to City standards. Access to the drive-through would be fully-contained
5 on site and compatible with existing and anticipated future commercial development within
6 the area. The outdoor sales in the parking area has existing for several years without
7 resulting in incompatibilities with other land uses, and other outdoor sales areas would be
8 limited in size, ensuring that they will not dominate building elevations or the result in
9 incompatibilities with existing or future land uses in the vicinity. Based on the above, the
10 design, location, size, and operating characteristics of the proposed use are compatible with
11 the existing and future land uses in the vicinity.

12 4. With regard to Use Permit 15-12 the City Council finds that:

13 A. Chico Municipal Code Section 19.44.020 provides for gas station uses in the CR zoning
14 district, subject to use permit approval. Use Permit 15-12 has been processed in accordance
15 with the requirements of Chapter 19.24.

16 B. The proposed fuel station will be compatible with surrounding commercial uses, as
17 circulation and access for the use would be accommodated by a new driveway from
18 Wittmeier Drive as well as through an expanded parking area associated with the main
19 retail store. The installation of proposed and required improvements associated with
20 Wittmeier Drive and other access points to the site would result in adequate vehicle access.
21 No residences are located in close proximity to the site. No detrimental impacts to the
22 health, safety, or welfare of neighborhood workers or residents have been identified in
23 association with the proposed fuel station use. Based on the above, the proposed fuel
24 station would not be detrimental to the health, safety, and general welfare of persons
25 residing or working in the neighborhood of the proposed uses.

26 C. The proposed fuel station would take access from a new driveway off Wittmeier Drive and
27 an off-street parking area, and sufficient space is provided near the fuel pumps to ensure
28 that vehicle queues would be fully contained on the Project site, thereby minimizing

1 potential for any off-site affects to property or improvements. Existing regulations require
2 that any public improvements damaged during the course of construction be repaired or
3 reconstructed by the applicant. Based on the above, the proposed fuel station would not be
4 detrimental or injurious to property and improvements in the neighborhood, or the general
5 welfare of the City.

6 D. The proposed fuel station use is consistent with the Regional Commercial designation for
7 the site, which accommodates a wide variety of retail uses, including those which are auto-
8 oriented (such as fuel stations). The Project is also consistent with the General Plan's
9 policy framework and the General Plan as a whole, as outlined in Section 2, above.

10 E. The proposed fuel station would be set back from the street intersection, with an ample
11 landscape buffer from Forest Avenue and Wittmeier Drive, and constructed with sufficient
12 circulation to result in compatible operations with nearby land uses. Conditions associated
13 with the design review would ensure that the height of new lighting would be limited,
14 minimizing potential offsite affects. Based on the above, the proposed fuel station would
15 be compatible with existing and future land uses in the vicinity.

16 5. The appeal of the Planning Commission's decision to approve the Project is denied and the
17 Planning Commission's decision to approve the Project is affirmed.

18 6. The City Council hereby approves Tentative Parcel Map 15-02, Site Design and Architectural
19 Review 15-16, Use Permit 15-10, and Use Permit 15-12, each subject to compliance with: (a) the
20 Mitigation Monitoring and Reporting Program set forth in Exhibit I, (b) the conditions of approval
21 set forth in Exhibit II, and (c) the provisions of the Subdivision Report set forth in Exhibit III.

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico
at its meeting held on November 15, 2016, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:
- ATTEST:

Deborah R. Presson
City Clerk

APPROVED AS TO FORM:



Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

**Mitigation Monitoring and Reporting Program
for the
Chico Walmart Expansion Project
Draft Environmental Impact Report
City of Chico, Butte County, California
State Clearinghouse Number 2015102017**

Prepared for:

City of Chico

Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95927
530.879.6800

Contact: Mr. Mike Sawley, Associate Planner

Prepared by:

FirstCarbon Solutions

1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Report Date: September 9, 2016

THIS PAGE INTENTIONALLY LEFT BLANK

Table 1: Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.2—Air Quality/Greenhouse Gas Emissions</p> <p>MM AIR-1: During construction activities, The applicant shall ensure that construction activities:</p> <ul style="list-style-type: none"> (1) Adhere to the provisions of Butte County Air Quality Management District Rules 205, 230, and 231; and (2) Incorporate specific Best Practices to minimize diesel exhaust and fugitive dust emissions during construction, as specified in Appendix C of the Butte County Air Quality Handbook, October 23, 2014, available at: http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf. Examples of these types of measures include, but are not limited to: <ul style="list-style-type: none"> • Limiting idling of construction vehicles to 5 minutes or less. • Ensuring that all small engines are tuned to the manufacturer’s specifications. • Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel. • Utilizing construction equipment that meets ARB’s 2007 certification standard or cleaner. • Using electric powered equipment when feasible. • The applicant shall prepare and submit documentation (e.g., equipment plan or certification) to the City of Chico verifying compliance as part of the grading permit application. <p>Pursuant to the above, the developer shall prepare and submit a dust control plan consistent with Rule 205 prior to or in conjunction with building and/or grading permits, subject to approval by city staff, and shall note and demonstrate on the construction plans that architectural coatings and asphalt to be used for the project shall meet the standards set forth by District Rules 230 and 231. Additionally, the developer shall maintain material safety data sheets or other records at the construction site that document the content of volatile organic compounds (VOCs) of the architectural coatings and asphalt used at the project site, in compliance with District Rules 230 and 231.</p>	<p>Submittal of documentation; notes on construction plans; site inspection</p>	<p>Prior to issuance of building permits; during construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AIR-2a: During the architectural coating phase of construction activities, the project applicant shall require that all construction contractors utilize low volatile organic compound (VOC) paint that does not exceed 150 grams of VOC per liter for interior architectural coatings. The applicant shall keep records documenting the VOC content of paint products and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During the architectural coating phase of construction activities	City of Chico		
MM AIR-2b: During grading and earthwork activities, the applicant shall require that all off-road diesel-powered construction equipment greater than 50 horsepower meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards. The applicant shall keep records certifying documenting the emissions rating of all off-road diesel-powered construction equipment and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During grading and earthwork activities	City of Chico		
MM AIR-2c: To the extent feasible, future development on Parcels 2 and 3 shall provide pedestrian sidewalk connections to both the Walmart store and bike path networks, and new structures shall include roof overhangs that are sufficient to block the high summer sun from windows, but also allow the lower winter sun to enter windows.	Site Design and Architectural Review; review of building plans	Prior to issuance of building permits	City of Chico		
MM AIR-2d: Prior to issuance of building permits, the project applicant shall prepare and submit building plans to the City of Chico that demonstrate that all new structures have outdoor electrical outlets that are accessible to maintenance workers and landscapers to allow the use of electric powered equipment.	Review of building plans	Prior to issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2e: Prior to issuance of building permits, the applicant shall revise the landscape plans to include primarily native drought-resistant trees that are low ROG emitting. For example, the sycamores (<i>Platanus</i> spp.) shall be replaced with species such as maples (<i>Acer</i> spp.), pistache (<i>Pistacia</i> spp.) and zelkova species.</p>	<p>Review of building plans</p>	<p>Prior to issuance of building permits</p>	<p>City of Chico</p>		
<p>MM AIR-2f: Prior to issuance of the certificate of occupancy for the expanded Walmart store, the applicant shall retain a qualified transportation consultant to prepare and submit a Transportation Demand Management (TDM) program to the City of Chico for review and approval. The TDM program shall identify measures to reduce daily gasoline-powered and diesel-powered vehicle trips to the project site, with an objective of a minimum 10 percent reduction in gasoline-powered and diesel-powered trips. The approved TDM program shall be implemented in conjunction with the opening of the expanded store. Examples of trip reduction measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Post transit information (maps, schedules, fares, etc.) in a public area of Walmart that is accessible to employees and patrons; • Provide employer-subsidized transit passes; • Sponsor an employee ride sharing program; • Provide employee lockers for personal items; • Provide employees with an employee only restroom with a shower; • Provide secure indoor bicycle parking (racks or lockers) for employees; • Provide customer bicycle parking (racks) in safe and convenient locations; • Allow flex scheduling or compressed scheduling practices; • Provide preferential parking spaces for clean air vehicles; • Provide a minimum of two charging stations for electric vehicles; and 	<p>Review of TDM program; site inspection</p>	<p>Prior to issuance of the certificate of occupancy for the expanded Walmart store</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> If home delivery service is provided in the future, it shall be performed using low-emission or alternative-fueled (electric, natural gas, hydrogen, etc.) vehicles. 					
<p>MM AIR-2g: To the extent that such equipment is readily available and can adequately perform all tasks, Walmart shall use electric-, propane-, or natural gas-powered mobile equipment (forklifts, non-street legal street sweepers, etc.) for operational activities within the project site. Existing gasoline- or diesel-powered mobile equipment may continue to be used until its service life is exhausted.</p>	Submittal of documentation; site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2h: Prior to occupancy of the expanded Walmart store, the applicant shall enhance the existing Butte Regional Transit stop on Forest Avenue. The enhanced transit stop shall conform to Butte Regional Transit design standards and provide a minimum of a shelter, seating, lighting, transit information, and a pedestrian connection to the Walmart store entrance.</p>	Site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2i: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall implement idling restriction program for heavy-duty diesel vehicles. The program shall require that all trucks comply with state regulations limiting idling to no more than 5 minutes. The program shall be implemented through signage in all loading areas and training of store personnel about the idling restrictions.</p>	Submittal of documentation; site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		
<p>MM AIR-2j: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall provide at least of one electrical hookup in each of the two proposed Walmart loading docks that is capable of powering a truck-mounted transport refrigeration unit (TRU) with an electrical hookup option.</p>	Site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2k: Prior to the recordation of the Final Map, the project applicant shall participate in an Offsite Mitigation Program coordinated through the BCAQMD. The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Offsite Mitigation Program.</p>	<p>Submittal of documentation</p>	<p>Prior to the recordation of the Final Map</p>	<p>City of Chico</p>		
<p>Section 3.3—Biological Resources</p>					
<p>MM BIO-1: Prior to issuance of any grading or construction permits or the first ground-disturbing activities, the applicant shall retain a qualified botanist to conduct two focused botanical surveys for special-status plant species within the undeveloped portion of the project site. The first survey shall occur in April and the second survey shall occur in either May or June. The surveys shall be conducted for the following plant species: Ahart’s paronychia, Butte County meadowfoam, woolly meadowfoam, adobe lily, Bidwell’s knotweed, Butte County golden clover, depauperate milkvetch, Ferris’ milkvetch, hogwallow starfish, pink creamsacs, Red Bluff dwarf rush, round-leaved filaree, Tehama navarretia, and veiny monardella. If no special-status plants are observed, then a letter report documenting the results of the final survey shall be provided to the project applicant and the City of Chico Community Development Department for their records, and no additional measures are required. If any of the non-listed special-status plants occur within the project site, they shall be avoided to the extent feasible. If the plants cannot be avoided, the biologist shall prepare a special-status plant mitigation and monitoring plan in consultation with the California Department of Fish and Wildlife (CDFW). The plan shall be subject to CDFW approval and may include, but is not limited to, the following elements as applicable to the species, based on the project</p>	<p>Submittal of documentation</p>	<p>Prior to issuance of any grading or construction permits or the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> A salvage/transplanting program for the salvage and transfer of special-status plants populations before the initiation of construction activities to another location either off-site or on-site that will be preserved in perpetuity (via conservation easement, deed restriction, or other appropriate legal means). Permits may be required from the CDFW or USFWS if a listed species is found and may require further mitigation in consultation with the appropriate agency or agencies. The program shall specify appropriate timing of salvage and transplanting efforts based on the specific special-status plant species found and the propagation program shall establish success criteria for the affected special-status plants. In addition to salvaging of special-status plants themselves, salvage efforts shall include topsoil and seedbanks surrounding impacted plants, if doing so will not contribute to the spread of invasive or noxious plant species. Purchasing credits at an off-site mitigation bank approved by USFWS or CDFW, as applicable, based on the listed plant species found. Criteria that must be met within the special-status plant mitigation and monitoring plan prior to commencement of construction or grading within the undeveloped portions of the project site. <p>USFWS or CDFW, as applicable, shall approve the plan prior to transpiration or commencement of grading or construction activities.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to these plant species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	Submittal of documentation	Prior to issuance of any grading or construction permits or the first ground-disturbing activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-2a: Prior to any ground-disturbing activities, the applicant shall retain a qualified biologist to conduct a protocol-level survey for the western spadefoot during the appropriate period to identify western spadefoot toads (e.g., following a rain event during the breeding season, identification of other known active breeding populations in the region). If no western spadefoot are observed, then a letter report shall be submitted to the City of Chico Community Development Department and CDFW for their records. Additionally, a preconstruction survey shall be conducted within 14 days prior to the start of any ground disturbance to verify absence of this species from the project area.</p> <p>If western spadefoot are found, ground disturbance shall cease and consultation with CDFW shall occur prior to resumption of ground-disturbing activities to develop an impact minimization plan that may include but is not limited to relocation, timing restrictions, habitat compensation, etc. The plan shall be reviewed and subject to approval by CDFW and implemented prior to ground-disturbing activities.</p> <p>In addition, if western spadefoot are found, the biologist shall be on-site during initial grading. If western spadefoot toad is observed within the project footprint, all construction shall temporarily halt until the biologist relocates the species to suitable habitat within the project site, but outside of the project footprint, or other suitable location in the project vicinity.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the western spadefoot and all required conservation measures or mitigation required under the Butte Regional Conservation</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to any ground-disturbing activities; during initial grading activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>					
<p>MM BIO-2b: Prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct four protocol-level surveys during the breeding season (one site visit between February 15 and April 15 and three between April 15 and July 15, one of which shall be conducted after June 15), at least three weeks apart, in accordance with the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation (2012 Staff Report). The survey shall include an approximately 500-foot (150-meter) buffer around the project site, where access is permitted. If the surveys are negative, then a letter report shall be prepared documenting the methodology and results within two weeks following the final survey. If the surveys result in negative findings, the biologist shall still conduct a take avoidance survey between 14 days and 30 days prior to commencement of construction, in accordance with the 2012 Staff Report. A letter report documenting the methodology and results shall be submitted to the City of Chico Community Development Department and CDFW following the results of the final survey for their records.</p> <p>If burrows are observed within the undeveloped portion of the project site or within 500 feet of the project site, an impact assessment shall be prepared and submitted to the CDFW, in accordance with the 2012 Staff Report. If it is determined that project activities may result in impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat, the project proponent shall consult with CDFW and develop a detailed mitigation plan such that the habitat acreage, number of</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>burrows, and burrowing owls impacted are replaced in a manner acceptable to CDFW. The mitigation plan shall be based on the methods provided in the 2012 Staff Report.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the burrowing owl and all required conservation measures or mitigation required under the Butte Regional Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>					
<p>MM BIO-2c: No more than 14 days prior to the start of ground disturbance or tree removal, the applicant shall retain a qualified biologist to conduct a pre-construction surveys for special-status bat species. If no special-status bats are observed roosting, then a letter report documenting the results of the survey shall be provided to the City of Chico Community Development Department, CDFW, and any other applicable resource agency for their records. A subsequent bat survey shall be required if construction does not commence within 14 days of a negative survey, or if construction is planned to resume after halting for more than 14 days.</p> <p>If bats are found, the biologist shall consult with the CDFW prior to ground disturbance, tree removal, or other construction activity to determine specific avoidance measures. Avoidance measures may include establishing a minimum 250-foot buffer around the roosting location until it is no longer occupied. Construction activities, including but not limited to tree removal, shall not proceed within the buffer until the biologist has determined that the roost is no longer</p>	Notes on construction plans; submittal of documentation; site inspection	No more than 14 days prior to the start of ground disturbance or tree removal; during construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>occupied by the bats and has communicated the determination in writing to the City of Chico Community Development Department and CDFW.</p> <p>MM BIO-2d: No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31), the applicant shall retain a qualified biologist to conduct a preconstruction survey for active nests. If the preconstruction survey shows that there is no evidence of active nesting bird nests, then a letter report shall be provided to the City of Chico Community Development Department and any applicable resource agency for their records.</p> <p>If any active nests are located within the project site, an appropriate buffer zone shall be established around the nests, as determined by the biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone, where construction activities shall be prohibited, until the end of breeding season or until the young have successfully fledged. Buffer zones are typically 100 feet for migratory bird nests and 250 to 500 feet for raptor nests. A qualified biologist shall monitor active nests weekly during construction to evaluate potential nesting disturbance by construction activities. If establishing the typical buffer zone is impractical, the qualified biologist may reduce the buffer depending on the species, and daily monitoring by the biologist is required to ensure that the nest is not disturbed and no forced fledging occurs. Monitoring as described above shall continue until the qualified biologist determines that the nest is no longer occupied and has communicated the determination in writing to the City of Chico Community Development Department and applicable resource agency.</p> <p>This mitigation measure does not apply to vegetation removal</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31); during construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>activities that occur outside of the nesting season (September 1 to February 14).</p> <p>MM BIO-2e: For phases of the project that would result in ground disturbance within 250 feet of the seasonal wetland but do not involve any disturbance within 50 feet of the seasonal wetland, the applicant shall implement indirect impact avoidance measures as follows:</p> <ol style="list-style-type: none"> 1. Retain a qualified biologist to direct the installation of silt fencing and high-visibility fencing a minimum of 50 feet from the edge of the seasonal wetland; 2. Conduct a Worker Awareness Training Program prior to the start of construction informing workers of the wetland and advising them to stay clear of the area. The training shall be repeated as necessary for all subsequent sub-contractor crews that are scheduled to begin working on the project; 3. Retain a qualified biologist to monitor on-site vegetation clearing and initial grading activities; and 4. Develop and implement a dust control plan, consistent with Rule 205 of the Butte County Air Quality Management District (Fugitive Dust Emissions), which regards the silt fencing around the seasonal wetland as a property line over which allowing wind-driven fugitive dust shall be minimized. <p>Upon submitting applications to the city for grading, construction, or other site disturbance, the developer shall provide a scaled drawing that depicts the wetland, 50-foot and 250-foot buffers around the wetland, and proposed work area(s), including designated equipment/material staging and worker parking areas. The developer shall arrange a preconstruction inspection of the silt/visibility fencing by city staff prior to commencement of construction.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>If future phases of the project necessitate directly impacting the seasonal wetland, such as development of Parcel 2 or other project feature, the developer shall either assume presence or conduct protocol-level surveys for listed vernal pool branchiopods in accordance with the USFWS Survey Guidelines prior to any ground-disturbing activities. Protocol surveys consist of one wet-season survey and one dry-season survey. If the developer decides to conduct protocol-level surveys and the surveys result in negative findings of the federally listed species, then no additional measures are required so long as the USFWS accepts the negative survey results. If listed branchiopods are found during protocol surveys or presence is assumed, then the applicant shall pursue consultation with the USFWS to obtain a Biological Opinion that authorizes the work. The developer shall implement all conditions (aka Reasonable and Prudent measures) identified in the Biological Opinion as well as those contains in any associated permits.</p> <p>If a future phase of the project necessitates work within 50 feet of the seasonal wetland but no direct impacts are anticipated then the developer shall prepare a detailed plan for the work demonstrating that no impacts will occur to the wetland and obtain letter of no effect (or “not likely to adversely affect” determination) from the Army Corps of Engineers.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the listed vernal pool shrimp species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-3: The applicant shall modify all improvement plans and construction drawings to provide a minimum separation of 50 feet between the seasonal wetland and (1) the poles associated with the relocated high-voltage overhead power lines, and (2) the relocated Class I bicycle/pedestrian path, subject to review and approval by City Public Works and Community Development Department staff. The separation distance of these project features from the wetland shall be sufficient to enable implementation of the indirect impact avoidance measures of Mitigation Measure BIO-2e.</p>	<p>Approval of improvement plans</p>	<p>Prior to construction activities</p>	<p>City of Chico</p>		
<p>MM BIO-4: If construction occurs within 50 feet of the depressional seasonal wetland in the southwestern portion of the project site, the applicant shall obtain all requisite approvals and permits from the USACE and Regional Water Quality Control Board (RWQCB) for impacts to Waters of the United States and Waters of the State prior to issuance of any City permits for construction, grading, or demolition activities that occurs within 100 feet of the resource. If the USACE or RWQCB determine that no permit from their agency is required for a particular phase of the project, then this mitigation measure only requires acknowledgement of such from each agency regarding the project phase in question. If any future phase of the project involves direct impacts to the wetland, then the developer shall mitigate the impact through either (1) creation and preservation of seasonal wetland habitat within the project site, (2) off-site restoration of features of equal or greater value, or (3) purchase of credits at an agency-approved mitigation bank in the region at a ratio to be determined through consultation with the USACE and RWQCB, but no less than a 1:1 ratio.</p> <p>This mitigation measure shall not apply if the Draft Butte</p>	<p>Submittal of documentation</p>	<p>Prior to construction activities that occur within 100 feet of the depressional seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the depression seasonal wetland, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.					
Section 3.4—Cultural Resources					
MM CUL-1: If prehistoric or historic-period archaeological resources are encountered, all earth-disturbing construction activities within 100 feet of the find shall halt and the City of Chico Community Development Department shall be notified at (530) 879-6800. Prehistoric archaeological materials might include obsidian and chert flakedstone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 72 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through	Notes on construction plans	Prior to construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of Chico. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>	Notes on construction plans	Prior to construction activities	City of Chico		
<p>MM CUL-3: In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include (1) the results of any geotechnical</p>					

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>investigation prepared for the project area, (2) specific details of the construction plans for the project area, (3) background research, and (4) limited subsurface investigation within the project area. If a high potential to encounter paleontological resources is confirmed, subsurface construction shall be temporarily halted until a monitoring plan of further project subsurface construction is prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the City of Chico.</p>					
<p>MM CUL-4: In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Butte County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC Section 5097.98), who in turn would make recommendations to the City of Chico for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines Section 15064.5(d)).</p>	<p>Notes on construction plans</p>	<p>Prior to construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.7—Hydrology and Water Quality</p> <p>MM HYD-1a: Prior to the issuance of grading permits, the project applicant shall file a Notice of Intent with and obtain a facility identification number from the State Water Resources Control Board. The project applicant shall also submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Chico that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The City of Chico shall review and approve the SWPPP. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:</p> <ul style="list-style-type: none"> • Comply with the requirements of the State of California’s most current Construction Stormwater Permit. • Temporary erosion control measures shall be implemented on all disturbed areas. • Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. • Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water 	<p>Approval of Stormwater Pollution Prevention Plan; notes on construction plans</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Quality Control Board to determine adequacy of the measure.</p> <ul style="list-style-type: none"> In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. 					
<p>MM HYD-1b: Prior to the issuance of building permits, the project applicant shall submit a final Storm Water Mitigation Plan (SWMP) to the City of Chico for review and approval. The plan shall be developed using the California Stormwater Quality Association’s “New Development and Redevelopment Handbook.” The SWMP shall identify pollution prevention measures and BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP shall include design concepts that are intended to accomplish a “first flush” objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p>	Approval of Storm Water Mitigation Plan	Prior to the issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.9—Noise					
<p>MM NOI-1: The following noise attenuation measures shall be implemented during construction activities:</p> <ul style="list-style-type: none"> Construction activities are limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays and federal holidays. The City of Chico shall have discretion to permit construction activities to occur outside of these hours if compelling circumstances warrant an exception (e.g., weather conditions necessary to pour concrete). All construction equipment shall use noise reduction devices (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction devices were installed by the manufacturer, a minimum of a muffler shall be installed for the duration of project-related construction activities. If stationary equipment (compressors, pumps, generators, etc.) is to be used within 300 feet of any office or residential receptor, a noise barrier shall be erected to attenuate noise. The noise barrier shall consist of an enclosure, temporary noise panels/barriers, or acoustical/sound blankets over fencing. 	Notes on construction plans; site inspection	During construction activities	City of Chico		
Section 3.11—Transportation					
<p>MM TRANS-3a: Prior to issuance of the first building permit for the proposed project, the applicant shall provide the City of Chico with the requisite funds for improving the intersection of E. 20th Street / Forest Avenue. The improvements shall consist of: (1) restriping the northbound approach (Forest Avenue) to provide a left-turn lane, a shared left-turn/through lane, a through lane, and a right-turn lane; and (2) modifying the signal operation to provide split phasing on the</p>	Receipt of fees	Prior to issuance of the first building permit	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
northbound and southbound approaches. The City of Chico shall implement the improvements when monitoring determines that the intersection operation is approaching unacceptable levels.					
MM TRANS-3b: Prior to issuance of building permits for the proposed project, the applicant shall pay the fair-share cost of off-site circulation improvements, as calculated through the City's adopted development impact fee program.	Receipt of fees	Prior to issuance of building permits	City of Chico		
MM TRANS-5: Prior to the approval of any improvement plans for Wittmeier Drive, the project applicant shall retain a qualified traffic engineer to evaluate the following options for addressing (1) conflicts between through and turning vehicles and (2) vehicle movement enhancements on Wittmeier Drive. The engineer shall identify a recommended option or options for each issue, and the applicant shall prepare and submit plans to the City of Chico for review and approval that reflect the recommended options. The approved plans shall be incorporated into the proposed project. To address conflicts between through and turning vehicles, one or both of the following options shall be implemented: <ul style="list-style-type: none"> • Option 1: Modify the eastbound dual left-turn lanes on Wittmeier Drive to provide a single left-turn lane, thereby providing an extra lane to facilitate westbound turning movements and truck loading and unloading. Based on estimated Plus Project peak-hour left-turn movements from Wittmeier Drive to Forest Avenue, it is not anticipated that dual left-turn lanes are necessary to accommodate turning vehicle queues. • Option 2: Install a roundabout at the Wittmeier Drive cul-de-sac to address potential vehicular conflicts between vehicles turning in the cul-de-sac and vehicles entering and exiting 	Review of improvement plans	Prior to the approval of any improvement plans for Wittmeier Drive	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>the westernmost Walmart driveway on Wittmeier Drive. The roundabout would also address potential safety issues arising from vehicles entering and exiting the westernmost Walmart driveway at higher rates of speed.</p> <p>To address vehicle movement enhancements, one of the following options shall be implemented:</p> <ul style="list-style-type: none"> • Option A: One left-turn lane and one through-right lane in the eastbound direction, and one through-left lane and one right-turn pocket in the westbound direction. Truck loading and unloading activity could occur on the curbside between the two driveways on the south side of Wittmeier Drive. • Option B: One left-turn lane and one through-right lane in the eastbound direction, one through-right lane in the westbound direction, and one two-way center left-turn lane with a median extending 50 feet west of the Forest Avenue/Wittmeier Drive intersection. Truck loading and unloading activity could occur in the two-way center left-turn lane. 	Review of final parcel map	Prior to recordation of the final parcel map	City of Chico		
<p>MM TRANS-7: Prior to recordation of the final parcel map, the project applicant shall provide an easement for a potential future Class I bikeway connection that would extend south from the southwesterly corner of the project site to the planned SR-99 Bikeway.</p>					

THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT “II”
CONDITIONS OF APPROVAL
Chico Walmart Expansion Project
(PM 15-02, AR 15-16, UP 15-10 and UP 15-12)

Parcel Map PM 15-02

1. The creation of three lots on an approximately 27-acre site is authorized, as depicted on the “PM 15-02 Vesting Tentative Map, 2044 Forest Avenue, Chico, CA 95928”, date-stamped Sep 21, 2015, by the Planning Services Division, except as revised by any of the following conditions of approval.
2. The subdivision shall be developed in compliance with all other applicable State and local Code provisions, including those of the Public Works Department and the Fire Department. The applicant is responsible for contacting these offices to verify the need for permits.
3. In the event that all fees have not been paid prior to recordation of the final map, the following notation shall be included on the final map:

“In accordance with the provisions of the Chico Municipal Code, a transportation facility fee, park facility fee, and building and equipment fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time a new building or structure is constructed on such lot or parcel, at the time an alteration or addition is made to an existing building or structure constructed on such lot or parcel which results in the expansion of building or structure, or at the time of a change in use of an existing building or structure constructed on the lot or parcel. In addition, a storm drainage facility fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time such lot or parcel is first used for any residential or nonresidential purpose, at the time the area of the lot or parcel devoted to such residential or nonresidential use is expanded, or at the time of a change in the use of the lot or parcel. Such transportation facility fee, park facility fee, building and equipment fee and storm drainage facility fee will be calculated from the schedule of such fees adopted by resolution of the City Council and in effect on the date of approval of such final map or parcel map, together with any adjustments to such schedules of fees made in accordance with the provisions of the Chico Municipal Code subsequent to the date of approval of the final map or parcel map to account for any changes in the type or extent of transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which will be required as a result of the development and/or use of real property during the period upon which such fees are based, any change in the estimated cost of the transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities upon which such fees are based, or any change in that portion of the estimated cost of such transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which cannot be funded from revenue sources available to the City other than such fees.”

4. Prior to recording the final map, any taxes and/or assessments against the property shall be paid.
5. Impacts to school facilities within the Chico Unified School District shall be fully mitigated by payment of school impact fees to the extent permitted by State Law.

6. All qualifying trees, pursuant to CMC 16.66, that are removed with the project shall be replaced as follows:
 - a. On-site. For every six inches in DBH removed, a new 15 gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
 - b. Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
7. The "vesting" designation shall be removed from the parcel map title, as the provisions of CMC 18.22.020 only apply to residential subdivisions and the subject map is not a residential subdivision.
8. Final alignment of the public bike path easement and improvement details shall be subject to review and approval by the Public Works Director.
9. The width of the public bike path easement along the State Route 99 frontage shall be 20 feet, to accommodate potential design constraints associated with site topography and physical bike path features (lighting, signage, etc.).
10. The project's entitlements will expire three (3) years from the date of approval, unless (i) they are exercised as specified in the Municipal Code, or (ii) a written request for extension is received and approved by the City. If, however, a legal challenge is filed against the City's approval of any of the project's entitlements, including but not limited to Parcel Map 15-02, Use Permit 15-10, Use Permit 15-12, Site Design and Architectural Review 15-16, and any related building or grading permits, the time period to exercise the entitlements shall be stayed for the duration of the litigation.

Architectural Review AR 15-16

11. All approved building plans and permits shall note on the cover sheet that the project shall comply with AR 15-16 (Chico Walmart Expansion Project). No building permits related to this approval shall be finalized without authorization of Planning staff.
12. All approved building plans and permits shall note that wall-mounted utilities and roof or wall penetrations, including vent stacks, utility boxes, exhaust vents, gas meters and similar equipment, shall be screened by appropriate materials and

colors. All parapet caps and other metal flashing shall be painted, consistent with the approved building colors. Adequate screening shall be verified by Planning staff prior to issuance of a certificate of occupancy.

13. New tower elements, including cornice, on the Walmart store expansion shall extend back onto the main roof a minimum of six feet to ensure that they appear sufficiently integrated with the structure from views at ground level.
14. All new pole-mounted lights in the parking area shall be limited to 18 feet in height. Existing pole-mounted light assemblies in the parking area shall be replaced, as needed over time, with poles/bases that also meet this 18-foot height limit for parking lot lights.
15. Prior to issuance of building plans for the store expansion, an inventory of existing shade trees in the parking area shall be conducted. Any missing tree shall be replaced with a new shade tree in compliance with City standard planting plans. Any existing honey locust, London plane tree, Chinese Pistache, Chinese hackberry, scarlet oak or pin oak tree that has grown to less than 20 feet in diameter shall be replaced with a new shade tree in compliance with City standard planting plans. The provision of adequate irrigation shall also be confirmed or corrected in conjunction with parking area landscape improvements.
16. The developer shall work with City staff to provide truck access from Wittmeier Drive, if feasible.
17. The director or zoning administrator, as applicable, may authorize minor changes to the project, including to the approved plans, architecture, or uses, pursuant to Chico Municipal Code section 19.30.060, and may approve a final parcel map that substantially conforms to the approved tentative parcel map pursuant to Chico Municipal Code section 18.24.070, as they exist on the date of final approval for project entitlements, including but not limited to Parcel Map 15-02, Use Permit 15-10, Use Permit 15-12, and Site Design and Architectural Review 15-16.

Use Permit 15-10 (Walmart Drive-Through and Outdoor Sales)

18. Use Permit 15-10 authorizes drive-through sales and outdoor sales, in substantial accord with the "Plat to Accompany Use Permit 15-10 (Walmart Drive-Through and Outdoor Sales)" and in compliance with all other conditions of approval.
19. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
20. Outdoor vending machines at the site shall meet the code standards contained in

CMC 19.76.120.B, including but not limited to:

- a. Outdoor vending machines are permitted along the building frontage that includes the primary business entrance. Where the primary business entrance is located at the building corner, outdoor vending machines will be permitted on only one side of the building.
- b. Outdoor vending machines shall not exceed 10 percent of the width of the building frontage along which they are located, nor shall the combined area of all vending machines at any one site exceed 32 square feet.

Use Permit 15-12 (Walmart Fuel Station)

21. Use Permit 15-12 authorizes a gas station use, in substantial accord with the “Plat to Accompany Use Permit 15-12 (Walmart Fuel Station)” and in compliance with all other conditions of approval.
22. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
23. Comply with all requirements set forth under Chico Municipal Code Section 19.76.090 (Gas Stations), including but not limited to:
 - a. Landscaping within the sight distance area at the northwest corner of the intersection of Forest Avenue and Wittmeier Drive shall be maintained at a height of 30 inches or less, except for trees with a vertical growth habit that do not cause sight distance issues as determined by the Public Works Director.
 - b. The Russian sage planned for the corner shall be replaced with shrubs or groundcover that typically do not grow to exceed 30 inches in height.
 - c. Canopy lights shall be fully recessed.
 - d. All lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with CMC Section 19.60.050 (Exterior lighting).
 - e. Vehicles shall not be parked on sidewalks or driveways.
 - f. Vehicles shall not be parked on the premises for the purpose of vehicular sales.
 - g. Used or discarded vehicle parts or equipment, or disabled, junked, or wrecked vehicles shall not be located in any open area outside of the convenience store structure.
 - h. Any noise from bells, loudspeakers, or tools shall not exceed the criteria referenced under CMC 19.60.080 (Noise), and shall not be audible from residentially zoned parcels between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and before 10:00 a.m. and after 7:00 p.m. on Sundays and nationally recognized holidays.
 - i. Used motor oil may not be received without prior City Fire Department approval.

Mitigation Measures from the EIR (SCH#2015102017)

24. The developer shall comply with all mitigation measures contained in the Mitigation Monitoring and Reporting Program for the Chico Walmart Expansion Project, hereby incorporated by reference in its entirety.

X:\Current Planning\Parcel Map\2015\02 Walmart Expansion (72189)\City Council\CC Reso - Exhibit II - Conditions of Approval.docx



Subdivision Report

Meeting Date 10/6/16

DATE: October 7, 2016

File: PM 15-02

TO: PLANNING COMMISSION

FROM: Matt Johnson, Senior Development Engineer, 879-6910
Public Works Department

RE: **Vesting Tentative Parcel Map PM 15-02 Walmart Expansion Project - Final**

Exhibit "III"

This office has reviewed the Vesting Tentative Parcel Map PM 15-02 Walmart Expansion Project and herewith submits the following findings and recommendations for same.

A. MODIFICATIONS TO TITLE 18R - DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE CHICO MUNICIPAL CODE

The Subdivider has requested no modifications to Titles 18R of the Chico Municipal Code (CMC).

B. ENVIRONMENTAL IMPACT REPORT

To satisfy the requirements of the California Quality Act (CEQA), the City prepared an Environmental Impact Report (EIR) to analyze and disclose the potential environmental impacts associated with approving the project. The EIR identified various potential impacts and included mitigation measures to reduce those impacts to less than significant.

The Subdivider will be required to comply with all engineering related mitigation measures with one exemption as described in Resolution No. 16-12.

C. PUBLIC FACILITY CONSTRUCTION

1. Streets

- a) The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the Tentative Map and further described below:
 - 1) Wittmeier Drive - Adding a traffic signal at its intersection with Forest Avenue, with related improvements on the Forest Avenue and Talbert Drive approaches.
 - 2) Wittmeier Drive - Widening the street consistent with MM TRANS-5 as follows:
Option 1: Modify the eastbound dual left-turn lanes on Wittmeier Drive to provide a single left-turn lane, thereby providing an extra lane to facilitate westbound turning movements and truck loading and unloading. Based on estimated Plus Project peak-hour left-turn movements from Wittmeier Drive to Forest Avenue, it is not anticipated that dual left-turn lanes are necessary to accommodate turning vehicle queues.
 - 3) Wittmeier Drive - Adding a new driveway to primarily serve the new fuel station.

Exhibit III

Attachment 4

- 4) Wittmeier Drive - Adding a new driveway at the end of the existing cul-de-sac to serve the Walmart store and Parcels 2 and 3 (with a shared cross-access easement between the three proposed parcels).

2. Storm Drainage

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

- 1) Onsite - Relocate the existing twin 48-inch storm drains.
- 2) Access to Manholes - Provide access to manholes in areas being modified via an all-weather surface and have sufficient space for maintenance trucks to turn around. Access shall be available 24 hours per day, 365 days per year.

b) NPDES Requirements

Storm drain drop inlets shall be marked with Illustrative Storm Markers to achieve City of Chico NPDES Requirements.

c) Storm Drainage Analysis

The Subdivider shall submit a storm drain analysis to the Public Works Department - Engineering for review and approval. The analysis, including hydraulic grade lines for both the existing and realigned conditions, must demonstrate that the proposed realigned storm drain easement and storm drain lines will not reduce the capacity of the existing storm drain facility.

- d) The subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Chico Municipal Code, prior to recordation of the Final Map.

3. Sanitary Sewer Fees

The Subdivider shall complete an Application for Sewer Connection.

The Subdivider shall pay a sanitary sewer main fee to the City of Chico prior to recordation of the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits. All of the aforementioned fees will be subject to the terms and conditions of the Application for Sewer Connection.

4. Post Construction Standards

The Project must comply with the City's Post Construction Standard Plan.

5. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct.

6. Street Lights

The Subdivider shall install City standard street lights on steel poles with concrete bases on all streets that they are required herein to construct.

7. Bicycle Facilities

The Subdivider shall construct the following bicycle facility:

- a) A relocated Class I bicycle path in conformance with City standards within the project site as depicted on the Tentative Map. Final alignment of the new relocated bike path shall be subject to review and approval of the Public Works Director - Engineering.

8. Street Trees

Street trees shall be planted in accordance with Public Works Department - Maintenance requirements.

9. Landscaping

The Subdivider shall install landscaping and an irrigation system at the following locations:

- a) Within the westerly one-half of the raised median along the project Forest Avenue frontage.

D. PRIVATE FACILITY CONSTRUCTION

1. Streets

- a) The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the Tentative Map and further described below:
 - 1) Baney Lane - Relocating the easterly (primary) Walmart access driveway approximately 180 feet west of its current location.
 - 2) Baney Lane - Extending left-turn lanes for eastbound traffic on Baney Lane to increase vehicle storage capacity in advance of the Forest Avenue intersection.
 - 3) Baney Lane - Extending the center left-turn lane for westbound traffic on Baney Lane heading into the primary Walmart driveway.

- 4) Baney Lane - Adding raised islands at the primary and central Walmart driveways to prohibit outbound left turns onto Baney Lane (the westerly driveway already has such a raised island).

2. Sanitary Sewer

a) Facility Construction

The Subdivider shall design and install the following City standard sanitary sewer facilities:

- 1) Business Lane - Relocate the 8-inch sanitary sewer coming from Business Lane.
- 2) Access to Manholes - Provide access to manholes in areas being modified via an all-weather surface and have sufficient space for maintenance trucks to turn around. Access shall be available 24 hours per day, 365 days per year.

b) Sanitary Sewer Analysis

The Subdivider shall submit a sanitary sewer analysis to the Public Works Department - Engineering for review and approval. The analysis must demonstrate that the proposed realigned sanitary sewer easement and sanitary sewer line will not reduce the capacity of the existing sanitary sewer facility.

c) Other

- 1) Because the sanitary sewer line is a private facility, the Subdivider shall provide documented evidence that they have the right to re-align the sewer.
- 2) It appears that part of the re-alignment may occur off-site on the Krispy Kreme site should this occur, the Subdivider shall provide documented evidence that they have the right to enter onto that property and re-align the sewer.

3. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct.

E. MAINTENANCE

Prior to filing the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered shall be:

Within the westerly one-half of the raised median along the project Forest Avenue frontage.

The Subdivider shall prepare the necessary documents and provide the required supporting documents. Formation of a maintenance district requires action by the City Council. The district shall be complete and formed prior to recordation of the Final Map.

F. SUBDIVISION GRADING

1. Soils Report

The Subdivider shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:

- a) An investigation of the nature, distribution and strength of existing soils.
- b) A description of site geology.
- c) Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.
- d) Verification that the site is suited to proposed BMPs.

2. Grading Standards

All subdivision grading shall be in conformance with Chapter 16R.22, Grading Standards, of the Chico Municipal Code.

G. PROPERTY CONVEYANCES

1. Dedications

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

- a) Dedicate a 50-foot PG&E Easement as depicted on the Tentative Map.
- b) Dedicate a 15-foot Bicycle Easement as depicted on the Tentative Map.
- c) Dedicate a 52-foot Storm Drain Easement as depicted on the Tentative Map.
- d) Dedicate a 20-foot Sanitary Sewer Easement as depicted on the Tentative Map.
- e) Dedicate a 20-foot Water Easement as depicted on the Tentative Map.
- f) Dedicate a varying width Access Easement as depicted on the Tentative Map.
- g) Dedicate a 10-foot-wide public service easement adjacent to public rights-of-way.

2. Abandonments

The right-of-way and easement abandonments depicted on the Tentative Map are approved. Said abandonments, in accordance with the provisions of the Subdivision Map Act, shall become effective upon Final Map recordation.

- a) Abandon a portion of the 50-foot PG&E Easement as depicted on the Tentative Map.
- b) Abandon a portion of the 15-foot Bicycle Easement as depicted on the Tentative Map.
- c) Abandon a portion of the 52-foot Storm Drain Easement as depicted on the Tentative Map.
- d) Abandon a portion of the 20-foot Sanitary Sewer Easement as depicted on the Tentative Map.
- e) Abandon a portion of the 20-foot Water Easement as depicted on the Tentative Map.

H. OTHER PUBLIC SERVICES

1. Public Utilities

a) Underground Requirements

The issue of undergrounding of utilities will be addressed in the Community Development Department report.

b) Easement Obstructions

All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

c) Utility Company Comments

- 1) AT&T, as of the date of this report, did not respond to a request for comments.
- 2) Pacific Gas and Electric Company has had some communications with the Community Development Department regarding undergrounding the overhead power lines crossing the Walmart site.
- 3) California Water Service Company, as of the date of this report, did not respond to a request for comments.

2. Fire Protection

The Subdivider shall comply with the recommendations of the Fire Department, City of Chico.

I. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public and joint-use private improvements shall be designed in accordance with Chapter 18R.08, Design Criteria, of the Chico Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department - Engineering for review and approval prior to the start of any construction of public and joint-use private improvements.

All public and joint-use private improvements shall be constructed in conformance with Chapter 18R.12, Improvement Standards, of the Chico Municipal Code and in conformance with the details shown on the approved improvement plans.

J. ADMINISTRATIVE REQUIREMENTS

1. Subdivision Improvement Agreement

If the public and joint-use private improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with Chapter 18.36, Subdivision Improvement Requirements, of the Chico Municipal Code.

2. Subdivision Fees

a) Plan Checking Fee

The Subdivider shall pay to the City of Chico a subdivision plan checking fee upon filing the Final Map and/or improvement plans and specifications for checking in the following amount:

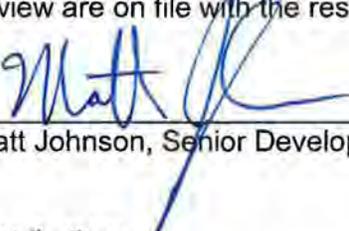
An initial deposit of 1½% of the estimated cost of all public and/or joint use private improvements exclusive of private utility facilities (\$750 minimum). A final fee equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Chico an inspection fee prior to commencing construction in the following amount:

An initial deposit of 2% of estimated cost of all public and/or joint use private improvements exclusive of private utility facilities. A final fee equal to actual City costs.

Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Community Development Department.



Matt Johnson, Senior Development Engineer

Distribution:
Original - Planning PM 15-02 File
Development Engineering Parcel Map File

NO.	DESCRIPTION	DATE



PROJECT NO. 2044-09
 DRAWN BY: RSC/EG
 CHECKED BY: RSC/EG
 DESIGNED BY: RSC/EG

PRELIMINARY SITE PLAN
WALMART STORE NO. 2044-09
EXPANSION
 2044 FOREST AVENUE
 CHICO, CA 95928

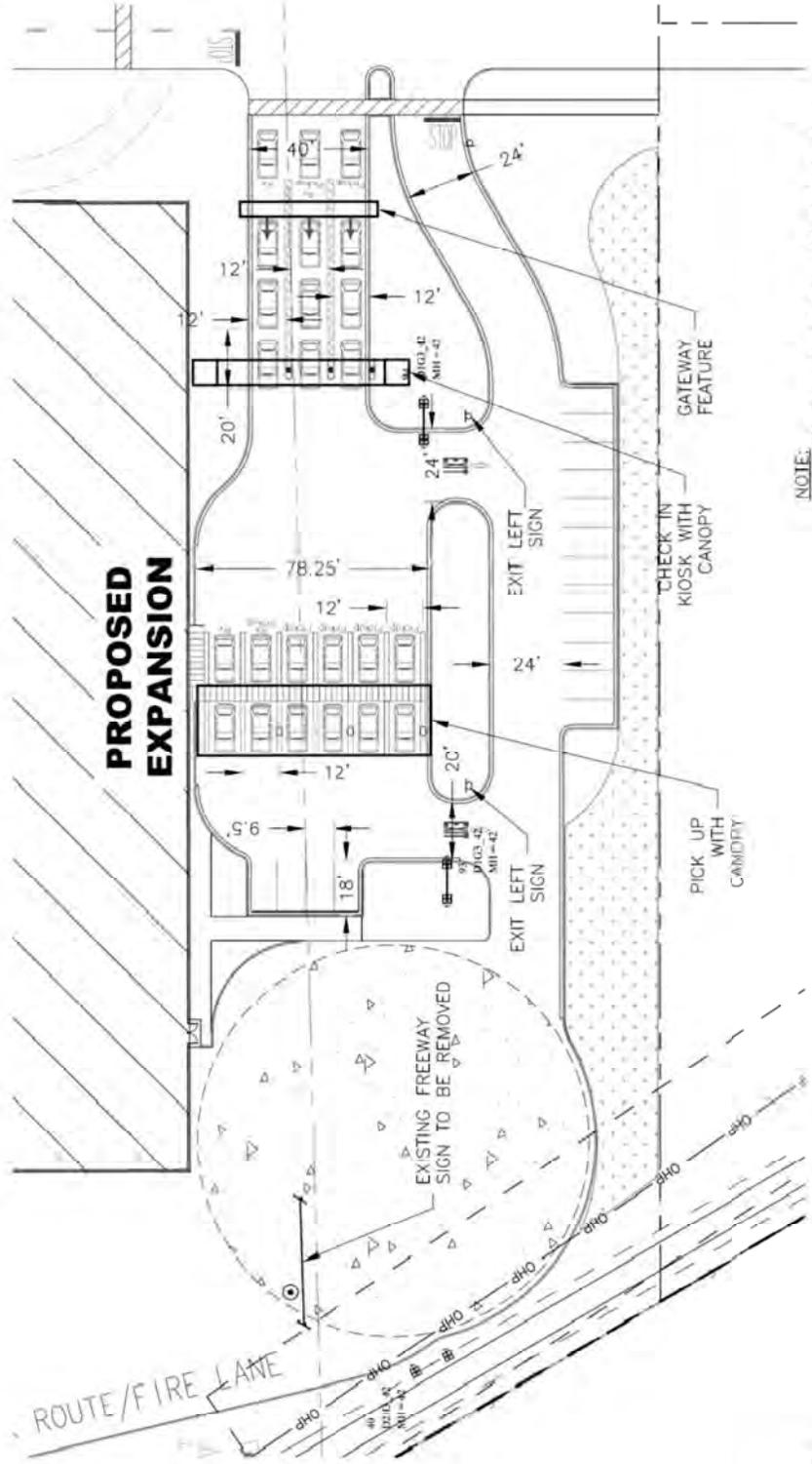
SHEET TITLE
SITE PLAN

Exhibit IV
 DATE: OCTOBER 8, 2015



Plat to Accompany Use Permit 15-10
Page 1 of 2

RECEIVED
Oct 09, 2015
City of Chico
Planning Services



NOTE:
 SEE PICK-UP DRIVE THRU ELEVATION FOR
 DETAILS OF GATEWAY FEATURE AND PICK UP
 KIOSK WITH CANOPY.



RSC ENGINEERING
 2250 Douglas Blvd, Suite 150
 Roseville, CA 95681
 Ph: 916.788.2884 Fax: 916.789.4408

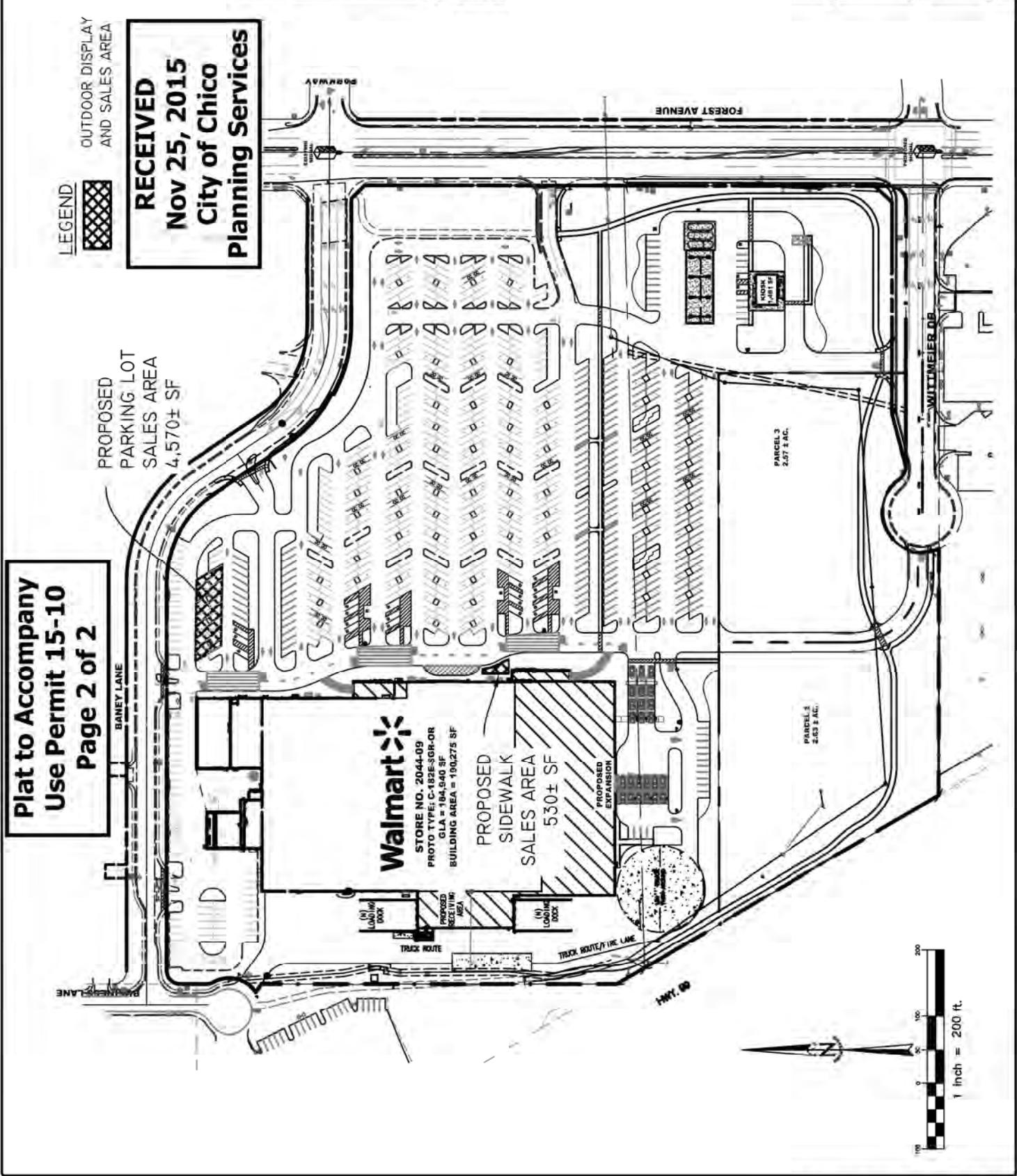
PROJECT NO: 027-046
 DRAWN BY: RSC Eng
 CHECKED BY: RSC Eng
 DESIGNED BY: RSC Eng

OUTDOOR DISPLAY AND SALES EXHIBIT
2044-09 CHICO EXPANSION
 2044 FOREST AVENUE
 CHICO, CA 95928

SHEET TITLE
OUTDOOR SALES

Exhibit
IV

DATE: OCTOBER 14, 2015

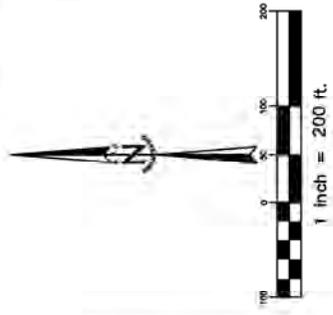


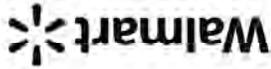
Plat to Accompany Use Permit 15-10
Page 2 of 2

RECEIVED
Nov 25, 2015
City of Chico
Planning Services

LEGEND

OUTDOOR DISPLAY AND SALES AREA





RSC ENGINEERING
 2250 Douglas Blvd, Suite 150
 Roseville, CA 95661
 Ph: 916.788.2884 Fax: 916.788.4408

PROJECT NO: 027-046
 DRAWN BY: RSC Eng
 CHECKED BY: RSC Eng
 DESIGNED BY: RSC Eng

FUEL STATION SITE PLAN
 FOR STORE NO. 2044-09
 2044 FOREST AVENUE
 CHICO, CA

SHEET TITLE
**FUEL STATION
 SITE PLAN**

SHEET NO.
SP1
 OF 2

DATE: SEPTEMBER 1, 2015



VICINITY MAP



RECEIVED
 Sep 14, 2015
 City of Chico
 Planning Services

**Plat to Accompany
 Use Permit 15-12
 Page 1 of 2**

A.P. NO: 002-170-004
 APPLICANT: RSC ENGINEERING
 PARCEL 1 AREA: 21.88 AC
 SCALE: 1"=50'
 DATE: SEPTEMBER 1, 2015

FOREST AVENUE

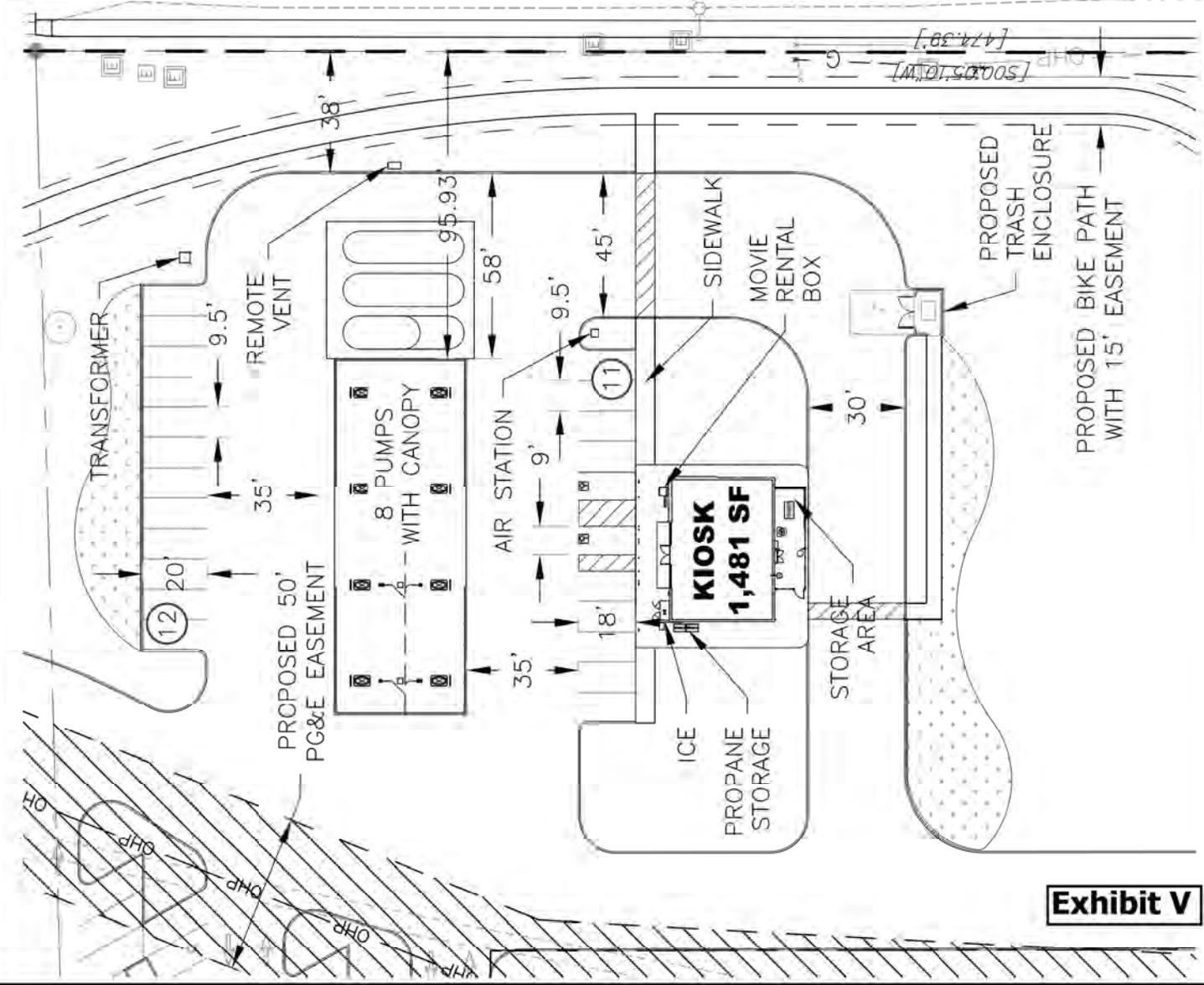


Exhibit V



PROJECT NO: 027-046
 DRAWN BY: RSC Eng
 CHECKED BY: RSC Eng
 DESIGNED BY: RSC Eng

2044 FOREST AVENUE
 CHICO, CA
 FUEL STATION SITE PLAN
 FOR STORE NO. 2044-09

SHEET TITLE
**FUEL STATION
 SITE PLAN**

SHEET NO.
SP2
 OF 2

DATE: SEPTEMBER 1, 2015

LEGEND:

- BOUNDARY LINE
- - - RIGHT OF WAY LINE
- ⊕ PARKING COUNT
- OHP
- ==== RELOCATED OVERHEAD POWER LINES
- ==== PROPOSED CURB

CITY OF CHICO, CA
 CR REGIONAL COMMERCIAL
 RC REGIONAL COMMERCIAL
 0' FRONT, REAR AND SIDE

SITE PARKING ANALYSIS

FUEL STATION KIOSK:
 (4 BAYS/8 PUMPS) 1,481 SF

FUEL STATION PARKING
 STANDARD PARKING 21 SPACES
 ACCESSIBLE PARKING 2 SPACES (INC. 1 VAN)
 TOTAL 23 SPACES

FUEL STATION PARKING RATIO: 15.53/1,000 SF

CITY OF CHICO REQUIREMENTS

FUEL STATION 4.0/1,000 6 SPACES
 TOTAL 6 SPACES

**TYPICAL PARKING STALL IS 9.5' X 20'

PROPOSED PARCEL 1

WALMART PARCEL: 21.88 AC

NOTE: PROPOSED FUEL STATION IS A PORTION OF PARCEL 1

PROPOSED PARCEL 1 SITE COVERAGE

BUILDING: 5.03 AC 22.7%
 HARDSCAPE: 12.97 AC 58.9%
 LANDSCAPE: 3.89 AC 18.4%
 TOTAL: 21.88 AC 100%

RECEIVED
 Sep 14, 2015
 City of Chico
 Planning Services

**Plat to Accompany
 Use Permit 15-12
 Page 1 of 2**

A.P. NO: 002-170-004
 APPLICANT: RSC ENGINEERING
 PARCEL 1 AREA: 21.88 AC
 SCALE: N/A
 DATE: SEPTEMBER 1, 2015

1 Final EIR in accordance with CEQA, including City responses to all comments submitted during
2 the Draft EIR public review period, and to fully address all potential effects of implementation of
3 the Project; and

4 WHEREAS, the Final EIR was forwarded to all commenting agencies on or about
5 September 9, 2016, which was not less than ten (10) days prior to the date established for a
6 Planning Commission hearing to consider the proposed Project; and

7 WHEREAS, the Planning Commission of the City of Chico held a duly noticed public
8 hearing to consider the Project.

9 NOW THEREFORE, BE IT RESOLVED by the City of Chico Planning Commission as
10 follows:

11 1. The Planning Commission makes the following findings based upon the entire record
12 before it, including but not limited to the Draft EIR, all documents incorporated by reference
13 therein, all comments received and responses provided, the Findings of Fact and Statement of
14 Overriding Considerations (as provided in Exhibit I to Resolution No. 16-12), the Mitigation
15 Monitoring and Reporting Program (as provided in Exhibit II to Resolution No. 16-12), and all
16 other evidence in the record of these proceedings:

17 A. The recitals set forth above are true and correct.

18 B. The NOP and Draft EIR were duly prepared, noticed, and properly circulated in accordance
19 with the provisions of CEQA.

20 C. All comments received during the period of public review have been duly considered and
21 incorporated into the Final EIR, and when necessary, replied to, all in accordance with
22 CEQA.

23 D. The City provided written responses to all public agency comments received on the Draft
24 EIR at least ten (10) days before certification of the Final EIR, pursuant to the provisions
25 of CEQA.

26 E. A good faith effort has been made to identify potentially feasible mitigation measures and
27 alternatives to the extent necessary to avoid or substantially lessen the significant adverse
28 effects of the project, and such mitigation measures and alternatives were considered in the

1 review process in accordance with the provisions of CEQA.

2 F. The EIR for the proposed Project has been properly completed and has identified all
3 significant environmental effects of the proposed Project, and there are no known potential
4 significant environmental effects that are not addressed in the EIR.

5 G. A good faith effort has been made to seek out and incorporate all points of view in the
6 preparation of the Draft EIR and the Final EIR.

7 H. The Planning Commission has reviewed and considered the information in the EIR.

8 I. The EIR for the Project reflects the City's independent judgment and analysis.

9 2. Certification of the EIR.

10 Having independently considered the EIR, the Planning Commission hereby certifies that
11 the EIR has been prepared, circulated for agency and public review, and completed in
12 compliance with the requirements of CEQA and fully and adequately discloses and addresses
13 all environmental issues known to be associated with the Project.

14 3. The Planning Commission hereby specifies that the materials and documents which
15 constitute the record of proceedings upon which its decision is based are located at and under
16 the custody of the City of Chico Community Development Department.

17 THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission of the
18 City of Chico at its meeting held on October 6, 2016, by the following vote:

19 AYES: Arregui, Bennett, Evans, Rensink, Scott.

20 NOES: Howlett, Worley.

21 ABSENT: None.

22 ABSTAINED: None.

23 DISQUALIFIED: None.

24 ATTEST:

APPROVED AS TO FORM:

25 
26 Mark Wolfe
27 Planning Commission Secretary


Vincent C. Ewing
City Attorney*

28 *Pursuant to The Charter of the City of Chico, Section 906(E)

1 Project, CEQA requires the City to adopt a Statement of Overriding Considerations in the event
2 the Planning Commission approves the Project; and

3 WHEREAS, the City is required by Public Resources Code section 21081.6 (a) to adopt a
4 mitigation monitoring and reporting program to ensure that the mitigation measures adopted by
5 the City are actually carried out; and

6 WHEREAS, a Mitigation Monitoring and Reporting Program for the Project has been
7 prepared.

8 NOW, THEREFORE, BE IT RESOLVED by the City of Chico Planning Commission as
9 follows:

- 10 1. The Commission adopts the CEQA Findings of Fact attached at Exhibit I to this resolution,
11 as required by Public Resources Code section 21081, subdivision (a);
- 12 2. The Commission adopts the Statement of Overriding Considerations, included within
13 Exhibit I to this resolution, as required by Public Resources Code section 21081,
14 subdivision (b);
- 15 3. The Commission adopts the Mitigation Monitoring and Reporting Program attached as
16 Exhibit II to this resolution, as required by Public Resources Code section 21081.6,
17 subdivision (a).

18 THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission of the
19 City of Chico at its meeting held on October 6, 2016, by the following vote:

20 AYES: Arregui, Bennett, Evans, Rensink, Scott.

21 NOES: Howlett, Worley.

22 ABSENT: None.

23 ABSTAINED: None.

24 DISQUALIFIED: None.

25 ATTEST:

26 
27 Mark Wolfe
28 Planning Commission Secretary

APPROVED AS TO FORM:


Vincent C. Ewing
City Attorney*

*Pursuant to The Charter of the City of Chico, Section 906(E)

**CEQA FINDINGS OF FACT
and
STATEMENT OF OVERRIDING
CONSIDERATIONS**

**I.
INTRODUCTION**

These findings, as well as the accompanying statement of overriding considerations have been prepared in accordance with the California Environmental Quality Act (“CEQA”) the CEQA Guidelines (14 CCR § 15000 et seq.), and the local procedures adopted by the City of Chico (“City”). The City is the lead agency for the environmental review of the project and has the principal responsibility for its approval. The project covered by these findings and the relevant CEQA documents is known as the Chico Walmart Expansion Project (“Project”).

**II.
STATEMENT OF FINDINGS.**

The findings and determinations contained herein are based on the competent and substantial evidence, both verbal and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the Planning Commission hereby incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited herein, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Planning Commission’s approval of mitigation measures recommended in the EIR, and the reasoning set forth in responses to comments in the Final EIR. The Planning Commission further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this Planning Commission with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

**III.
DEFINITIONS AND ACRONYMS**

“BCAQMD” means Butte County Air Quality Management District

“CDFW” means California Department of Fish and Wildlife

“CEQA” means California Environmental Quality Act.

“City” means City of Chico.

“Commission” or “Planning Commission” means the Planning Commission of the City of Chico.

“Council” or “City Council” means the City Council of the City of Chico.

“DEIR” or “Draft EIR” means the Draft Environmental Impact Report for the Chico Walmart Expansion Project, dated June 17, 2016.

“EIR” means Environmental Impact Report, including both the DEIR and FEIR.
“FEIR” or “Final EIR” means the Final Environmental Impact Report for the Chico Walmart Expansion Project, dated September 9, 2016.
“LOS” means level of service.
“MM” means mitigation measure.
“MMRP” means Mitigation Monitoring and Reporting Program.
“NO_x” means nitrogen oxide.
“NOP” means Notice of Preparation.
“NOP/IS” means Notice of Preparation and Initial Study.
“PM₁₀” means particulate matter equal to or less than 10 microns in diameter.
“ROG” means reactive organic gases.
“RWQCB” means Regional Water Quality Control Board
“SCH” means State Clearinghouse.
“USACE” means U.S. Army Corps of Engineers
“VOC” means Volatile Organic Compounds

IV. **PROJECT DESCRIPTION**

A. PROJECT DESCRIPTION

The City is evaluating the environmental effects of (1) expanding the existing Walmart store located at 2044 Forest Avenue by up to 66,500 square feet; (2) developing an eight-pump fuel station (16 vehicle fueling positions) with a 1,500-square-foot convenience market; and (3) create two outlot parcels that would have a combined development potential of 52,000 square feet of commercial uses. Following the subdivision, the Walmart/fuel station/parking lot parcel (Parcel 1) would total 21.88 acres, Parcel 2 would be 2.63 acres, and Parcel 3 would be 2.57 acres.

Following expansion, the Walmart would be approximately 195,688 square feet. All new square footage would be for indoor uses; no changes to outdoor garden center square footage or outdoor display/sales areas are proposed. The expanded store would provide 55,729 square feet for grocery sales and grocery stockroom area. The remaining square footage would be used for general merchandise sales and storage. In addition to the store expansion, the following uses are anticipated as part of the proposed project:

- Expanded grocery sales;
- Pharmacy/merchandise drive-through;
- Fueling station; Other retail and service tenants; and
- Permanent outdoor display and sales area

New landscaping, parking and updated signage will also be included as part of the Project. End uses for Parcels 2 and 3 have not yet been identified. Based on the allowable uses of the “CR—Regional Commercial” zoning district, it was assumed for purposes of the EIR that these parcels can support retail or restaurant uses at approximately 10,000 square feet per acre. This would yield a building of approximately 26,300 square feet on Parcel 2 and a building of approximately 25,700 square feet on Parcel 3. Future development proposals on these parcels may require additional environmental review depending on the nature of the approvals required.

Discretionary approvals for the Project include approval of a Tentative Parcel Map, Use Permit, Planned Development Permit, and Site Design and Architectural Review. Draft EIR Section 2, Project Description provides a complete description of the Project.

B. PROJECT OBJECTIVES.

The objectives of the proposed Project are to:

1. Positively contribute to the local economy through new capital investment, creation of new employment opportunities, expansion of the tax base, and increased retail offerings.
2. Reinforce Chico's status as a regional retail node by increasing commercial retail and service offerings within an established regional and highway-oriented commercial area.
3. Expand an existing regional-serving retail use close to SR-99 in order to better serve the retail demands of the Market Area, while also minimizing the need for infrastructure improvements.
4. Promote economic growth in accordance with the goals and policies set forth in the City of Chico General Plan.
5. Facilitate the development of undeveloped and underutilized land on an infill site zoned for commercial use in the Chico city limits.
6. Develop complementary fuel station, retail, and restaurant uses that are compatible with surrounding land uses and which provide consumers with additional convenient and competitive options.
7. Design a site plan to minimize overall access and circulation conflicts, such as facilitation of the circulation between the store, service station and future development on the adjacent parcel.
8. Enhance bicycle and pedestrian circulation by relocating the existing Class I bicycle/pedestrian path around the perimeter of the site in order to minimize conflicts with motor vehicles.
9. Improve the overall visual appearance of the area by removing two outdated and unsightly billboards and developing new commercial uses that employ high-quality contemporary architecture and landscaping.

C. PROJECT APPROVALS.

In order to implement the Project, the Project proponent will need the following approvals from the City:

- Tentative Parcel Map
- Use Permit (for drive-in/drive-through sales and gas station)
- Planned Development Permit
- Site Design and Architectural Review
- Final Map Approval or Recordation
- Building and grading permits

V.
ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the City issued a Notice of Preparation (NOP) of an EIR on October 6, 2015 (SCH# 2015102017). This notice was circulated to the public, local, State, and Federal agencies, and other interested parties to solicit comments on the proposed Project.

Pursuant to CEQA Guidelines Section 15082(c)(1), the City of Chico held a public scoping meeting for the proposed Project on Thursday, October 15, 2015 in the Chico City Council Chambers, 421 Main Street, Chico, CA 95927. The meeting was duly noticed in the NOP that was posted on the City's website and directly mailed to public agencies and private parties, as well as in a public notice printed in the Chico Enterprise-Record. Approximately 20 persons attended the meeting and six persons provided oral testimony.

The EIR includes an analysis of the following issue areas:

- Aesthetics, Light and Glare
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services and Utilities
- Transportation
- Urban Decay

The Draft EIR determined that the Project would have no impact on Agriculture and Forest Resources, Mineral Resources, Population and Housing or Recreation. Therefore, impacts to these areas were not further studied in the EIR.

The City published the DEIR for public and agency review. The public review period was 45 days, beginning June 17, 2016, and ending on August 1, 2016. The City received a number of comment letters from agencies and the public regarding the DEIR. In September 2016, the City published a Final EIR for the Project.

VI.
RECORD OF PROCEEDINGS

The record of proceedings for the decision on the Project consists of the following documents, at a minimum:

- The Notice of Preparation dated October 6, 2015, and all other public notices issued by the City in conjunction with the Project;
- Oral testimony received at the October 15, 2015 public scoping meeting;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- Comments received on the Notice of Preparation issued by the City;
- The DEIR and all appendices to the DEIR for the Project;
- Notices of Completion and of Availability, providing notice that the DEIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the comment period on the DEIR;
- All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the DEIR;
- The Final EIR for the Project dated September 2016, including all documents referred to or relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following:
 - All timely comments received on the DEIR and responses to those comments;
 - All Technical appendices to the EIR;
 - Letters and correspondence submitted to the City following the release of the FEIR;
 - The Mitigation Monitoring and Reporting Program for the Project;
- The Notices of Public Hearing issued in connection with Planning Commission hearings on the Project.
- All findings and resolutions adopted by the City in connection with the Project approvals, and all documents cited or referred to therein;
- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with

respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the DEIR or FEIR;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing.
- Any documentary or other evidence submitted to the City at any other information sessions, public meeting or public hearing;
- The relevant files of the City of Chico Planning Services Department for the Project;
- The relevant City files and the materials submitted by the Project applicant;
- The City of Chico General Plan and Chico Municipal Code;
- Matters of common knowledge to the City including, but not limited to Federal, State, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the record is the Planning Services Director of the City of Chico, located at 411 Main Street, Chico, CA 95928.

VII. **FINDINGS REQUIRED UNDER CEQA**

Public Resources Code section 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[.]” The same statute states that 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.” Section 21002 goes on to state that “in the event [that] 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 announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges 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.” (CEQA Guidelines, § 15091, subd. (a)(1)).

The second permissible finding is that “[s]uch 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.” (CEQA Guidelines, § 15091, subd. (a)(2))

The third potential conclusion is that “[s]pecific 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.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.”

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy 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.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, will specify whether the effect in question has been reduced to a less than significant level, or has been substantially lessened but remains significant. Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the FEIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a)) With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its

“unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

VIII. **MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and is being approved by the Planning Commission by the same resolution that adopts these findings. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is a separate document from the EIR.

IX. **FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES**

The DEIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project may cause. Some of these significant impacts can be reduced to a level of less than significant through the adoption of feasible mitigation measures. Others cannot be reduced to a less than significant level and will be significant and unavoidable. For the reasons set forth in Section XI, *infra*, however, the City has determined that overriding economic, social or other considerations outweigh the significant, unavoidable effects of the Project.

The City finds that all impacts related to Aesthetics, Light and Glare, Hazards and Hazardous Materials, Land Use, Public Services and Utilities and Urban Decay were all determined to be less than significant without the need for mitigation.

The City’s findings with respect to Project impacts requiring mitigation within the following topical areas are made below. With the exception of these identified impacts, the City finds that other impacts within these topical areas do not require mitigation and are less than significant. Likewise, unless otherwise specifically identified below, all cumulative impacts within these impact areas were determined to be less than significant.

A. Air Quality/Greenhouse Gas Emissions

- 1. Impact AIR-1:** The DEIR found that the Project could potentially conflict with or obstruct implementation of the applicable air quality plan. The Butte County portion of the Sacramento Air Basin is currently designated non-attainment for the state and federal ozone and PM_{2.5} standards and the PM₁₀ state standards. The current applicable air quality plan for the BCAQMD is the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Plan (**DEIR at 3.2-21 to 3.2-23**).

The DEIR found that compliance with Butte County Air Quality Management District Rules 205, 230 and 231, along with best management practices to minimize fugitive dust and diesel emissions, would reduce impacts to less than significant. These requirements are contained in Mitigation Measure AIR-1.

- a. Finding Regarding Impact AIR-1 and Mitigation Measure AIR-1:** The incorporation of Mitigation Measure AIR-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

- 2. Impact AIR-2:** The DEIR found that the Project could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation; specifically, with regard to the Project's anticipated construction and operational emissions of ROG and NO_x. Mitigation Measure AIR-2a has been provided, that requires the applicant to use low VOC paint for the interior of all proposed structures, and Mitigation Measure AIR-2b has been provided that requires the applicant to utilize off-road diesel equipment that meets the Tier 3 emission standards for all off-road equipment that is greater than 50 horsepower. Mitigation Measures AIR-2c through AIR-2j have been provided to reduce operational ROG and NO_x emissions (such as through preparation of a Transportation Demand Management Program), and Mitigation Measure AIR-2k would require the Project applicant to participate in an Off-site Mitigation Program in order to reduce ROG and NO_x operational emissions to less than significant levels, consistent with the BCAQMD's CEQA Handbook and current practices. As a result, the DEIR found that incorporation of Mitigation Measures AIR-2a through AIR-2k would reduce these impacts to less than significant. **(DEIR at 3.2-23 to 3.2-39).**
 - a. Finding Regarding Impact AIR-2 and Mitigation Measures AIR-2a through AIR-2k:** The incorporation of Mitigation Measures AIR-2a through AIR-2k into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

- 3. Impact AIR-3:** The DEIR found that the Project may result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in nonattainment under an applicable federal or state ambient air quality standard; specifically, due to the Project's PM_{2.5} and PM₁₀ emissions. However, the DEIR found that incorporation of Mitigation Measures AIR-2a through AIR-2k (discussed above) would reduce these impacts to less than significant. **(DEIR at 3.2-40).**

- a. Finding Regarding Impact AIR-3 and Mitigation Measures AIR-2a through AIR-2k:** The incorporation of Mitigation Measures AIR-2a through AIR-2k into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 4. Impact AIR-6:** The DEIR concluded that the Project would generate direct and indirect greenhouse gas emissions; but that after implementation of Mitigation Measures AIR-2c through AIR-2j, the Project would be within the Climate Action Plan's target of a 44.5 percent reduction in greenhouse gas emissions over BAU by 2020, and impacts would be less than significant. **(DEIR at 3.2-52 to 3.2-57).**

 - a. Finding Regarding Impact AIR-6 and Mitigation Measures AIR-2c through AIR-2j:** The incorporation of Mitigation Measures AIR-2a through AIR-2j into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 5. Impact AIR-7:** The DEIR found that the Project could potentially conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases, but that implementation of Mitigation Measures AIR-2a through AIR-2k would ensure compliance with the City of Chico 2020 Climate Action Plan and reduce operational greenhouse gas and criteria pollutant emissions to less than significant levels, consistent with the BCAQM CEQA Handbook and City's Climate Action Plan **(DEIR at 3.2-57 to 3.2-60).**

 - a. Finding Regarding Impact AIR-7 and Mitigation Measures AIR-2a through AIR-2k:** The incorporation of Mitigation Measures AIR-2a through AIR-2k into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

B. Biological Resources

1. **Impact BIO-1:** The DEIR found that the Project could potentially adversely impact special-status plant species, due to the presence of non-native annual grassland which provides habitat for a number of such species. Mitigation Measure BIO-1 will require the preparation of focused botanical surveys prior to the issuance of any grading or construction permits. If any species are identified, avoidance strategies will be implemented, but if avoidance is not possible then mitigation will take place in consultation with the California Department of Fish and Wildlife (CDFW). CDFW would need to approve the mitigation plan prior to transplantation and commencement of construction activities. The DEIR found that incorporation of Mitigation Measure BIO-1 would reduce these impacts to less than significant. **(DEIR at 3.3-24 to 3.3-26).**
 - a. **Finding Regarding Impact BIO-1 and Mitigation Measure BIO-1:** The incorporation of Mitigation Measure BIO-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
2. **Impact BIO-2:** The DEIR found that the Project could potentially impact special-status wildlife species including the western spadefoot, burrowing owl, Swainson's hawk, bats, migratory birds, and vernal pool shrimp species. Mitigation Measures BIO-2a to BIO-2d require the preparation of protocol-level surveys and preconstruction surveys by a qualified biologist, as well as avoidance and relocation procedures if special-status species are found, in coordination with CDFW. Mitigation Measure BIO-2e requires monitoring by a qualified biologist for any activities that may impact seasonal wetland. **(DEIR at 3.3-26 to 3.3-35).** These DEIR found that incorporation of Mitigation Measures BIO-2a to BIO-2e would reduce impacts to special status wildlife species to less than significant.
 - a. **Finding Regarding Impact BIO-2 and Mitigation Measures BIO-2a to BIO-2e:** The incorporation of Mitigation Measures BIO-2a to BIO-2e into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
3. **Impact BIO-3:** The DEIR found that the Project could potentially impact 0.02 acres of depressional seasonal wetland. No direct impacts to the wetland are proposed, and indirect impacts would be avoided during certain phases of the Project pursuant to Mitigation Measure BIO-2e. Two Project features are proposed within 50 feet of the seasonal wetland: one of the poles associated with the relocated high-voltage overhead power lines, and the relocated Class I bicycle/ pedestrian path. Mitigation Measure BIO-3 is provided, which requires relocating the power line pole and bike

path a minimum of 50 feet from the wetland such that the indirect impact measures of Mitigation Measure BIO-2e can be implemented. With these changes to the Project, no direct or indirect impacts to the seasonal wetland would occur during construction of all Project features currently proposed for construction. For any future Project phases that necessitate work within 50 feet of the seasonal wetland, such as development of Parcel 2 or other Project feature, the developer shall implement Mitigation Measure BIO-4, which requires the applicant to obtain the requisite approvals from USACE and RWQCB. The DEIR found the implementation of Mitigation Measures BIO-2e, BIO-3, and BIO-4 would reduce this potential impact to a level of less than significant. (DEIR at 3.3-35 to 3.3-36).

a. Finding Regarding Impact BIO-3 and Mitigation Measures BIO-2e BIO-3 and BIO-4: The incorporation of Mitigation Measures BIO-2e, BIO-3 and BIO-4 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

4. Impact BIO-4: The DEIR found that the Project may potentially impact 0.02 acres of federally-protected wetlands. No development is proposed that would directly impact the wetland. Mitigation Measures BIO-2e and BIO-3 would require relocating all known Project features at least 50 feet away from the wetland such that indirect impact avoidance measures can be implemented during construction. However, the future development plans for Parcel 2 are not known at this time and could result in direct and/or indirect impacts to the wetland. If construction is necessary within 50 feet of the wetland, then there is potential for direct or indirect impacts to the federally protected depression seasonal wetland, Mitigation Measure BIO-4 requires the Project applicant to obtain a Section 404 Clean Water Act Permit from the USACE and a Section 401 Water Quality Certification from the RWQCB prior to the issuance of any construction, grading, or demolition permits that entail work within 50 feet of the wetland. If the USACE or RWQCB determine that no permit from their agency is required for a particular phase of the Project, then Mitigation Measure BIO-4 provides that letters to that effect from each agency would satisfy the mitigation for the Project phase in question. Regarding any direct impacts to the wetland, the mitigation requires that any Waters of the U.S. or jurisdictional wetlands that would be lost or disturbed shall be replaced or rehabilitated on a "no-net loss" basis in accordance with the USACE mitigation guidelines or permit conditions. The DEIR found the implementation of Mitigation Measure BIO-4 would reduce impacts to a level of less than significant. (DEIR at 3.3-36 to 3.3-37).

a. Finding Regarding Impact BIO-4 and Mitigation Measure BIO-4: The incorporation of Mitigation Measure BIO-4 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been

required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

C. Cultural Resources

1. **Impact CUL-1:** The Cultural Resources Assessment indicated that there were no records of historic resources or evidence of such resources in the Project area. Nonetheless, there is always the possibility that previously unknown historic resources exist below the ground surface within the Project site. The DEIR found that subsurface construction activities associated with the proposed Project may damage or destroy previously undiscovered historic resources. The DEIR found the implementation of standard cultural resources construction mitigation as required under Mitigation Measure CUL-1 would reduce this impact to less than significant. **(DEIR at 3.4-9).**
 - a. **Finding Regarding Impact CUL-1 and Mitigation Measure CUL-1:** The incorporation of Mitigation Measure CUL-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. **Impact CUL-2:** The Cultural Resources Assessment indicated that there were no records of archaeological resources or evidence of such resources in the Project area. Nonetheless, there is always the possibility that previously unknown archaeological resources exist below the ground surface within the Project site. The DEIR found that subsurface construction activities associated with the proposed Project may damage or destroy previously undiscovered archaeological resources. However, the DEIR found the implementation of standard cultural resources construction mitigation as required under Mitigation Measure CUL-1 would reduce this impact to less than significant. **(DEIR at 3.4-10).**
 - a. **Finding Regarding Impact CUL-2 and Mitigation Measure CUL-1:** The incorporation of Mitigation Measure CUL-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

3. **Impact CUL-3:** The Cultural Resources Assessment indicated that the northwest corner of the Project area may extend onto the Modesto Formation, which is a potentially fossiliferous unit that may be impacted by Project-related excavations. However, this portion of the Project area is built with the existing Walmart store and infrastructure, and, thus, the upper soil layers were previously disturbed by grading and earthwork activities. The Cultural Resources Assessment concluded that it is highly unlikely that any significant paleontological resources would be encountered. However, if significant paleontological resources are discovered, the

DEIR found the implementation of Mitigation Measure CUL-3 will reduce impacts to a level of less than significant. (DEIR at 3.4-10 to 3.4-11).

- a. Finding Regarding Impact CUL-3 and Mitigation Measure CUL-3:** The incorporation of Mitigation Measure CUL-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 4. Impact CUL-4:** The Cultural Resources Assessment indicated that there were no records of Native American burial sites or evidence that human remains are known to exist within the Project area. However, there is always the possibility that subsurface construction activities associated with the Project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. However, if human remains are discovered, the DEIR found the implementation of Mitigation Measure CUL-4 would reduce impacts to a level of less than significant, through contact with the Butte County Coroner and the Native American Heritage Commission, as well as compliance with State law. (DEIR at 3.4-11 to 3.4-12).
 - a. Finding Regarding Impact CUL-4 and Mitigation Measure CUL-4:** The incorporation of Mitigation Measure CUL-4 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

D. Geology, Soils and Seismicity

- 1. Impact GEO-2:** The Project would involve grading, building construction, and paving activities that could result in erosion and sedimentation. Left unabated, the accumulation of sediment in downstream waterways could result in the blockage of flows, potentially causing increased localized ponding or flooding. However, the Project will be subject to existing city regulations requiring implementation of stormwater quality control measures during construction activities. These pollution prevention practices include erosion control measures such as sediment traps and vegetating disturbed areas, which would prevent soil and sediment from entering downstream waterways. The DEIR found the incorporation of Mitigation Measure HYD-1a would reduce impacts to less than significant. (DEIR at 3.5-8).
 - a. Finding Regarding Impact GEO-2 and Mitigation Measure HYD-1:** The incorporation of Mitigation Measure HYD-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into

the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

E. Hydrology and Water Quality

- 1. Impact HYD-1:** The DEIR found that construction and operational activities associated with the Project have the potential to degrade water quality in downstream water bodies. Mitigation Measure HYD-1a is proposed, which would require the Project applicant to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The implementation of this mitigation measure would ensure that potential, short-term, construction water quality impacts are reduced to a level of less than significant. The City will also require the Project applicant to prepare a Stormwater Mitigation Plan (SWMP) for review and approval that identifies BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP would include design concepts that are intended to accomplish a "first flush" objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. To ensure that stormwater quality measures are implemented, Mitigation Measure HYD-1b is proposed, which would require the Project applicant to prepare and submit a SWMP to the City of Chico for review and approval. The implementation of this mitigation measure would ensure that potential, long-term, operational water quality impacts are reduced to a level of less than significant. **(DEIR at 3.7-8 to 3.7-11).**
 - a. Finding Regarding Impact HYD-1 and Mitigation Measures HYD-1a and HYD-1b:** The incorporation of Mitigation Measure HYD-1a and HYD-1b into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

F. Noise

- 1. Impact NOI-1:** The DEIR found that the Project could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance during construction activities. Mitigation Measure NOI-1 would require noise attenuation measures such as limitations on construction hours, equipment specifications and temporary noise barriers. The DEIR found the implementation of Mitigation Measure NOI-1 would reduce impacts to less than significant. **(DEIR at 3.9-28 to 3.9-36).**
 - a. Finding Regarding Impact NOI-1 and Mitigation Measure NOI-1:** The incorporation of Mitigation Measure NOI-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have

been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. **Impact NOI-4:** The DEIR found that the Project would result in temporary increases in noise levels above ambient noise levels, due to the transport of workers and movement of construction materials to and from the Project site, or from the noise generated on-site during site preparation, grading, building construction, paving, and painting activities. The DEIR found that compliance with the City's permissible time periods for construction activities, as well as implementing the best management noise reduction techniques and practices outlined in Mitigation Measure NOI-1, would ensure that potential short-term construction noise impacts on sensitive receptors in the Project vicinity would be reduced to less than significant. **(DEIR at 3.9-47 to 3.9-48).**
 - a. **Finding Regarding Impact NOI-4 and Mitigation Measure NOI-1:** The incorporation of Mitigation Measure NOI-1 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

G. Transportation

1. **Impact TRANS-3:** The DEIR concluded that the intersection of E. 20th St./Forest Avenue would be degraded from an acceptable LOS E under Cumulative No Project conditions to an unacceptable LOS F under Cumulative Plus Project conditions. The City is currently contemplating modifying plans to include roundabouts instead of roadway widening along E. 20th Street, however, the roundabout alternative has not been formally incorporated into the City's Capital Improvement Program. Mitigation Measure TRANS-3b requires the Project applicant to pay fair-share costs of off-site circulation improvements at E. 20th Street/Forest Avenue. Under either improvement option (restriping or roundabout), the intersection would operate at acceptable levels after mitigation. Therefore, the residual significance of this impact would be less than significant. To mitigate the impact, the applicant shall provide the City of Chico with the requisite funds for improving the intersection of E 20th Street/Forest Avenue. The improvements shall consist of: a) restriping the northbound approach (Forest Avenue) to provide a left-turn lane, a shared left-turn/ through lane, a through lane, and a right-turn lane, and b) modifying the signal operation to provide split phasing on the northbound and southbound approaches. The City of Chico shall implement the improvements when monitoring determines that the intersection operation is approaching unacceptable levels. This improvement is reflected in Mitigation Measure TRANS-3a. **(DEIR at 3.11-57 to 3.11-65).**
 - a. **Finding Regarding Impact TRANS-3 and Mitigation Measures TRANS-3a and TRANS-3b:** The incorporation of Mitigation Measures TRANS-3a and TRANS-3b into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the

Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. **Impact TRANS-4:** The DEIR found that the Project would conflict with the applicable Congestion Management Program. Operations on southbound SR-99 north of E. 20th Street are projected to degrade from an acceptable LOS E under Cumulative No Project conditions to an unacceptable LOS F under Cumulative Plus Project conditions during the PM peak hour. The proposed Project would pay all adopted transportation fees (as required by Mitigation Measure TRANS-3b), but the impact would remain potentially significant and unavoidable because the timing of physical intersection improvements cannot be guaranteed to occur prior to the future traffic volumes that would cause the segment of SR-99 to operate at an unacceptable level of service. *As such, the residual significance of this impact would be significant and unavoidable.* (DEIR at 3.11-66 to 3.11-81).

- a. **Finding Regarding Impact TRANS-4 and Mitigation Measure TRANS-3b:** The Project's cumulative contribution to the impacts on southbound SR-99 north of E. 20th Street can be minimized through Mitigation Measure TRANS-3b. The City hereby directs that this mitigation measure be required in or incorporated into the Project. However, implementation of that mitigation will not reduce those impacts to less than significant.

3. **Impact TRANS-5:** The DEIR found that the Project could potentially increase hazards due to a design feature; specifically, proposed roadway modifications on Wittmeier Drive could potentially affect access to the Project site and Wittmeier Auto Center while increasing hazards along the roadway. The current lane configuration may impede vehicular access and truck loading from Wittmeier Drive into the Wittmeier Auto Center south of the roadway, particularly at its easternmost driveway. Vehicular conflicts may also occur as drivers attempt to navigate the cul-de-sac in tandem with vehicles arriving and departing from the westernmost Walmart driveway. Also, the westernmost driveway being directly aligned with the Wittmeier Drive travel lanes may cause vehicular conflicts for vehicles turning in and out of the Wittmeier Auto Center driveways. Mitigation Measure TRANS-5 provides two potential options for addressing these potential conflicts, subject to review and approval by the City of Chico. The DEIR found that with implementation of one of the specified options, impacts would be reduced to less than significant. (DEIR at 3.11-82 to 3.11-84).

- a. **Finding Regarding Impact TRANS-5 and Mitigation Measure TRANS-5:** The incorporation of Mitigation Measure TRANS-5 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

4. **Impact TRANS-7:** The DEIR found that the Project may conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The existing Class I path would be relocated to near the edge of the Project site, paralleling Forest Avenue, Wittmeier Drive, and SR-99. While the proposed Project includes a portion of the planned SR-99 Bikeway, approximately 75 feet of the bikeway located between the southwest corner of the proposed bicycle path and the southern edge of the Project site are not included in the proposed Project. Without an accommodation of a potential future extension of the City’s planned SR-99 Bikeway to the southern edge of the Project site, this is considered a potentially significant impact. To mitigate this impact, the Project shall be modified to include an easement for a potential future Class I bikeway connection that would extend south from the southwesterly corner of the Project site. With the ability reserved by the City to establish a future connection to this planned bikeway facility, this potential impact would be reduced to a level of less than significant. This recommendation is reflected in Mitigation Measure TRANS-7. The DEIR found the implementation of Mitigation Measures TRANS-7 would reduce this potential impact to less than significant. **(DEIR at 3.11-85 to 3.11-87).**

a. **Finding Regarding Impact TRANS-7 and Mitigation Measure TRANS-7:** The incorporation of Mitigation Measure TRANS-7 into the Project will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact’s significant effects on the environment.

X.

PROJECT ALTERNATIVES

A. ALTERNATIVES ANALYSIS

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives but would avoid or substantially lessen one or more of the project’s significant effects (CEQA Guidelines Section 15126.6(a)).

Section 15126.6 of the CEQA Guidelines requires the consideration of a reasonable range of potentially feasible alternatives that could reduce or eliminate any significant adverse environmental effects of the proposed project, including alternatives that may, to some degree, impede the project’s objectives.

Public Resources Code section 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[.]” 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.”

“[I]n the event [that] 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.”

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, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1)) 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.

Where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b))

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

The discussion regarding Project impacts in Section IX, above, reveals that most significant effects identified in the EIR will be reduced to less than significant through the incorporation of mitigation measures. There remain, however, some effects which cannot be substantially lessened and will remain significant and unavoidable. Specifically, the Project would have a significant and unavoidable impact to transportation, due to generating new trips to the segment of southbound State Route 99 between State Route 32 and E. 20th Street that would operate at unacceptable levels under Cumulative Plus Project conditions. Thus, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to this identified transportation impact. If any alternatives are in fact superior with respect to this impact, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the DEIR, the City may approve the Project as mitigated, after adopting a Statement of Overriding Considerations.

The Draft EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

- (1) No Project Alternative;
- (2) Walmart Expansion Only Alternative; and
- (3) Reduced Intensity Alternative.

Significant and Unavoidable Impacts

The Project-specific significant and unavoidable impacts that would result from Project implementation are:

- **Regional Facilities:** The proposed Project would contribute new trips to the segment of southbound State Route 99 between State Route 32 and E. 20th Street that would operate at unacceptable levels under Cumulative Plus Project conditions. Feasible mitigation measures are proposed to lessen the severity of impacts; however, the residual significance of this impact would be significant and unavoidable.

The EIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the Project to determine whether any of the alternatives could meet most or all of the Project's objectives, while avoiding or substantially lessening its significant, unavoidable impacts. Three alternatives that could potentially meet the Project objectives were considered as part of the environmental review for the Project. The following section provides a summary of the alternatives considered.

Summary of Alternatives Considered

The EIR examined a reasonable range of alternatives to the proposed Project to determine whether any of those alternatives could meet most or all of the Project's objectives while avoiding or substantially lessening its significant impacts. The alternatives in the EIR were selected taking into consideration the following factors:

- **Alternative 1 - No Project.** This alternative assumes that the site remains in its partially developed state with the existing Wal-Mart store continuing in operation and the remainder of the site remaining vacant. **(DEIR at 5-2 to 5-3)**
- **Alternative 2- Walmart Expansion Only Alternative.** Under the Walmart Expansion Only Alternative, the existing Walmart store would be expanded by up to 66,500 square feet as proposed; the fuel station and Parcel 2 and 3 retail/restaurant uses would be eliminated. The expanded Walmart store would total 197,802 square feet. **(DEIR at 5-3 to 5-9).**
- **Alternative 3- Reduced Intensity Alternative.** Under the Reduced Density Alternative, a 25 percent reduction in development potential would be applied to each Project use. The Walmart store would be expanded by 49,875 square feet; the fuel station would consist of six pumps and a 1,125-square-foot convenience market; Parcel 2 would total 19,725 square feet; and Parcel 3 would total 19,275 square feet. The Reduced Density Alternative would develop a total of 90,000 square feet of new commercial uses on-site. **(DEIR at 5-9 to 5-14).**

Alternatives Eliminated from Detailed Consideration

Three alternative locations (Barber Yard, South Entler and the Sunset Hills Golf and Country Club) were considered and rejected based on various operational concerns or environmental constraints. **(DEIR at 5-15 to 5-16).**

B. APPROACH.

For each Project alternative discussed below, the potentially significant environmental impacts of the alternative are identified, as well as impacts of the proposed Project that would be avoided. The same environmental categories presented for the proposed Project in the DEIR, Section 3, Environmental Impact Analysis, have been addressed for each alternative. If a significant Project-related impact would be avoided under the alternative, or if the alternative would cause a significant impact that would not occur under the proposed Project, the impact category is generally discussed below. If a significant impact would not be avoided or created under the alternative, and, therefore, remains similar to that identified for the proposed Project, the impact category is not discussed.

C. FINDINGS REGARDING ALTERNATIVES ANALYZED IN DETAIL

Alternative 1 – No-Project

Characteristics

CEQA Guidelines Section 15126.6(e) requires that a “no-project” alternative be evaluated in an EIR. The “no-project” analysis shall discuss the existing conditions at the time the notice of preparation is published or at the time environmental analysis is commenced. The “no-project” alternative is what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. CEQA Guidelines Section 15126(e)(2) states that “If the environmentally superior alternative is the “no-project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”

Under the No Project Alternative, the proposed expansion of the Walmart store, the gas station and the outlot parcels, which would support retail or restaurant uses, would not be built. This alternative assumes that the site remains in its partially developed state with the existing Walmart store continuing in operation and the remainder of the site remaining vacant.

Conclusions

Under the No Project Alternative, the existing Walmart store would remain unchanged and no new development would occur. The Walmart store would continue to retail general merchandise and a limited amount of food and beverage items, and operate between 6 a.m. and 12 a.m. (midnight), 7 days a week. No changes to these characteristics would occur. Accordingly, this alternative would

avoid all of the proposed Project's significant impacts (including significant unavoidable impacts), as well as the need to implement any mitigation measures.

The No Project Alternative would avoid the proposed Project's significant and unavoidable impacts and would have less impact on all environmental topical areas. However, it would not advance any of the Project objectives, including: (1) positively contributing to the local economy and (2) reinforcing Chico's status as a regional retail node. The No Project Alternative would not meet the following Project objectives: (3) expanding an existing regional-serving retail use; (4) promoting economic growth in accordance with the goals and policies set forth in the City of Chico General Plan; (5) facilitating the development of undeveloped and underutilized land on an infill site; (6) developing complementary fuel station, retail, and restaurant uses; (7) designing a site plan to minimize overall access and circulation conflicts; (8) enhancing bicycle and pedestrian circulation; and (9) improving the overall visual appearance of the area by removing two outdated and unsightly billboards.

Based on these considerations, the City finds that the No Project Alternative is less desirable than the proposed Project and is infeasible and, therefore, rejects this alternative.

Alternative 2- Walmart Expansion Only Alternative

Characteristics

The Walmart Expansion Only Alternative consists of the expansion of the Walmart store as contemplated by the proposed Project and the elimination of all other new commercial uses, as well as improvements to Wittmeier Drive. The purpose of this alternative is to evaluate a land use concept that includes the largest component of the proposed Project, while also eliminating the smaller components in order to reduce site disturbance and the amount of new development.

The Walmart store would be expanded by 66,500 square feet to 197,802 square feet. The expanded Walmart store would operate 24 hours a day, 7 days a week, and would retail groceries and general merchandise. The store would have the same visual appearance and occupy the same footprint as contemplated by the proposed Project. The internal circulation and parking layout would be modified to accommodate the store expansion. To offset the loss of parking by the store expansion, new parking would be constructed on approximately 3 acres where the fuel station would be constructed under the proposed Project.

(The Class I bicycle/pedestrian trail would be re-routed around the perimeter of the new parking area, but the balance of the facility would maintain its current alignment.) Additionally, the Baney Lane driveways would be modified to prevent left-out turning movements. No vehicular connections would be provided to Wittmeier Drive, and the cul-de-sac would maintain its current lane configuration and traffic control devices (e.g., side street stop control at Forest Avenue).

Aside from the 3 acres occupied by the new parking area, the undeveloped portion of the Project site would remain in its existing condition for the foreseeable future. This includes the depressional seasonal wetland in the southwest corner of the Project site and the wooden freeway billboards, which would not be removed. (This alternative assumes that no changes to the billboards would occur, as there would be no impetus to terminate the existing outdoor advertising agreement.) This alternative would require the same discretionary approvals as the proposed Project, including

Tentative Parcel Map, Use Permit, Planned Development Permit, and Site Design and Architectural Review.

Conclusions

A full evaluation of the potential environmental impacts of the Walmart Expansion Only Alternative, as compared to those of the proposed Project, is provided at DEIR pages 5-3 to 5-9. The Walmart Expansion Only Alternative would lessen the severity of, but would not avoid, the significant and unavoidable transportation impact (the only significant and unavoidable impact that would occur) associated with the proposed Project.

The Walmart Expansion Only Alternative would advance all of the Project objectives, although several would be advanced to a lesser degree than the proposed Project, primarily because of the 53,500-square-foot reduction in development potential and the \$29.6 million reduction in new sales. This includes objectives related to: (1) positively contributing to the local economy through new capital investment, creation of new employment opportunities, expansion of the tax base, and increased retail offerings; (2) increasing commercial retail and service offerings within an established regional and highway-oriented commercial area; (3) expanding an existing regional-serving retail use close to SR-99 in order to better serve the retail demands of the Market Area; and (4) facilitating the development of undeveloped and underutilized land on an infill site. Additionally, the Walmart Expansion Only Alternative would not advance the objectives associated with (1) developing complementary fuel station, retail, and restaurant uses that are compatible with surrounding land uses and that provide consumers with additional convenient and competitive options; or (2) improving the overall visual appearance of the area by removing two outdated and unsightly billboards.

CEQA requires the identification of an environmentally superior alternative in an EIR. If the “No Project” alternative is the environmentally superior alternative, then the EIR must also identify an environmentally superior alternative from the remaining alternatives.

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. 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.

The City has determined that the Walmart Expansion Only Alternative is the environmentally superior alternative. However, differences in impacts between this alternative and the Project are only nominal, as the significant and unavoidable transportation impacts that would occur under the Project would only be reduced, but not avoided by this alternative. In addition, the applicant’s Project objectives are not fully met by this alternative. Based on these considerations, the City finds that the Walmart Expansion Only Alternative is less desirable than the proposed Project, and rejects this alternative.

Alternative 3- Reduced Intensity Alternative

Characteristics

The Reduced Density Alternative consists of a 25 percent reduction to each Project use that would result in a net reduction of two fuel station pumps and 30,000 square feet relative to the proposed Project. In total, this alternative would develop six fuel station pumps and 90,000 square feet of new commercial uses on the Project site. The purpose of this alternative is to evaluate a land use concept which reduces the overall development intensity, while still facilitating the development of similar commercial uses on the Project site.

The Walmart store expansion would occur in the same location, although it would add 49,875 square feet to the store instead of 66,500 square feet. The expanded store would total 181,177 square feet. All other operational characteristics would be identical to the proposed Project. The fuel station would have a canopy over six pumps (12 vehicle fueling positions) and a 1,125- square-foot convenience market. All other operational characteristics would be identical to the proposed Project. The development potential on Parcels 2 and 3 would be reduced to 19,275 square feet and 19,725 square feet, respectively. As with the proposed Project, end users would be retail or restaurant.

The Reduced Density Alternative would have the same internal circulation facilities and driveway connections as the proposed Project. The Baney Lane driveways would be modified to prohibit left-out movements, and the Wittmeier Drive cul-de-sac would have two driveway connections. As contemplated by the proposed Project, a signal would be installed at the intersection of Forest Avenue/Wittmeier Drive, and the Class I bicycle/pedestrian trail would be re-routed around the perimeter of the Project site. This alternative would require the same discretionary approvals as the Project, including Tentative Parcel Map, Use Permit, Planned Development Permit, and Site Design and Architectural Review.

Conclusions

A full evaluation of the potential environmental impacts of the Reduced Intensity Alternative, as compared to those of the proposed Project, is provided at DEIR pages 5-9 to 5-13. The Reduced Intensity Alternative would lessen the severity of, but would not avoid, the significant and unavoidable transportation impact (the only significant and unavoidable impact that would occur) associated with the proposed Project.

The Reduced Density Alternative would advance all of the Project objectives, although several would be advanced to a lesser degree than the proposed Project primarily because of the 30,000-square foot reduction in development potential and the \$15.4 million reduction in new sales. This includes objectives related to (1) positively contributing to the local economy through new capital investment, creation of new employment opportunities, expansion of the tax base, and increased retail offerings; (2) increasing commercial retail and service offerings within an established regional and highway-oriented commercial area; and (3) expanding an existing regional-serving retail use close to State Route 99 in order to better serve the retail demands of the Market Area.

Based on these considerations, the City finds that the Reduced Intensity Alternative is less desirable than the proposed Project, and rejects this alternative.

XI.

STATEMENT OF OVERRIDING CONSIDERATIONS

“CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d))

To reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment, an agency must prepare a statement of overriding considerations.” (CEQA Guidelines, § 15021, subd. (d), 15093)

A statement of overriding considerations must set forth the specific reasons why the agency found that the project’s “specific economic, legal, social, technological, or other benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, subd. (a), 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

As set forth above, the approval of the Project will result in significant adverse environmental effects in relation to transportation that cannot be avoided even with the adoption of all feasible mitigation measures.

B. FINDING OF OVERRIDING CONSIDERATIONS

The following statement identifies the reasons why, in the City’s judgment, the benefits of the Project outweigh its unavoidable significant impacts.

The City finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. The substantial evidence supporting the various benefits can be found in the documents identified for inclusion in the Record of Proceedings.

The City has considered the EIR, the public Record of Proceedings on the proposed Project and other written materials presented to and prepared by the City, as well as verbal and written testimony received, and hereby determines that implementation of the Project would result in the following substantial public benefits:

1. The Project will result in the expansion of an existing building and construction of new complementary retail uses and a fuel station on a currently underutilized site located within an urbanized commercial area, rather than the abandonment of an existing building and the development of an entirely new building on a vacant site. Expanding an existing building and adding complementary retail uses and a fuel station on an underutilized site will result in efficient in-fill and full development of a site which is already designated and zoned for the proposed use and which is

surrounded by other commercial use. Expansion on an existing site will also result in fewer environmental impacts than would be associated with construction of an entirely new store and other retail uses at a different, previously undeveloped location.

2. The Project will strengthen the commercial vitality of the community's regional retail market by upgrading and expanding the existing store in order to retain and increase its competitiveness in the regional market.
3. The Project will reinforce Chico's status as a regional retail node by increasing commercial retail and service offerings within an established regional and highway-oriented commercial area.
4. The Project will positively contribute to the local economy by creating jobs. Using a standard commercial employment rate of 1 employee/500 square feet, the proposed Project is estimated to create as many as 240 new jobs. New employment opportunities would include full-time and part-time positions. The California Employment Development Department estimated that there were 6,600 unemployed persons in Butte County as of May 2016. Of this figure, an estimated 2,600 unemployed persons are in Chico. In addition, the Project will create temporary construction jobs.
5. The Project would expand an existing regional-serving retail use close to SR-99 in order to better serve the retail demands of the market area, while also minimizing the need for new infrastructure improvements.
6. The Project will generate additional property, sales and fuel tax revenue, as the assessed valuation of the Project site will be greatly increased, and additional taxable sales will be generated by the expanded and new retail uses and fuel station.
7. The Project will promote economic growth in accordance with the goals and policies set forth in the City of Chico General Plan; specifically, Goal ED-3, which calls for the City to maintain a redevelopment strategy that encourages successful commercial and employment centers.
8. The Project will enhance bicycle and pedestrian circulation by relocating the existing Class I bicycle/pedestrian path around the perimeter of the site in order to minimize conflicts with motor vehicles.
9. The Project will improve the overall visual appearance of the area by removing two outdated and unsightly billboards and developing new commercial uses that employ high-quality contemporary architecture and landscaping.
10. The Project will provide retail services which are responsive to the purchasing patterns of a large portion of the City's population.

After weighing the economic, legal, social, technological, and other benefits of the proposed Project against the significant unavoidable impacts of the Project identified in the EIR, the City hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the City adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact Report and herein; (ii) rejected alternatives to the Project, as discussed in the Environmental Impact Report and herein; and (iii) recognized the significant unavoidable impacts of the Project, the City hereby finds that the benefits of the proposed Project, as stated herein, are determined to be overriding considerations that warrant approval of the Project and outweigh and override its significant unavoidable transportation impacts, and thereby justify the approval of the Chico Walmart Expansion Project.

4822-4165-6889, v. 1

X:\Current Planning\Parcel Map\2015\02 Walmart Expansion (72189)\Planning Commission\CEQA Findings and SOC.docx

THIS PAGE INTENTIONALLY LEFT BLANK

**Mitigation Monitoring and Reporting Program
for the
Chico Walmart Expansion Project
Draft Environmental Impact Report
City of Chico, Butte County, California
State Clearinghouse Number 2015102017**

Prepared for:

City of Chico

Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95927
530.879.6800

Contact: Mr. Mike Sawley, Associate Planner

Prepared by:

FirstCarbon Solutions

1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Report Date: September 9, 2016

Table 1: Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.2—Air Quality/Greenhouse Gas Emissions</p> <p>MM AIR-1: During construction activities, The applicant shall ensure that construction activities:</p> <p>(1) Adhere to the provisions of Butte County Air Quality Management District Rules 205, 230, and 231; and</p> <p>(2) Incorporate specific Best Practices to minimize diesel exhaust and fugitive dust emissions during construction, as specified in Appendix C of the Butte County Air Quality Handbook, October 23, 2014, available at: http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf. Examples of these types of measures include, but are not limited to:</p> <ul style="list-style-type: none"> • Limiting idling of construction vehicles to 5 minutes or less. • Ensuring that all small engines are tuned to the manufacturer’s specifications. • Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel. • Utilizing construction equipment that meets ARB’s 2007 certification standard or cleaner. • Using electric powered equipment when feasible. • The applicant shall prepare and submit documentation (e.g., equipment plan or certification) to the City of Chico verifying compliance as part of the grading permit application. <p>Pursuant to the above, the developer shall prepare and submit a dust control plan consistent with Rule 205 prior to or in conjunction with building and/or grading permits, subject to approval by city staff, and shall note and demonstrate on the construction plans that architectural coatings and asphalt to be used for the project shall meet the standards set forth by District Rules 230 and 231. Additionally, the developer shall maintain material safety data sheets or other records at the construction site that document the content of volatile organic compounds (VOCs) of the architectural coatings and asphalt used at the project site, in compliance with District Rules 230 and 231.</p>					
	Submittal of documentation; notes on construction plans; site inspection	Prior to issuance of building permits; during construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AIR-2a: During the architectural coating phase of construction activities, the project applicant shall require that all construction contractors utilize low volatile organic compound (VOC) paint that does not exceed 150 grams of VOC per liter for interior architectural coatings. The applicant shall keep records documenting the VOC content of paint products and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During the architectural coating phase of construction activities	City of Chico		
MM AIR-2b: During grading and earthwork activities, the applicant shall require that all off-road diesel-powered construction equipment greater than 50 horsepower meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards. The applicant shall keep records certifying the emissions rating of all off-road diesel-powered construction equipment and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During grading and earthwork activities	City of Chico		
MM AIR-2c: To the extent feasible, future development on Parcels 2 and 3 shall provide pedestrian sidewalk connections to both the Walmart store and bike path networks, and new structures shall include roof overhangs that are sufficient to block the high summer sun from windows, but also allow the lower winter sun to enter windows.	Site Design and Architectural Review; review of building plans	Prior to issuance of building permits	City of Chico		
MM AIR-2d: Prior to issuance of building permits, the project applicant shall prepare and submit building plans to the City of Chico that demonstrate that all new structures have outdoor electrical outlets that are accessible to maintenance workers and landscapers to allow the use of electric powered equipment.	Review of building plans	Prior to issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2e: Prior to issuance of building permits, the applicant shall revise the landscape plans to include primarily native drought-resistant trees that are low ROG emitting. For example, the sycamores (<i>Platanus</i> spp.) shall be replaced with species such as maples (<i>Acer</i> spp.), pistache (<i>Pistacia</i> spp.) and zelkova species.</p>	<p>Review of building plans</p>	<p>Prior to issuance of building permits</p>	<p>City of Chico</p>		
<p>MM AIR-2f: Prior to issuance of the certificate of occupancy for the expanded Walmart store, the applicant shall retain a qualified transportation consultant to prepare and submit a Transportation Demand Management (TDM) program to the City of Chico for review and approval. The TDM program shall identify measures to reduce daily gasoline-powered and diesel-powered vehicle trips to the project site, with an objective of a minimum 10 percent reduction in gasoline-powered and diesel-powered trips. The approved TDM program shall be implemented in conjunction with the opening of the expanded store. Examples of trip reduction measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Post transit information (maps, schedules, fares, etc.) in a public area of Walmart that is accessible to employees and patrons; • Provide employer-subsidized transit passes; • Sponsor an employee ride sharing program; • Provide employee lockers for personal items; • Provide employees with an employee only restroom with a shower; • Provide secure indoor bicycle parking (racks or lockers) for employees; • Provide customer bicycle parking (racks) in safe and convenient locations; • Allow flex scheduling or compressed scheduling practices; • Provide preferential parking spaces for clean air vehicles; • Provide a minimum of two charging stations for electric vehicles; and 	<p>Review of TDM program; site inspection</p>	<p>Prior to issuance of the certificate of occupancy for the expanded Walmart store</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> If home delivery service is provided in the future, it shall be performed using low-emission or alternative-fueled (electric, natural gas, hydrogen, etc.) vehicles. 					
<p>MM AIR-2g: To the extent that such equipment is readily available and can adequately perform all tasks, Walmart shall use electric-, propane-, or natural gas-powered mobile equipment (forklifts, non-street legal street sweepers, etc.) for operational activities within the project site. Existing gasoline- or diesel-powered mobile equipment may continue to be used until its service life is exhausted.</p>	Submittal of documentation; site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2h: Prior to occupancy of the expanded Walmart store, the applicant shall enhance the existing Butte Regional Transit stop on Forest Avenue. The enhanced transit stop shall conform to Butte Regional Transit design standards and provide a minimum of a shelter, seating, lighting, transit information, and a pedestrian connection to the Walmart store entrance.</p>	Site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2i: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall implement idling restriction program for heavy-duty diesel vehicles. The program shall require that all trucks comply with state regulations limiting idling to no more than 5 minutes. The program shall be implemented through signage in all loading areas and training of store personnel about the idling restrictions.</p>	Submittal of documentation; site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		
<p>MM AIR-2j: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall provide at least of one electrical hookup in each of the two proposed Walmart loading docks that is capable of powering a truck-mounted transport refrigeration unit (TRU) with an electrical hookup option.</p>	Site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2k: Prior to the recordation of the Final Map, the project applicant shall participate in an Offsite Mitigation Program coordinated through the BCAQMD. The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Offsite Mitigation Program.</p>	<p>Submittal of documentation</p>	<p>Prior to the recordation of the Final Map</p>	<p>City of Chico</p>		
<p>Section 3.3—Biological Resources</p>					
<p>MM BIO-1: Prior to issuance of any grading or construction permits or the first ground-disturbing activities, the applicant shall retain a qualified botanist to conduct two focused botanical surveys for special-status plant species within the undeveloped portion of the project site. The first survey shall occur in April and the second survey shall occur in either May or June. The surveys shall be conducted for the following plant species: Ahart’s paronychia, Butte County meadowfoam, woolly meadowfoam, adobe lily, Bidwell’s knotweed, Butte County golden clover, depauperate milkvetch, Ferris’ milkvetch, hogwallow starfish, pink creamsacs, Red Bluff dwarf rush, round-leaved filaree, Tehama navarretia, and veiny monardella. If no special-status plants are observed, then a letter report documenting the results of the final survey shall be provided to the project applicant and the City of Chico Community Development Department for their records, and no additional measures are required. If any of the non-listed special-status plants occur within the project site, they shall be avoided to the extent feasible. If the plants cannot be avoided, the biologist shall prepare a special-status plant mitigation and monitoring plan in consultation with the California Department of Fish and Wildlife (CDFW). The plan shall be subject to CDFW approval and may include, but is not limited, to the following elements as applicable to the species, based on the project</p>	<p>Submittal of documentation</p>	<p>Prior to issuance of any grading or construction permits or the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> A salvage/transplanting program for the salvage and transfer of special-status plants populations before the initiation of construction activities to another location either off-site or on-site that will be preserved in perpetuity (via conservation easement, deed restriction, or other appropriate legal means). Permits may be required from the CDFW or USFWS if a listed species is found and may require further mitigation in consultation with the appropriate agency or agencies. The program shall specify appropriate timing of salvage and transplanting efforts based on the specific special-status plant species found and the propagation program shall establish success criteria for the affected special-status plants. In addition to salvaging of special-status plants themselves, salvage efforts shall include topsoil and seedbanks surrounding impacted plants, if doing so will not contribute to the spread of invasive or noxious plant species. Purchasing credits at an off-site mitigation bank approved by USFWS or CDFW, as applicable, based on the listed plant species found. Criteria that must be met within the special-status plant mitigation and monitoring plan prior to commencement of construction or grading within the undeveloped portions of the project site. <p>USFWS or CDFW, as applicable, shall approve the plan prior to transpiration or commencement of grading or construction activities.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to these plant species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	Submittal of documentation	Prior to issuance of any grading or construction permits or the first ground-disturbing activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-2a: Prior to any ground-disturbing activities, the applicant shall retain a qualified biologist to conduct a protocol-level survey for the western spadefoot during the appropriate period to identify western spadefoot toads (e.g., following a rain event during the breeding season, identification of other known active breeding populations in the region). If no western spadefoot are observed, then a letter report shall be submitted to the City of Chico Community Development Department and CDFW for their records. Additionally, a preconstruction survey shall be conducted within 14 days prior to the start of any ground disturbance to verify absence of this species from the project area.</p> <p>If western spadefoot are found, ground disturbance shall cease and consultation with CDFW shall occur prior to resumption of ground-disturbing activities to develop an impact minimization plan that may include but is not limited to relocation, timing restrictions, habitat compensation, etc. The plan shall be reviewed and subject to approval by CDFW and implemented prior to ground-disturbing activities.</p> <p>In addition, if western spadefoot are found, the biologist shall be on-site during initial grading. If western spadefoot toad is observed within the project footprint, all construction shall temporarily halt until the biologist relocates the species to suitable habitat within the project site, but outside of the project footprint, or other suitable location in the project vicinity.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the western spadefoot and all required conservation measures or mitigation required under the Butte Regional Conservation</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to any ground-disturbing activities; during initial grading activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>					
<p>MM BIO-2b: Prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct four protocol-level surveys during the breeding season (one site visit between February 15 and April 15 and three between April 15 and July 15, one of which shall be conducted after June 15), at least three weeks apart, in accordance with the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation (2012 Staff Report). The survey shall include an approximately 500-foot (150-meter) buffer around the project site, where access is permitted. If the surveys are negative, then a letter report shall be prepared documenting the methodology and results within two weeks following the final survey. If the surveys result in negative findings, the biologist shall still conduct a take avoidance survey between 14 days and 30 days prior to commencement of construction, in accordance with the 2012 Staff Report. A letter report documenting the methodology and results shall be submitted to the City of Chico Community Development Department and CDFW following the results of the final survey for their records.</p> <p>If burrows are observed within the undeveloped portion of the project site or within 500 feet of the project site, an impact assessment shall be prepared and submitted to the CDFW, in accordance with the 2012 Staff Report. If it is determined that project activities may result in impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat, the project proponent shall consult with CDFW and develop a detailed mitigation plan such that the habitat acreage, number of</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>burrows, and burrowing owls impacted are replaced in a manner acceptable to CDFW. The mitigation plan shall be based on the methods provided in the 2012 Staff Report.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the burrowing owl and all required conservation measures or mitigation required under the Butte Regional Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	Notes on construction plans; submittal of documentation; site inspection	No more than 14 days prior to the start of ground disturbance or tree removal; during construction activities	City of Chico		
<p>MM BIO-2c: No more than 14 days prior to the start of ground disturbance or tree removal, the applicant shall retain a qualified biologist to conduct a pre-construction surveys for special-status bat species. If no special-status bats are observed roosting, then a letter report documenting the results of the survey shall be provided to the City of Chico Community Development Department, CDFW, and any other applicable resource agency for their records. A subsequent bat survey shall be required if construction does not commence within 14 days of a negative survey, or if construction is planned to resume after halting for more than 14 days.</p> <p>If bats are found, the biologist shall consult with the CDFW prior to ground disturbance, tree removal, or other construction activity to determine specific avoidance measures. Avoidance measures may include establishing a minimum 250-foot buffer around the roosting location until it is no longer occupied. Construction activities, including but not limited to tree removal, shall not proceed within the buffer until the biologist has determined that the roost is no longer</p>					

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>occupied by the bats and has communicated the determination in writing to the City of Chico Community Development Department and CDFW.</p> <p>MM BIO-2d: No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31), the applicant shall retain a qualified biologist to conduct a preconstruction survey for active nests. If the preconstruction survey shows that there is no evidence of active nesting bird nests, then a letter report shall be provided to the City of Chico Community Development Department and any applicable resource agency for their records.</p> <p>If any active nests are located within the project site, an appropriate buffer zone shall be established around the nests, as determined by the biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone, where construction activities shall be prohibited, until the end of breeding season or until the young have successfully fledged. Buffer zones are typically 100 feet for migratory bird nests and 250 to 500 feet for raptor nests. A qualified biologist shall monitor active nests weekly during construction to evaluate potential nesting disturbance by construction activities. If establishing the typical buffer zone is impractical, the qualified biologist may reduce the buffer depending on the species, and daily monitoring by the biologist is required to ensure that the nest is not disturbed and no forced fledging occurs. Monitoring as described above shall continue until the qualified biologist determines that the nest is no longer occupied and has communicated the determination in writing to the City of Chico Community Development Department and applicable resource agency.</p> <p>This mitigation measure does not apply to vegetation removal</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31); during construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>activities that occur outside of the nesting season (September 1 to February 14).</p> <p>MM BIO-2e: For phases of the project that would result in ground disturbance within 250 feet of the seasonal wetland but do not involve any disturbance within 50 feet of the seasonal wetland, the applicant shall implement indirect impact avoidance measures as follows:</p> <ol style="list-style-type: none"> 1. Retain a qualified biologist to direct the installation of silt fencing and high-visibility fencing a minimum of 50 feet from the edge of the seasonal wetland; 2. Conduct a Worker Awareness Training Program prior to the start of construction informing workers of the wetland and advising them to stay clear of the area. The training shall be repeated as necessary for all subsequent sub-contractor crews that are scheduled to begin working on the project; 3. Retain a qualified biologist to monitor on-site vegetation clearing and initial grading activities; and 4. Develop and implement a dust control plan, consistent with Rule 205 of the Butte County Air Quality Management District (Fugitive Dust Emissions), which regards the silt fencing around the seasonal wetland as a property line over which allowing wind-driven fugitive dust shall be minimized. <p>Upon submitting applications to the city for grading, construction, or other site disturbance, the developer shall provide a scaled drawing that depicts the wetland, 50-foot and 250-foot buffers around the wetland, and proposed work area(s), including designated equipment/material staging and worker parking areas. The developer shall arrange a preconstruction inspection of the silt/visibility fencing by city staff prior to commencement of construction.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>If future phases of the project necessitate directly impacting the seasonal wetland, such as development of Parcel 2 or other project feature, the developer shall either assume presence or conduct protocol-level surveys for listed vernal pool branchiopods in accordance with the USFWS Survey Guidelines prior to any ground-disturbing activities. Protocol surveys consist of one wet-season survey and one dry-season survey. If the developer decides to conduct protocol-level surveys and the surveys result in negative findings of the federally listed species, then no additional measures are required so long as the USFWS accepts the negative survey results. If listed branchiopods are found during protocol surveys or presence is assumed, then the applicant shall pursue consultation with the USFWS to obtain a Biological Opinion that authorizes the work. The developer shall implement all conditions (aka Reasonable and Prudent measures) identified in the Biological Opinion as well as those contains in any associated permits.</p> <p>If a future phase of the project necessitates work within 50 feet of the seasonal wetland but no direct impacts are anticipated then the developer shall prepare a detailed plan for the work demonstrating that no impacts will occur to the wetland and obtain letter of no effect (or “not likely to adversely affect” determination) from the Army Corps of Engineers.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the listed vernal pool shrimp species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-3: The applicant shall modify all improvement plans and construction drawings to provide a minimum separation of 50 feet between the seasonal wetland and (1) the poles associated with the relocated high-voltage overhead power lines, and (2) the relocated Class I bicycle/pedestrian path, subject to review and approval by City Public Works and Community Development Department staff. The separation distance of these project features from the wetland shall be sufficient to enable implementation of the indirect impact avoidance measures of Mitigation Measure BIO-2e.</p>	<p>Approval of improvement plans</p>	<p>Prior to construction activities</p>	<p>City of Chico</p>		
<p>MM BIO-4: If construction occurs within 50 feet of the depressional seasonal wetland in the southwestern portion of the project site, the applicant shall obtain all requisite approvals and permits from the USACE and Regional Water Quality Control Board (RWQCB) for impacts to Waters of the United States and Waters of the State prior to issuance of any City permits for construction, grading, or demolition activities that occurs within 100 feet of the resource. If the USACE or RWQCB determine that no permit from their agency is required for a particular phase of the project, then this mitigation measure only requires acknowledgement of such from each agency regarding the project phase in question. If any future phase of the project involves direct impacts to the wetland, then the developer shall mitigate the impact through either (1) creation and preservation of seasonal wetland habitat within the project site, (2) off-site restoration of features of equal or greater value, or (3) purchase of credits at an agency-approved mitigation bank in the region at a ratio to be determined through consultation with the USACE and RWQCB, but no less than a 1:1 ratio.</p> <p>This mitigation measure shall not apply if the Draft Butte</p>	<p>Submittal of documentation</p>	<p>Prior to construction activities that occur within 100 feet of the depressional seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the depression seasonal wetland, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.					
Section 3.4—Cultural Resources					
MM CUL-1: If prehistoric or historic-period archaeological resources are encountered, all earth-disturbing construction activities within 100 feet of the find shall halt and the City of Chico Community Development Department shall be notified at (530) 879-6800. Prehistoric archaeological materials might include obsidian and chert flakedstone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 72 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through	Notes on construction plans	Prior to construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of Chico. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>					
<p>MM CUL-3: In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include (1) the results of any geotechnical</p>	<p>Notes on construction plans</p>	<p>Prior to construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>investigation prepared for the project area, (2) specific details of the construction plans for the project area, (3) background research, and (4) limited subsurface investigation within the project area. If a high potential to encounter paleontological resources is confirmed, subsurface construction shall be temporarily halted until a monitoring plan of further project subsurface construction is prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the City of Chico.</p>					
<p>MM CUL-4: In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Butte County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC Section 5097.98), who in turn would make recommendations to the City of Chico for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines Section 15064.5(d)).</p>	<p>Notes on construction plans</p>	<p>Prior to construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.7—Hydrology and Water Quality</p> <p>MM HYD-1a: Prior to the issuance of grading permits, the project applicant shall file a Notice of Intent with and obtain a facility identification number from the State Water Resources Control Board. The project applicant shall also submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Chico that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The City of Chico shall review and approve the SWPPP. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:</p> <ul style="list-style-type: none"> • Comply with the requirements of the State of California’s most current Construction Stormwater Permit. • Temporary erosion control measures shall be implemented on all disturbed areas. • Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. • Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water 	<p>Approval of Stormwater Pollution Prevention Plan; notes on construction plans</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Quality Control Board to determine adequacy of the measure.</p> <ul style="list-style-type: none"> In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. 					
<p>MM HYD-1b: Prior to the issuance of building permits, the project applicant shall submit a final Storm Water Mitigation Plan (SWMP) to the City of Chico for review and approval. The plan shall be developed using the California Stormwater Quality Association’s “New Development and Redevelopment Handbook.” The SWMP shall identify pollution prevention measures and BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP shall include design concepts that are intended to accomplish a “first flush” objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p>	Approval of Storm Water Mitigation Plan	Prior to the issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.9—Noise					
<p>MM NOI-1: The following noise attenuation measures shall be implemented during construction activities:</p> <ul style="list-style-type: none"> Construction activities are limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays and federal holidays. The City of Chico shall have discretion to permit construction activities to occur outside of these hours if compelling circumstances warrant an exception (e.g., weather conditions necessary to pour concrete). All construction equipment shall use noise reduction devices (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction devices were installed by the manufacturer, a minimum of a muffler shall be installed for the duration of project-related construction activities. If stationary equipment (compressors, pumps, generators, etc.) is to be used within 300 feet of any office or residential receptor, a noise barrier shall be erected to attenuate noise. The noise barrier shall consist of an enclosure, temporary noise panels/barriers, or acoustical/sound blankets over fencing. 	Notes on construction plans; site inspection	During construction activities	City of Chico		
Section 3.11—Transportation					
<p>MM TRANS-3a: Prior to issuance of the first building permit for the proposed project, the applicant shall provide the City of Chico with the requisite funds for improving the intersection of E. 20th Street / Forest Avenue. The improvements shall consist of: (1) restriping the northbound approach (Forest Avenue) to provide a left-turn lane, a shared left-turn/through lane, a through lane, and a right-turn lane; and (2) modifying the signal operation to provide split phasing on the</p>	Receipt of fees	Prior to issuance of the first building permit	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
northbound and southbound approaches. The City of Chico shall implement the improvements when monitoring determines that the intersection operation is approaching unacceptable levels.					
MM TRANS-3b: Prior to issuance of building permits for the proposed project, the applicant shall pay the fair-share cost of off-site circulation improvements, as calculated through the City's adopted development impact fee program.	Receipt of fees	Prior to issuance of building permits	City of Chico		
MM TRANS-5: Prior to the approval of any improvement plans for Wittmeier Drive, the project applicant shall retain a qualified traffic engineer to evaluate the following options for addressing (1) conflicts between through and turning vehicles and (2) vehicle movement enhancements on Wittmeier Drive. The engineer shall identify a recommended option or options for each issue, and the applicant shall prepare and submit plans to the City of Chico for review and approval that reflect the recommended options. The approved plans shall be incorporated into the proposed project. To address conflicts between through and turning vehicles, one or both of the following options shall be implemented: <ul style="list-style-type: none"> • Option 1: Modify the eastbound dual left-turn lanes on Wittmeier Drive to provide a single left-turn lane, thereby providing an extra lane to facilitate westbound turning movements and truck loading and unloading. Based on estimated Plus Project peak-hour left-turn movements from Wittmeier Drive to Forest Avenue, it is not anticipated that dual left-turn lanes are necessary to accommodate turning vehicle queues. • Option 2: Install a roundabout at the Wittmeier Drive cul-de-sac to address potential vehicular conflicts between vehicles turning in the cul-de-sac and vehicles entering and exiting 	Review of improvement plans	Prior to the approval of any improvement plans for Wittmeier Drive	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>the westernmost Walmart driveway on Wittmeier Drive. The roundabout would also address potential safety issues arising from vehicles entering and exiting the westernmost Walmart driveway at higher rates of speed.</p> <p>To address vehicle movement enhancements, one of the following options shall be implemented:</p> <ul style="list-style-type: none"> • Option A: One left-turn lane and one through-right lane in the eastbound direction, and one through-left lane and one right-turn pocket in the westbound direction. Truck loading and unloading activity could occur on the curbside between the two driveways on the south side of Wittmeier Drive. • Option B: One left-turn lane and one through-right lane in the eastbound direction, one through-right lane in the westbound direction, and one two-way center left-turn lane with a median extending 50 feet west of the Forest Avenue/Wittmeier Drive intersection. Truck loading and unloading activity could occur in the two-way center left-turn lane. 	Review of final parcel map	Prior to recordation of the final parcel map	City of Chico		
<p>MM TRANS-7: Prior to recordation of the final parcel map, the project applicant shall provide an easement for a potential future Class I bikeway connection that would extend south from the southwesterly corner of the project site to the planned SR-99 Bikeway.</p>					

1 C. The site is suitable for the type and density of the proposed development in that it is
2 relatively level, surrounded by compatible commercial land uses and, as conditioned,
3 sufficient areas are provided to meet applicable development regulations pertaining to
4 buildings, off-street parking and landscaping. Based on evidence and mitigation provided
5 by the EIR, the design and improvements associated with the subdivision are not likely to
6 cause substantial environmental damage, substantially injure fish or wildlife or their
7 habitat, or cause serious public health problems. The design of the subdivision would not
8 conflict with public easements for access through the subdivision because all abandoned
9 public access easements would be replaced with new easements that convey substantially
10 the same public benefit.

11 D. Placing the re-located 115-kilovolt and 15-kilovolt overhead power lines underground is
12 infeasible in the case of this Project, and therefore not required pursuant to Chico Municipal
13 Code Section 19.60.120.

14 E. As supported by the Mitigation Monitoring and Reporting Program, Conditions of
15 Approval, Subdivision Report (attached hereto as Exhibits I, II and III), the EIR, and the
16 staff report dated September 27, 2016, the proposed parcel map and its design conform
17 with the requirements of Title 18 and Title 19 of the Chico Municipal Code, and is
18 consistent with the Chico General Plan.

19 F. No substantial evidence has been presented that would require disapproval of the Project
20 pursuant to Government Code Section 66474.

21 G. The EIR for the Project reflects the City's independent judgment and analysis.

22 2. With regard to Site Design and Architectural Review 15-16 the Planning Commission finds
23 that:

24 A. Expanding and adding additional commercial uses at the partially-developed Project site
25 represents compatible infill development/redevelopment within a Regional Commercial
26 Opportunity Site, consistent with goals LU-4, LU-5, CD-5, and policies LU-1.3, LU-4.2
27 and LU-5.1, in that the proposed layout would not cause significant conflicts with existing
28 or anticipated Regional Commercial uses in the area. The Project is also consistent with

1 the General Plan’s emphasis on intensifying and revitalizing commercial uses within the
2 East 20th Street Opportunity Site.

3 As explained in the EIR, approving the Project could result in an unacceptable Level of
4 Service (LOS) for a southbound segment of SR-99 between SR-32 and East 20th Street
5 under the 2035 cumulative plus Project modeling scenario, during the Saturday p.m. peak
6 hour. Because an acceptable level of service may not be maintained for this facility, there
7 is a potential inconsistency with Policy CIRC-1.4. However, the proposed Project design,
8 as modified by mitigation measures identified in the EIR, would achieve consistency with
9 the remaining policies in the Circulation Element. The proposal is consistent with CIRC-
10 1.2, CIRC-2.2.3 and CIRC-3.6, in that it would construct necessary internal and adjacent
11 roadway circulation improvements, use traffic calming measures to reduce cut-through
12 traffic, and include safe and secure bicycle parking facilities. Mitigation measures and
13 existing City processes would ensure Project consistency with CIRC-1.3, CIRC-3.1.1,
14 CIRC 5.3, CIRC-9.1, CIRC-9.1.2, CIRC-9.1.3 and CIRC-9.3, by requiring payment of fair
15 share costs for citywide street facility improvements (MM TRANS-3b), incorporating a
16 planned bikeway connection through the site (MM TRANS-7), supporting public transit
17 (MM AIR-2h), and reducing vehicle trips through the use of travel demand management
18 strategies (MM AIR-2f), respectively.

19 Consistent with policy OS-1.2, mitigation measures also ensure that Project-related
20 impacts to the onsite wetland are avoided, or mitigated by requiring the applicant to obtain
21 all necessary state and federal permits for future development that may affect special status
22 species or their habitat.

23 The energy efficiency measures outlined in the applicant’s project description for the store
24 expansion are consistent with policy SUS-5.2, which calls for supporting the inclusion of
25 energy efficient design in private projects.

26 The site design and architectural aspects of the Project are generally consistent with
27 policies CD-3.2, CD-5.3, and LU-4.4, in that the existing public bike path would be
28 replaced in a manner that would facilitate future connectivity to other public bikeways, the

1 store expansion would include higher quality materials (such as multiple storefront
2 windows and decorative stone columns), and a better-articulated façade and roofline
3 relative to the existing building.

4 Approval of the Project is consistent with General Plan goals and policies to enhance
5 Chico's long-term prosperity (ED-1), and ensure that regulations and permitting processes
6 for the conduct of commerce do not unreasonably inhibit local business activity (ED-1.3).
7 Although a specific future potential traffic impact is projected to be inconsistent with
8 Policy 1.4, the overall Project, as conditioned, implements many other policies and is
9 consistent with the General Plan when considering the policy framework as a whole. No
10 Neighborhood Plans or area plans apply to the Project.

11 B. The Project promotes orderly development and higher use of land by expanding into
12 undeveloped land within an existing regional-serving shopping area, and including
13 circulation improvements that will address existing and future projected needs at the site.
14 Updating the store's appearance and installing landscape improvements in the parking area
15 will increase desirability of investment in the area and achieve a higher visual aesthetic,
16 consistent with the stated purposes of CMC 19.18. The Project is consistent with Design
17 Guidelines that call for commercial buildings to incorporate varied building depths,
18 materials and rooflines (DGs 2.2.22, 2.2.25, 2.2.31), and create a sense of focus toward
19 main entrances through distinguished tower elements, awnings, and storefront windows
20 (DG 2.2.23). Conditions would ensure consistency with DGs that encourage integral
21 parapet roof designs that avoid a "stuck on" appearance (DGs 2.2.24, 2.2.26).

22 The store expansion is appropriately scaled for this Regional Commercial shopping area
23 comprising the Chico Mall and other large format retailers (DG 1.2.13). Bicycle and
24 pedestrian paths are well marked and in many cases lined with landscaping, which
25 enhances safety (DGs 2.1.23, 2.1.33, 2.1.34). Design Guideline consistency is further
26 enhanced by screening HVAC units with roof parapets, parking lot and drive-through areas
27 with landscaping, and wall-mounted utilities with other building elements, as called-for by
28 DGs 2.1.25, 2.1.36 and 2.2.28. Store elevations reflect superior design solutions over the

1 initial Project submittals, and eschew large, bright-blue trademark elements seen in other
2 communities (DGs 1.8.11, 1.8.12, 2.2.13).

3 The Project relates to the greater area and conveys permanence through the use of stone
4 and split-faced CMU, and colors are chosen from a rich palette with white accents that are
5 well placed to complement future signage (DGs 1.2.21, 1.2.32, 2.2.32). The proposed
6 painted and raised wall patterns would promote a pedestrian scale for the main building by
7 breaking up the elevations into single-story sized elements, and reducing the overall
8 perceived height (DG 2.2.11). Conditions are recommended to ensure Project consistency
9 with DG 1.5.13 and 1.5.16, regarding excessive nighttime lighting, and DG 2.1.28,
10 regarding the provision of adequate amounts of parking lot shading.

11 Based on all the above, and subject to conditions as noted, the Project is consistent with
12 the City's adopted Design Guidelines.

- 13 C. The design, materials and colors of the proposed new building are visually compatible with
14 the surrounding commercial development, specifically regarding the earth-tone colors,
15 exterior textures, flat parapet roof, and tower elements. Exterior equipment will be
16 properly screened from view by roof parapets, landscaping or by structural walls.
- 17 D. The proposed structures are compatible with the site in that there is ample space provided
18 and the design meets applicable development standards, including building height
19 limitations, setbacks, landscaping and parking requirements. The expanded store and new
20 fuel station will be adequately buffered by landscaping, and the buildings will not
21 unnecessarily block views or unacceptably dominate its surroundings.
- 22 E. The proposed landscaping includes sufficient variety and would provide visual relief along
23 the Forest Avenue frontage for the fuel station, at new and former driveways along Baney
24 Lane, and throughout the existing and proposed parking areas. Specific attention is paid
25 to screening the drive-through pharmacy/merchandise pick-up area with a variety of trees
26 and shrubs, and to enhance pedestrian orientation by lining the dedicated footpath through
27 the parking area with landscaping on one side. Overall, the landscape design, as
28 conditioned, would provide adequate coverage of plant materials and result in an attractive

1 environment across the entire Project site.

2 3. With regard to Use Permit 15-10 the Planning Commission finds that:

3 A. Chico Municipal Code Section 19.44.020 provides for drive-through sales in the CR zoning
4 district, subject to use permit approval, and CMC 19.76.120 provides for permanent
5 outdoor retail sales and activities in the CR zoning district, subject to use permit approval.
6 Use Permit 15-10 has been processed in accordance with the requirements of Chapter
7 19.24.

8 B. The proposed uses consist of the addition of drive-through sales to an expanded retail store
9 and outdoor retail sales within a partially-developed site. All drive-through improvements
10 will be constructed to City standards, which are intended to promote the health, safety, and
11 general welfare of the public. Drive-through access will be from an off-street parking area,
12 so any off-site affects would be minimal. Adequate vehicle circulation and stacking would
13 be provided, and emergency access to the site would remain unobstructed. The requested
14 outdoor sales in the parking area would not occupy required parking spaces, and the use
15 has existed for several years without any known issues. It does not block any emergency
16 access routes or otherwise disrupt onsite circulation. The outdoor sales component
17 requested on the storefront sidewalk area would not impede pedestrian circulation.
18 Outdoor parking lot sales are typical at large-format retailers, particularly in front of
19 Garden Centers, and sidewalk displays/sales are typical in front of grocery stores. No
20 detrimental impacts to the health, safety, or welfare of neighborhood workers or residents
21 have been identified in association with the proposed drive-through or outdoor sales uses.
22 Based on the above, the proposed drive-through and outdoor sales would not be detrimental
23 to the health, safety, and general welfare of persons residing or working in the
24 neighborhood of the proposed uses.

25 C. The proposed drive-through and outdoor retail sales would take access from an off-street
26 parking area where the use would be fully contained on the Project site, so any off-site
27 affects to property or improvements would be minimal. Adequate vehicle circulation and
28 stacking would be provided, and emergency access to the site would remain unobstructed.

1 Adding new driveways to access the site from Wittmeier Drive will add options for
2 incoming customers, helping to disperse traffic patterns across the site and minimize any
3 issues that may occur at existing points of access.

4 The outdoor sales component requested on the storefront sidewalk area would not impede
5 pedestrian circulation. Outdoor parking lot sales are typical at large-format retailers,
6 particularly in front of Garden Centers, and sidewalk displays/sales are typical in front of
7 grocery stores. No detrimental impacts to the health, safety, or welfare of neighborhood
8 workers or residents have been identified in association with the proposed drive-through
9 or outdoor sales uses.

10 Existing regulations require that any public improvements damaged during the course of
11 construction be repaired or reconstructed by the applicant. No other impacts to property
12 or improvements have been identified. Based on the above, the proposed drive-through
13 and outdoor sales would not be detrimental or injurious to property and improvements in
14 the neighborhood, or the general welfare of the City.

15 D. The proposed drive-through and outdoor sales uses are consistent with the Regional
16 Commercial designation for the site, which accommodates a wide variety of retail uses,
17 including those which are auto-oriented (such as drive-through uses). The uses are also
18 consistent with the General Plan's policy framework and the General Plan as a whole, as
19 outlined in Section 2, above.

20 E. The proposed uses consist of the addition of drive-through sales to an expanded retail store
21 and outdoor retail sales within a partially-developed site. All drive-through improvements
22 will be constructed to City standards. Access to the drive-through would be fully-contained
23 on site and compatible with existing and anticipated future commercial development within
24 the area. The outdoor sales in the parking area has existing for several years without
25 resulting in incompatibilities with other land uses, and other outdoor sales areas would be
26 limited in size, ensuring that they will not dominate building elevations or the result in
27 incompatibilities with existing or future land uses in the vicinity. Based on the above, the
28 design, location, size, and operating characteristics of the proposed use are compatible with

1 the existing and future land uses in the vicinity.

2 4. With regard to Use Permit 15-12 the Planning Commission finds that:

3 A. Chico Municipal Code Section 19.44.020 provides for gas station uses in the CR zoning
4 district, subject to use permit approval. Use Permit 15-12 has been processed in accordance
5 with the requirements of Chapter 19.24.

6 B. The proposed fuel station will be compatible with surrounding commercial uses, as
7 circulation and access for the use would be accommodated by a new driveway from
8 Wittmeier Drive as well as through an expanded parking area associated with the main
9 retail store. The installation of proposed and required improvements associated with
10 Wittmeier Drive and other access points to the site would result in adequate vehicle access.
11 No residences are located in close proximity to the site. No detrimental impacts to the
12 health, safety, or welfare of neighborhood workers or residents have been identified in
13 association with the proposed fuel station use. Based on the above, the proposed fuel
14 station would not be detrimental to the health, safety, and general welfare of persons
15 residing or working in the neighborhood of the proposed uses.

16 C. The proposed fuel station would take access from a new driveway off Wittmeier Drive and
17 an off-street parking area, and sufficient space is provided near the fuel pumps to ensure
18 that vehicle queues would be fully contained on the Project site, thereby minimizing
19 potential for any off-site affects to property or improvements. Existing regulations require
20 that any public improvements damaged during the course of construction be repaired or
21 reconstructed by the applicant. Based on the above, the proposed fuel station would not be
22 detrimental or injurious to property and improvements in the neighborhood, or the general
23 welfare of the City.

24 D. The proposed fuel station use is consistent with the Regional Commercial designation for
25 the site, which accommodates a wide variety of retail uses, including those which are auto-
26 oriented (such as fuel stations). The Project is also consistent with the General Plan's
27 policy framework and the General Plan as a whole, as outlined in Section 2, above.

28 E. The proposed fuel station would be set back from the street intersection, with an ample

1 landscape buffer from Forest Avenue and Wittmeier Drive, and constructed with sufficient
2 circulation to result in compatible operations with nearby land uses. Conditions associated
3 with the design review would ensure that the height of new lighting would be limited,
4 minimizing potential offsite affects. Based on the above, the proposed fuel station would
5 be compatible with existing and future land uses in the vicinity.

6 5. The Planning Commission hereby approves Tentative Parcel Map 15-02, Site Design and
7 Architectural Review 15-16, Use Permit 15-10, and Use Permit 15-12, each subject to compliance
8 with: (a) the Mitigation Monitoring and Reporting Program set forth in Exhibit I, (b) the conditions
9 of approval set forth in Exhibit II, and (c) the provisions of the Subdivision Report set forth in
10 Exhibit III.

11 THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission of the
12 City of Chico at its meeting held on October 6, 2016, by the following vote:

13 AYES: Arregui, Bennett, Evans, Rensink, Scott.

14 NOES: Howlett, Worley.

15 ABSENT: None.

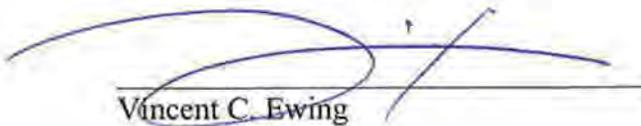
16 ABSTAINED: None.

17 DISQUALIFIED: None.

18
19 ATTEST:

APPROVED AS TO FORM:

20
21 
22 Mark Wolfe
23 Planning Commission Secretary

24 
25 Vincent C. Ewing
26 City Attorney*

27 *Pursuant to The Charter of
28 the City of Chico, Section 906(E)

**Mitigation Monitoring and Reporting Program
for the
Chico Walmart Expansion Project
Draft Environmental Impact Report
City of Chico, Butte County, California
State Clearinghouse Number 2015102017**

Prepared for:

City of Chico

Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95927
530.879.6800

Contact: Mr. Mike Sawley, Associate Planner

Prepared by:

FirstCarbon Solutions

1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Report Date: September 9, 2016

Table 1: Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.2—Air Quality/Greenhouse Gas Emissions</p> <p>MM AIR-1: During construction activities, The applicant shall ensure that construction activities:</p> <ul style="list-style-type: none"> (1) Adhere to the provisions of Butte County Air Quality Management District Rules 205, 230, and 231; and (2) Incorporate specific Best Practices to minimize diesel exhaust and fugitive dust emissions during construction, as specified in Appendix C of the Butte County Air Quality Handbook, October 23, 2014, available at: http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf. Examples of these types of measures include, but are not limited to: <ul style="list-style-type: none"> • Limiting idling of construction vehicles to 5 minutes or less. • Ensuring that all small engines are tuned to the manufacturer’s specifications. • Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel. • Utilizing construction equipment that meets ARB’s 2007 certification standard or cleaner. • Using electric powered equipment when feasible. • The applicant shall prepare and submit documentation (e.g., equipment plan or certification) to the City of Chico verifying compliance as part of the grading permit application. <p>Pursuant to the above, the developer shall prepare and submit a dust control plan consistent with Rule 205 prior to or in conjunction with building and/or grading permits, subject to approval by city staff, and shall note and demonstrate on the construction plans that architectural coatings and asphalt to be used for the project shall meet the standards set forth by District Rules 230 and 231. Additionally, the developer shall maintain material safety data sheets or other records at the construction site that document the content of volatile organic compounds (VOCs) of the architectural coatings and asphalt used at the project site, in compliance with District Rules 230 and 231.</p>	<p>Submittal of documentation; notes on construction plans; site inspection</p>	<p>Prior to issuance of building permits; during construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AIR-2a: During the architectural coating phase of construction activities, the project applicant shall require that all construction contractors utilize low volatile organic compound (VOC) paint that does not exceed 150 grams of VOC per liter for interior architectural coatings. The applicant shall keep records documenting the VOC content of paint products and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During the architectural coating phase of construction activities	City of Chico		
MM AIR-2b: During grading and earthwork activities, the applicant shall require that all off-road diesel-powered construction equipment greater than 50 horsepower meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards. The applicant shall keep records certifying documenting the emissions rating of all off-road diesel-powered construction equipment and provide them to the City of Chico upon request.	Notes on construction plans; site inspection	During grading and earthwork activities	City of Chico		
MM AIR-2c: To the extent feasible, future development on Parcels 2 and 3 shall provide pedestrian sidewalk connections to both the Walmart store and bike path networks, and new structures shall include roof overhangs that are sufficient to block the high summer sun from windows, but also allow the lower winter sun to enter windows.	Site Design and Architectural Review; review of building plans	Prior to issuance of building permits	City of Chico		
MM AIR-2d: Prior to issuance of building permits, the project applicant shall prepare and submit building plans to the City of Chico that demonstrate that all new structures have outdoor electrical outlets that are accessible to maintenance workers and landscapers to allow the use of electric powered equipment.	Review of building plans	Prior to issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2e: Prior to issuance of building permits, the applicant shall revise the landscape plans to include primarily native drought-resistant trees that are low ROG emitting. For example, the sycamores (<i>Platanus</i> spp.) shall be replaced with species such as maples (<i>Acer</i> spp.), pistache (<i>Pistacia</i> spp.) and zelkova species.</p>	Review of building plans	Prior to issuance of building permits	City of Chico		
<p>MM AIR-2f: Prior to issuance of the certificate of occupancy for the expanded Walmart store, the applicant shall retain a qualified transportation consultant to prepare and submit a Transportation Demand Management (TDM) program to the City of Chico for review and approval. The TDM program shall identify measures to reduce daily gasoline-powered and diesel-powered vehicle trips to the project site, with an objective of a minimum 10 percent reduction in gasoline-powered and diesel-powered trips. The approved TDM program shall be implemented in conjunction with the opening of the expanded store. Examples of trip reduction measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Post transit information (maps, schedules, fares, etc.) in a public area of Walmart that is accessible to employees and patrons; • Provide employer-subsidized transit passes; • Sponsor an employee ride sharing program; • Provide employee lockers for personal items; • Provide employees with an employee only restroom with a shower; • Provide secure indoor bicycle parking (racks or lockers) for employees; • Provide customer bicycle parking (racks) in safe and convenient locations; • Allow flex scheduling or compressed scheduling practices; • Provide preferential parking spaces for clean air vehicles; • Provide a minimum of two charging stations for electric vehicles; and 	Review of TDM program; site inspection	Prior to issuance of the certificate of occupancy for the expanded Walmart store	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> If home delivery service is provided in the future, it shall be performed using low-emission or alternative-fueled (electric, natural gas, hydrogen, etc.) vehicles. 					
<p>MM AIR-2g: To the extent that such equipment is readily available and can adequately perform all tasks, Walmart shall use electric-, propane-, or natural gas-powered mobile equipment (forklifts, non-street legal street sweepers, etc.) for operational activities within the project site. Existing gasoline- or diesel-powered mobile equipment may continue to be used until its service life is exhausted.</p>	Submittal of documentation; site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2h: Prior to occupancy of the expanded Walmart store, the applicant shall enhance the existing Butte Regional Transit stop on Forest Avenue. The enhanced transit stop shall conform to Butte Regional Transit design standards and provide a minimum of a shelter, seating, lighting, transit information, and a pedestrian connection to the Walmart store entrance.</p>	Site inspection	Prior to occupancy of the expanded Walmart store	City of Chico		
<p>MM AIR-2i: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall implement idling restriction program for heavy-duty diesel vehicles. The program shall require that all trucks comply with state regulations limiting idling to no more than 5 minutes. The program shall be implemented through signage in all loading areas and training of store personnel about the idling restrictions.</p>	Submittal of documentation; site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		
<p>MM AIR-2j: Prior to issuance of occupancy permits for the expanded Walmart store, the project applicant shall provide at least of one electrical hookup in each of the two proposed Walmart loading docks that is capable of powering a truck-mounted transport refrigeration unit (TRU) with an electrical hookup option.</p>	Site inspection	Prior to issuance of occupancy permits for the expanded Walmart store	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-2k: Prior to the recordation of the Final Map, the project applicant shall participate in an Offsite Mitigation Program coordinated through the BCAQMD. The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Offsite Mitigation Program.</p>	<p>Submittal of documentation</p>	<p>Prior to the recordation of the Final Map</p>	<p>City of Chico</p>		
<p>Section 3.3—Biological Resources</p>					
<p>MM BIO-1: Prior to issuance of any grading or construction permits or the first ground-disturbing activities, the applicant shall retain a qualified botanist to conduct two focused botanical surveys for special-status plant species within the undeveloped portion of the project site. The first survey shall occur in April and the second survey shall occur in either May or June. The surveys shall be conducted for the following plant species: Ahart’s paronychia, Butte County meadowfoam, woolly meadowfoam, adobe lily, Bidwell’s knotweed, Butte County golden clover, depauperate milkvetch, Ferris’ milkvetch, hogwallow starfish, pink creamsacs, Red Bluff dwarf rush, round-leaved filaree, Tehama navarretia, and veiny monardella. If no special-status plants are observed, then a letter report documenting the results of the final survey shall be provided to the project applicant and the City of Chico Community Development Department for their records, and no additional measures are required. If any of the non-listed special-status plants occur within the project site, they shall be avoided to the extent feasible. If the plants cannot be avoided, the biologist shall prepare a special-status plant mitigation and monitoring plan in consultation with the California Department of Fish and Wildlife (CDFW). The plan shall be subject to CDFW approval and may include, but is not limited to, the following elements as applicable to the species, based on the project</p>	<p>Submittal of documentation</p>	<p>Prior to issuance of any grading or construction permits or the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> A salvage/transplanting program for the salvage and transfer of special-status plants populations before the initiation of construction activities to another location either off-site or on-site that will be preserved in perpetuity (via conservation easement, deed restriction, or other appropriate legal means). Permits may be required from the CDFW or USFWS if a listed species is found and may require further mitigation in consultation with the appropriate agency or agencies. The program shall specify appropriate timing of salvage and transplanting efforts based on the specific special-status plant species found and the propagation program shall establish success criteria for the affected special-status plants. In addition to salvaging of special-status plants themselves, salvage efforts shall include topsoil and seedbanks surrounding impacted plants, if doing so will not contribute to the spread of invasive or noxious plant species. Purchasing credits at an off-site mitigation bank approved by USFWS or CDFW, as applicable, based on the listed plant species found. Criteria that must be met within the special-status plant mitigation and monitoring plan prior to commencement of construction or grading within the undeveloped portions of the project site. <p>USFWS or CDFW, as applicable, shall approve the plan prior to transpiration or commencement of grading or construction activities.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to these plant species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	<p>Submittal of documentation</p>	<p>Prior to issuance of any grading or construction permits or the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-2a: Prior to any ground-disturbing activities, the applicant shall retain a qualified biologist to conduct a protocol-level survey for the western spadefoot during the appropriate period to identify western spadefoot toads (e.g., following a rain event during the breeding season, identification of other known active breeding populations in the region). If no western spadefoot are observed, then a letter report shall be submitted to the City of Chico Community Development Department and CDFW for their records. Additionally, a preconstruction survey shall be conducted within 14 days prior to the start of any ground disturbance to verify absence of this species from the project area.</p> <p>If western spadefoot are found, ground disturbance shall cease and consultation with CDFW shall occur prior to resumption of ground-disturbing activities to develop an impact minimization plan that may include but is not limited to relocation, timing restrictions, habitat compensation, etc. The plan shall be reviewed and subject to approval by CDFW and implemented prior to ground-disturbing activities.</p> <p>In addition, if western spadefoot are found, the biologist shall be on-site during initial grading. If western spadefoot toad is observed within the project footprint, all construction shall temporarily halt until the biologist relocates the species to suitable habitat within the project site, but outside of the project footprint, or other suitable location in the project vicinity.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the western spadefoot and all required conservation measures or mitigation required under the Butte Regional Conservation</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to any ground-disturbing activities; during initial grading activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p> <p>MM BIO-2b: Prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct four protocol-level surveys during the breeding season (one site visit between February 15 and April 15 and three between April 15 and July 15, one of which shall be conducted after June 15), at least three weeks apart, in accordance with the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation (2012 Staff Report). The survey shall include an approximately 500-foot (150-meter) buffer around the project site, where access is permitted. If the surveys are negative, then a letter report shall be prepared documenting the methodology and results within two weeks following the final survey. If the surveys result in negative findings, the biologist shall still conduct a take avoidance survey between 14 days and 30 days prior to commencement of construction, in accordance with the 2012 Staff Report. A letter report documenting the methodology and results shall be submitted to the City of Chico Community Development Department and CDFW following the results of the final survey for their records.</p> <p>If burrows are observed within the undeveloped portion of the project site or within 500 feet of the project site, an impact assessment shall be prepared and submitted to the CDFW, in accordance with the 2012 Staff Report. If it is determined that project activities may result in impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat, the project proponent shall consult with CDFW and develop a detailed mitigation plan such that the habitat acreage, number of</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to the first ground-disturbing activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>burrows, and burrowing owls impacted are replaced in a manner acceptable to CDFW. The mitigation plan shall be based on the methods provided in the 2012 Staff Report.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the burrowing owl and all required conservation measures or mitigation required under the Butte Regional Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	Notes on construction plans; submittal of documentation; site inspection	No more than 14 days prior to the start of ground disturbance or tree removal; during construction activities	City of Chico		
<p>MM BIO-2c: No more than 14 days prior to the start of ground disturbance or tree removal, the applicant shall retain a qualified biologist to conduct a pre-construction surveys for special-status bat species. If no special-status bats are observed roosting, then a letter report documenting the results of the survey shall be provided to the City of Chico Community Development Department, CDFW, and any other applicable resource agency for their records. A subsequent bat survey shall be required if construction does not commence within 14 days of a negative survey, or if construction is planned to resume after halting for more than 14 days.</p> <p>If bats are found, the biologist shall consult with the CDFW prior to ground disturbance, tree removal, or other construction activity to determine specific avoidance measures. Avoidance measures may include establishing a minimum 250-foot buffer around the roosting location until it is no longer occupied. Construction activities, including but not limited to tree removal, shall not proceed within the buffer until the biologist has determined that the roost is no longer</p>					

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>occupied by the bats and has communicated the determination in writing to the City of Chico Community Development Department and CDFW.</p> <p>MM BIO-2d: No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31), the applicant shall retain a qualified biologist to conduct a preconstruction survey for active nests. If the preconstruction survey shows that there is no evidence of active nesting bird nests, then a letter report shall be provided to the City of Chico Community Development Department and any applicable resource agency for their records.</p> <p>If any active nests are located within the project site, an appropriate buffer zone shall be established around the nests, as determined by the biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone, where construction activities shall be prohibited, until the end of breeding season or until the young have successfully fledged. Buffer zones are typically 100 feet for migratory bird nests and 250 to 500 feet for raptor nests. A qualified biologist shall monitor active nests weekly during construction to evaluate potential nesting disturbance by construction activities. If establishing the typical buffer zone is impractical, the qualified biologist may reduce the buffer depending on the species, and daily monitoring by the biologist is required to ensure that the nest is not disturbed and no forced fledging occurs. Monitoring as described above shall continue until the qualified biologist determines that the nest is no longer occupied and has communicated the determination in writing to the City of Chico Community Development Department and applicable resource agency.</p> <p>This mitigation measure does not apply to vegetation removal</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>No more than 14 days prior to any vegetation removal activities that occur during the nesting season (February 15 and August 31); during construction activities</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>activities that occur outside of the nesting season (September 1 to February 14).</p> <p>MM BIO-2e: For phases of the project that would result in ground disturbance within 250 feet of the seasonal wetland but do not involve any disturbance within 50 feet of the seasonal wetland, the applicant shall implement indirect impact avoidance measures as follows:</p> <ol style="list-style-type: none"> 1. Retain a qualified biologist to direct the installation of silt fencing and high-visibility fencing a minimum of 50 feet from the edge of the seasonal wetland; 2. Conduct a Worker Awareness Training Program prior to the start of construction informing workers of the wetland and advising them to stay clear of the area. The training shall be repeated as necessary for all subsequent sub-contractor crews that are scheduled to begin working on the project; 3. Retain a qualified biologist to monitor on-site vegetation clearing and initial grading activities; and 4. Develop and implement a dust control plan, consistent with Rule 205 of the Butte County Air Quality Management District (Fugitive Dust Emissions), which regards the silt fencing around the seasonal wetland as a property line over which allowing wind-driven fugitive dust shall be minimized. <p>Upon submitting applications to the city for grading, construction, or other site disturbance, the developer shall provide a scaled drawing that depicts the wetland, 50-foot and 250-foot buffers around the wetland, and proposed work area(s), including designated equipment/material staging and worker parking areas. The developer shall arrange a preconstruction inspection of the silt/visibility fencing by city staff prior to commencement of construction.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>If future phases of the project necessitate directly impacting the seasonal wetland, such as development of Parcel 2 or other project feature, the developer shall either assume presence or conduct protocol-level surveys for listed vernal pool branchiopods in accordance with the USFWS Survey Guidelines prior to any ground-disturbing activities. Protocol surveys consist of one wet-season survey and one dry-season survey. If the developer decides to conduct protocol-level surveys and the surveys result in negative findings of the federally listed species, then no additional measures are required so long as the USFWS accepts the negative survey results. If listed branchiopods are found during protocol surveys or presence is assumed, then the applicant shall pursue consultation with the USFWS to obtain a Biological Opinion that authorizes the work. The developer shall implement all conditions (aka Reasonable and Prudent measures) identified in the Biological Opinion as well as those contains in any associated permits.</p> <p>If a future phase of the project necessitates work within 50 feet of the seasonal wetland but no direct impacts are anticipated then the developer shall prepare a detailed plan for the work demonstrating that no impacts will occur to the wetland and obtain letter of no effect (or “not likely to adversely affect” determination) from the Army Corps of Engineers.</p> <p>This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the listed vernal pool shrimp species, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.</p>	<p>Notes on construction plans; submittal of documentation; site inspection</p>	<p>Prior to and during construction activities that would occur within 250 feet of the seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-3: The applicant shall modify all improvement plans and construction drawings to provide a minimum separation of 50 feet between the seasonal wetland and (1) the poles associated with the relocated high-voltage overhead power lines, and (2) the relocated Class I bicycle/pedestrian path, subject to review and approval by City Public Works and Community Development Department staff. The separation distance of these project features from the wetland shall be sufficient to enable implementation of the indirect impact avoidance measures of Mitigation Measure BIO-2e.</p>	<p>Approval of improvement plans</p>	<p>Prior to construction activities</p>	<p>City of Chico</p>		
<p>MM BIO-4: If construction occurs within 50 feet of the depressional seasonal wetland in the southwestern portion of the project site, the applicant shall obtain all requisite approvals and permits from the USACE and Regional Water Quality Control Board (RWQCB) for impacts to Waters of the United States and Waters of the State prior to issuance of any City permits for construction, grading, or demolition activities that occurs within 100 feet of the resource. If the USACE or RWQCB determine that no permit from their agency is required for a particular phase of the project, then this mitigation measure only requires acknowledgement of such from each agency regarding the project phase in question. If any future phase of the project involves direct impacts to the wetland, then the developer shall mitigate the impact through either (1) creation and preservation of seasonal wetland habitat within the project site, (2) off-site restoration of features of equal or greater value, or (3) purchase of credits at an agency-approved mitigation bank in the region at a ratio to be determined through consultation with the USACE and RWQCB, but no less than a 1:1 ratio.</p> <p>This mitigation measure shall not apply if the Draft Butte</p>	<p>Submittal of documentation</p>	<p>Prior to construction activities that occur within 100 feet of the depressional seasonal wetland</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Regional Conservation Plan is adopted at the time of grading activities and provides coverage for impacts to the depression seasonal wetland, and all required conservation measures or mitigation required under the Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.					
Section 3.4—Cultural Resources					
MM CUL-1: If prehistoric or historic-period archaeological resources are encountered, all earth-disturbing construction activities within 100 feet of the find shall halt and the City of Chico Community Development Department shall be notified at (530) 879-6800. Prehistoric archaeological materials might include obsidian and chert flakedstone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 72 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through	Notes on construction plans	Prior to construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of Chico. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>	Notes on construction plans	Prior to construction activities	City of Chico		
<p>MM CUL-3: In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include (1) the results of any geotechnical</p>					

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>investigation prepared for the project area, (2) specific details of the construction plans for the project area, (3) background research, and (4) limited subsurface investigation within the project area. If a high potential to encounter paleontological resources is confirmed, subsurface construction shall be temporarily halted until a monitoring plan of further project subsurface construction is prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the City of Chico.</p>					
<p>MM CUL-4: In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Butte County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC Section 5097.98), who in turn would make recommendations to the City of Chico for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines Section 15064.5(d)).</p>	Notes on construction plans	Prior to construction activities	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Section 3.7—Hydrology and Water Quality</p> <p>MM HYD-1a: Prior to the issuance of grading permits, the project applicant shall file a Notice of Intent with and obtain a facility identification number from the State Water Resources Control Board. The project applicant shall also submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Chico that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The City of Chico shall review and approve the SWPPP. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:</p> <ul style="list-style-type: none"> • Comply with the requirements of the State of California’s most current Construction Stormwater Permit. • Temporary erosion control measures shall be implemented on all disturbed areas. • Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. • Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water 	<p>Approval of Stormwater Pollution Prevention Plan; notes on construction plans</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Chico</p>		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Quality Control Board to determine adequacy of the measure.</p> <ul style="list-style-type: none"> In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. 					
<p>MM HYD-1b: Prior to the issuance of building permits, the project applicant shall submit a final Storm Water Mitigation Plan (SWMP) to the City of Chico for review and approval. The plan shall be developed using the California Stormwater Quality Association’s “New Development and Redevelopment Handbook.” The SWMP shall identify pollution prevention measures and BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP shall include design concepts that are intended to accomplish a “first flush” objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p>	Approval of Storm Water Mitigation Plan	Prior to the issuance of building permits	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.9—Noise					
<p>MM NOI-1: The following noise attenuation measures shall be implemented during construction activities:</p> <ul style="list-style-type: none"> Construction activities are limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays and federal holidays. The City of Chico shall have discretion to permit construction activities to occur outside of these hours if compelling circumstances warrant an exception (e.g., weather conditions necessary to pour concrete). All construction equipment shall use noise reduction devices (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction devices were installed by the manufacturer, a minimum of a muffler shall be installed for the duration of project-related construction activities. If stationary equipment (compressors, pumps, generators, etc.) is to be used within 300 feet of any office or residential receptor, a noise barrier shall be erected to attenuate noise. The noise barrier shall consist of an enclosure, temporary noise panels/barriers, or acoustical/sound blankets over fencing. 	Notes on construction plans; site inspection	During construction activities	City of Chico		
Section 3.11—Transportation					
<p>MM TRANS-3a: Prior to issuance of the first building permit for the proposed project, the applicant shall provide the City of Chico with the requisite funds for improving the intersection of E. 20th Street / Forest Avenue. The improvements shall consist of: (1) restriping the northbound approach (Forest Avenue) to provide a left-turn lane, a shared left-turn/through lane, a through lane, and a right-turn lane; and (2) modifying the signal operation to provide split phasing on the</p>	Receipt of fees	Prior to issuance of the first building permit	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
northbound and southbound approaches. The City of Chico shall implement the improvements when monitoring determines that the intersection operation is approaching unacceptable levels.					
MM TRANS-3b: Prior to issuance of building permits for the proposed project, the applicant shall pay the fair-share cost of off-site circulation improvements, as calculated through the City's adopted development impact fee program.	Receipt of fees	Prior to issuance of building permits	City of Chico		
MM TRANS-5: Prior to the approval of any improvement plans for Wittmeier Drive, the project applicant shall retain a qualified traffic engineer to evaluate the following options for addressing (1) conflicts between through and turning vehicles and (2) vehicle movement enhancements on Wittmeier Drive. The engineer shall identify a recommended option or options for each issue, and the applicant shall prepare and submit plans to the City of Chico for review and approval that reflect the recommended options. The approved plans shall be incorporated into the proposed project. To address conflicts between through and turning vehicles, one or both of the following options shall be implemented: <ul style="list-style-type: none"> • Option 1: Modify the eastbound dual left-turn lanes on Wittmeier Drive to provide a single left-turn lane, thereby providing an extra lane to facilitate westbound turning movements and truck loading and unloading. Based on estimated Plus Project peak-hour left-turn movements from Wittmeier Drive to Forest Avenue, it is not anticipated that dual left-turn lanes are necessary to accommodate turning vehicle queues. • Option 2: Install a roundabout at the Wittmeier Drive cul-de-sac to address potential vehicular conflicts between vehicles turning in the cul-de-sac and vehicles entering and exiting 	Review of improvement plans	Prior to the approval of any improvement plans for Wittmeier Drive	City of Chico		

Table 1 (cont.): Chico Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>the westernmost Walmart driveway on Wittmeier Drive. The roundabout would also address potential safety issues arising from vehicles entering and exiting the westernmost Walmart driveway at higher rates of speed.</p> <p>To address vehicle movement enhancements, one of the following options shall be implemented:</p> <ul style="list-style-type: none"> • Option A: One left-turn lane and one through-right lane in the eastbound direction, and one through-left lane and one right-turn pocket in the westbound direction. Truck loading and unloading activity could occur on the curbside between the two driveways on the south side of Wittmeier Drive. • Option B: One left-turn lane and one through-right lane in the eastbound direction, one through-right lane in the westbound direction, and one two-way center left-turn lane with a median extending 50 feet west of the Forest Avenue/Wittmeier Drive intersection. Truck loading and unloading activity could occur in the two-way center left-turn lane. 	Review of final parcel map	Prior to recordation of the final parcel map	City of Chico		
<p>MM TRANS-7: Prior to recordation of the final parcel map, the project applicant shall provide an easement for a potential future Class I bikeway connection that would extend south from the southwesterly corner of the project site to the planned SR-99 Bikeway.</p>					

THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT “II”
CONDITIONS OF APPROVAL
Chico Walmart Expansion Project
(PM 15-02, AR 15-16, UP 15-10 and UP 15-12)

Parcel Map PM 15-02

1. The creation of three lots on an approximately 27-acre site is authorized, as depicted on the “PM 15-02 Vesting Tentative Map, 2044 Forest Avenue, Chico, CA 95928”, date-stamped Sep 21, 2015, by the Planning Services Division, except as revised by any of the following conditions of approval.
2. The subdivision shall be developed in compliance with all other applicable State and local Code provisions, including those of the Public Works Department and the Fire Department. The applicant is responsible for contacting these offices to verify the need for permits.
3. In the event that all fees have not been paid prior to recordation of the final map, the following notation shall be included on the final map:

“In accordance with the provisions of the Chico Municipal Code, a transportation facility fee, park facility fee, and building and equipment fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time a new building or structure is constructed on such lot or parcel, at the time an alteration or addition is made to an existing building or structure constructed on such lot or parcel which results in the expansion of building or structure, or at the time of a change in use of an existing building or structure constructed on the lot or parcel. In addition, a storm drainage facility fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time such lot or parcel is first used for any residential or nonresidential purpose, at the time the area of the lot or parcel devoted to such residential or nonresidential use is expanded, or at the time of a change in the use of the lot or parcel. Such transportation facility fee, park facility fee, building and equipment fee and storm drainage facility fee will be calculated from the schedule of such fees adopted by resolution of the City Council and in effect on the date of approval of such final map or parcel map, together with any adjustments to such schedules of fees made in accordance with the provisions of the Chico Municipal Code subsequent to the date of approval of the final map or parcel map to account for any changes in the type or extent of transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which will be required as a result of the development and/or use of real property during the period upon which such fees are based, any change in the estimated cost of the transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities upon which such fees are based, or any change in that portion of the estimated cost of such transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which cannot be funded from revenue sources available to the City other than such fees.”

4. Prior to recording the final map, any taxes and/or assessments against the property shall be paid.
5. Impacts to school facilities within the Chico Unified School District shall be fully mitigated by payment of school impact fees to the extent permitted by State Law.

6. All qualifying trees, pursuant to CMC 16.66, that are removed with the project shall be replaced as follows:
 - a. On-site. For every six inches in DBH removed, a new 15 gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
 - b. Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
7. The "vesting" designation shall be removed from the parcel map title, as the provisions of CMC 18.22.020 only apply to residential subdivisions and the subject map is not a residential subdivision.
8. Final alignment of the public bike path easement and improvement details shall be subject to review and approval by the Public Works Director.
9. The width of the public bike path easement along the State Route 99 frontage shall be 20 feet, to accommodate potential design constraints associated with site topography and physical bike path features (lighting, signage, etc.).
10. The project's entitlements will expire three (3) years from the date of approval, unless (i) they are exercised as specified in the Municipal Code, or (ii) a written request for extension is received and approved by the City. If, however, a legal challenge is filed against the City's approval of any of the project's entitlements, including but not limited to Parcel Map 15-02, Use Permit 15-10, Use Permit 15-12, Site Design and Architectural Review 15-16, and any related building or grading permits, the time period to exercise the entitlements shall be stayed for the duration of the litigation.

Architectural Review AR 15-16

11. All approved building plans and permits shall note on the cover sheet that the project shall comply with AR 15-16 (Chico Walmart Expansion Project). No building permits related to this approval shall be finalized without authorization of Planning staff.
12. All approved building plans and permits shall note that wall-mounted utilities and roof or wall penetrations, including vent stacks, utility boxes, exhaust vents, gas meters and similar equipment, shall be screened by appropriate materials and

colors. All parapet caps and other metal flashing shall be painted, consistent with the approved building colors. Adequate screening shall be verified by Planning staff prior to issuance of a certificate of occupancy.

13. New tower elements, including cornice, on the Walmart store expansion shall extend back onto the main roof a minimum of six feet to ensure that they appear sufficiently integrated with the structure from views at ground level.
14. All new pole-mounted lights in the parking area shall be limited to 18 feet in height. Existing pole-mounted light assemblies in the parking area shall be replaced, as needed over time, with poles/bases that also meet this 18-foot height limit for parking lot lights.
15. Prior to issuance of building plans for the store expansion, an inventory of existing shade trees in the parking area shall be conducted. Any missing tree shall be replaced with a new shade tree in compliance with City standard planting plans. Any existing honey locust, London plane tree, Chinese Pistache, Chinese hackberry, scarlet oak or pin oak tree that has grown to less than 20 feet in diameter shall be replaced with a new shade tree in compliance with City standard planting plans. The provision of adequate irrigation shall also be confirmed or corrected in conjunction with parking area landscape improvements.
16. The developer shall work with City staff to provide truck access from Wittmeier Drive, if feasible.
17. The director or zoning administrator, as applicable, may authorize minor changes to the project, including to the approved plans, architecture, or uses, pursuant to Chico Municipal Code section 19.30.060, and may approve a final parcel map that substantially conforms to the approved tentative parcel map pursuant to Chico Municipal Code section 18.24.070, as they exist on the date of final approval for project entitlements, including but not limited to Parcel Map 15-02, Use Permit 15-10, Use Permit 15-12, and Site Design and Architectural Review 15-16.

Use Permit 15-10 (Walmart Drive-Through and Outdoor Sales)

18. Use Permit 15-10 authorizes drive-through sales and outdoor sales, in substantial accord with the "Plat to Accompany Use Permit 15-10 (Walmart Drive-Through and Outdoor Sales)" and in compliance with all other conditions of approval.
19. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
20. Outdoor vending machines at the site shall meet the code standards contained in

CMC 19.76.120.B, including but not limited to:

- a. Outdoor vending machines are permitted along the building frontage that includes the primary business entrance. Where the primary business entrance is located at the building corner, outdoor vending machines will be permitted on only one side of the building.
- b. Outdoor vending machines shall not exceed 10 percent of the width of the building frontage along which they are located, nor shall the combined area of all vending machines at any one site exceed 32 square feet.

Use Permit 15-12 (Walmart Fuel Station)

21. Use Permit 15-12 authorizes a gas station use, in substantial accord with the “Plat to Accompany Use Permit 15-12 (Walmart Fuel Station)” and in compliance with all other conditions of approval.
22. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
23. Comply with all requirements set forth under Chico Municipal Code Section 19.76.090 (Gas Stations), including but not limited to:
 - a. Landscaping within the sight distance area at the northwest corner of the intersection of Forest Avenue and Wittmeier Drive shall be maintained at a height of 30 inches or less, except for trees with a vertical growth habit that do not cause sight distance issues as determined by the Public Works Director.
 - b. The Russian sage planned for the corner shall be replaced with shrubs or groundcover that typically do not grow to exceed 30 inches in height.
 - c. Canopy lights shall be fully recessed.
 - d. All lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with CMC Section 19.60.050 (Exterior lighting).
 - e. Vehicles shall not be parked on sidewalks or driveways.
 - f. Vehicles shall not be parked on the premises for the purpose of vehicular sales.
 - g. Used or discarded vehicle parts or equipment, or disabled, junked, or wrecked vehicles shall not be located in any open area outside of the convenience store structure.
 - h. Any noise from bells, loudspeakers, or tools shall not exceed the criteria referenced under CMC 19.60.080 (Noise), and shall not be audible from residentially zoned parcels between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and before 10:00 a.m. and after 7:00 p.m. on Sundays and nationally recognized holidays.
 - i. Used motor oil may not be received without prior City Fire Department approval.

Mitigation Measures from the EIR (SCH#2015102017)

24. The developer shall comply with all mitigation measures contained in the Mitigation Monitoring and Reporting Program for the Chico Walmart Expansion Project, hereby incorporated by reference in its entirety.

X:\Current Planning\Parcel Map\2015\02 Walmart Expansion (72189)\Planning Commission\parts\Reso 16-13 - Exhibit II - FINAL Conditions of Approval.docx



Subdivision Report

Meeting Date 10/6/16

DATE: October 6, 2016

File: PM 15-02

TO: PLANNING COMMISSION

FROM: Matt Johnson, Senior Development Engineer, 879-6910
Public Works Department

RE: **Vesting Tentative Parcel Map PM 15-02 Walmart Expansion Project - Revised**

Exhibit "III"

This office has reviewed the Vesting Tentative Parcel Map PM 15-02 Walmart Expansion Project and herewith submits the following findings and recommendations for same.

A. MODIFICATIONS TO TITLE 18R - DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE CHICO MUNICIPAL CODE

The Subdivider has requested no modifications to Titles 18R of the Chico Municipal Code (CMC).

B. ENVIRONMENTAL IMPACT REPORT

To satisfy the requirements of the California Quality Act (CEQA), the City prepared an Environmental Impact Report (EIR) to analyze and disclose the potential environmental impacts associated with approving the project. The EIR identified various potential impacts and included mitigation measures to reduce those impacts to less than significant.

The Subdivider will be required to comply with all engineering related mitigation measures with one exemption as described in Resolution No. 16-12.

C. PUBLIC FACILITY CONSTRUCTION

1. Streets

- a) The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the Tentative Map and further described below:

- 1) Wittmeier Drive - Adding a traffic signal at its intersection with Forest Avenue, with related improvements on the Forest Avenue and Talbert Drive approaches.
- 2) Wittmeier Drive - Widening the street to accommodate one westbound lane, three eastbound lanes, and parking along both sides, including two dedicated left-turn lanes and one through/right-turn lane consistent with MM TRANS-5 as follows:
Option1: Modify the eastbound dual left-turn lanes on Wittmeier Drive to provide a single left-turn lane, thereby providing an extra lane to facilitate westbound turning movements and truck loading and unloading. Based on estimated Plus Project peak-hour left-turn movements from Wittmeier Drive to Forest Avenue, it

Exhibit III

Attachment 5

is not anticipated that dual left-turn lanes are necessary to accommodate turning vehicle queues.

- 3) Wittmeier Drive - Adding a new driveway to primarily serve the new fuel station.
- 4) Wittmeier Drive - Adding a new driveway at the end of the existing cul-de-sac to serve the Walmart store and Parcels 2 and 3 (with a shared cross-access easement between the three proposed parcels).

2. Storm Drainage

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

- 1) Onsite - Relocate the existing twin 48-inch storm drains.
- 2) Access to Manholes - Provide access to manholes *in areas being modified* via an all-weather surface and have sufficient space for maintenance trucks to turn around. Access shall be available 24 hours per day, 365 days per year.

b) NPDES Requirements

Storm drain drop inlets shall be marked with Illustrative Storm Markers to achieve City of Chico NPDES Requirements.

c) Storm Drainage Analysis

The Subdivider shall submit a storm drain analysis to the Public Works Department - Engineering for review and approval. The analysis, including hydraulic grade lines for both the existing and realigned conditions, must demonstrate that the proposed realigned storm drain easement and storm drain lines will not reduce the capacity of the existing storm drain facility.

- d) The subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Chico Municipal Code, prior to recordation of the Final Map.

3. Sanitary Sewer Fees

The Subdivider shall complete an Application for Sewer Connection.

The Subdivider shall pay a sanitary sewer main fee to the City of Chico prior to recordation of the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits. All of the aforementioned fees will be subject to the terms and conditions of the Application for Sewer Connection.

4. Post Construction Standards

The Project must comply with the City's Post Construction Standard Plan.

5. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct.

6. Street Lights

The Subdivider shall install City standard street lights on steel poles with concrete bases on all streets that they are required herein to construct.

7. Bicycle Facilities

The Subdivider shall construct the following bicycle facility:

- a) A relocated Class I bicycle path in conformance with City standards within the project site as depicted on the Tentative Map. Final alignment of the new relocated bike path shall be subject to review and approval of the Public Works Director - Engineering.

8. Street Trees

Street trees shall be planted in accordance with Public Works Department - Maintenance requirements.

9. Landscaping

The Subdivider shall install landscaping and an irrigation system at the following locations:

- a) Within the westerly one-half of the raised median along the project Forest Avenue frontage.

D. PRIVATE FACILITY CONSTRUCTION

1. Streets

- a) The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the Tentative Map and further described below:
 - 1) Baney Lane - Relocating the easterly (primary) Walmart access driveway approximately 180 feet west of its current location.
 - 2) Baney Lane - Extending left-turn lanes for eastbound traffic on Baney Lane to increase vehicle storage capacity in advance of the Forest Avenue intersection.
 - 3) Baney Lane - Extending the center left-turn lane for westbound traffic on Baney Lane heading into the primary Walmart driveway.

- 4) Baney Lane - Adding raised islands at the primary and central Walmart driveways to prohibit outbound left turns onto Baney Lane (the westerly driveway already has such a raised island).

2. Sanitary Sewer

a) Facility Construction

The Subdivider shall design and install the following City standard sanitary sewer facilities:

- 1) Business Lane - Relocate the 8-inch sanitary sewer coming from Business Lane.
- 2) Access to Manholes - Provide access to manholes in areas being modified via an all-weather surface and have sufficient space for maintenance trucks to turn around. Access shall be available 24 hours per day, 365 days per year.

b) Sanitary Sewer Analysis

The Subdivider shall submit a sanitary sewer analysis to the Public Works Department - Engineering for review and approval. The analysis must demonstrate that the proposed realigned sanitary sewer easement and sanitary sewer line will not reduce the capacity of the existing sanitary sewer facility.

c) Other

- 1) Because the sanitary sewer line is a private facility, the Subdivider shall provide documented evidence that they have the right to re-align the sewer.
- 2) It appears that part of the re-alignment ~~must~~ may occur off-site on the Krispy Kreme site should this occur, the Subdivider shall provide documented evidence that they have the right to enter onto that property and re-align the sewer.

3. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct.

E. MAINTENANCE

Prior to filing the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered shall be:

Within the westerly one-half of the raised median along the project Forest Avenue frontage.

The Subdivider shall prepare the necessary documents and provide the required supporting documents. Formation of a maintenance district requires action by the City Council. The district shall be complete and formed prior to recordation of the Final Map.

F. SUBDIVISION GRADING

1. Soils Report

The Subdivider shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:

- a) An investigation of the nature, distribution and strength of existing soils.
- b) A description of site geology.
- c) Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.
- d) Verification that the site is suited to proposed BMPs.

2. Grading Standards

All subdivision grading shall be in conformance with Chapter 16R.22, Grading Standards, of the Chico Municipal Code.

G. PROPERTY CONVEYANCES

1. Dedications

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

- a) Dedicate a 50-foot PG&E Easement as depicted on the Tentative Map.
- b) Dedicate a 15-foot Bicycle Easement as depicted on the Tentative Map.
- c) Dedicate a 52-foot Storm Drain Easement as depicted on the Tentative Map.
- d) Dedicate a 20-foot Sanitary Sewer Easement as depicted on the Tentative Map.
- e) Dedicate a 20-foot Water Easement as depicted on the Tentative Map.
- f) Dedicate a varying width Access Easement as depicted on the Tentative Map.
- g) Dedicate a 10-foot-wide public service easement adjacent to public rights-of-way.

2. Abandonments

The right-of-way and easement abandonments depicted on the Tentative Map are approved. Said abandonments, in accordance with the provisions of the Subdivision Map Act, shall become effective upon Final Map recordation.

- a) Abandon a portion of the 50-foot PG&E Easement as depicted on the Tentative Map.
- b) Abandon a portion of the 15-foot Bicycle Easement as depicted on the Tentative Map.
- c) Abandon a portion of the 52-foot Storm Drain Easement as depicted on the Tentative Map.
- d) Abandon a portion of the 20-foot Sanitary Sewer Easement as depicted on the Tentative Map.
- e) Abandon a portion of the 20-foot Water Easement as depicted on the Tentative Map.

H. OTHER PUBLIC SERVICES

1. Public Utilities

a) Underground Requirements

The issue of undergrounding of utilities will be addressed in the Community Development Department report.

b) Easement Obstructions

All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

c) Utility Company Comments

- 1) AT&T, as of the date of this report, did not respond to a request for comments.
- 2) Pacific Gas and Electric Company has had some communications with the Community Development Department regarding undergrounding the overhead power lines crossing the Walmart site.
- 3) California Water Service Company, as of the date of this report, did not respond to a request for comments.

2. Fire Protection

The Subdivider shall comply with the recommendations of the Fire Department, City of Chico.

I. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public and joint-use private improvements shall be designed in accordance with Chapter 18R.08, Design Criteria, of the Chico Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department - Engineering for review and approval prior to the start of any construction of public and joint-use private improvements.

All public and joint-use private improvements shall be constructed in conformance with Chapter 18R.12, Improvement Standards, of the Chico Municipal Code and in conformance with the details shown on the approved improvement plans.

J. ADMINISTRATIVE REQUIREMENTS

1. Subdivision Improvement Agreement

If the public and joint-use private improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with Chapter 18.36, Subdivision Improvement Requirements, of the Chico Municipal Code.

2. Subdivision Fees

a) Plan Checking Fee

The Subdivider shall pay to the City of Chico a subdivision plan checking fee upon filing the Final Map and/or improvement plans and specifications for checking in the following amount:

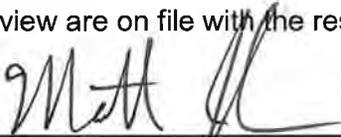
An initial deposit of 1½% of the estimated cost of all public and/or joint use private improvements exclusive of private utility facilities (\$750 minimum). A final fee equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Chico an inspection fee prior to commencing construction in the following amount:

An initial deposit of 2% of estimated cost of all public and/or joint use private improvements exclusive of private utility facilities. A final fee equal to actual City costs.

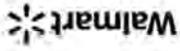
Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Community Development Department.



Matt Johnson, Senior Development Engineer

Distribution:

Original - Planning PM 15-02 File
Development Engineering Parcel Map File



NO.	DESCRIPTION	DATE



PROJECT NO. 2044-09
 DRAWN BY: RSC/EG
 CHECKED BY: RSC/EG
 DESIGNED BY: RSC/EG

PRELIMINARY SITE PLAN
WALMART STORE NO. 2044-09
EXPANSION
 2044 FOREST AVENUE
 CHICO, CA 95928

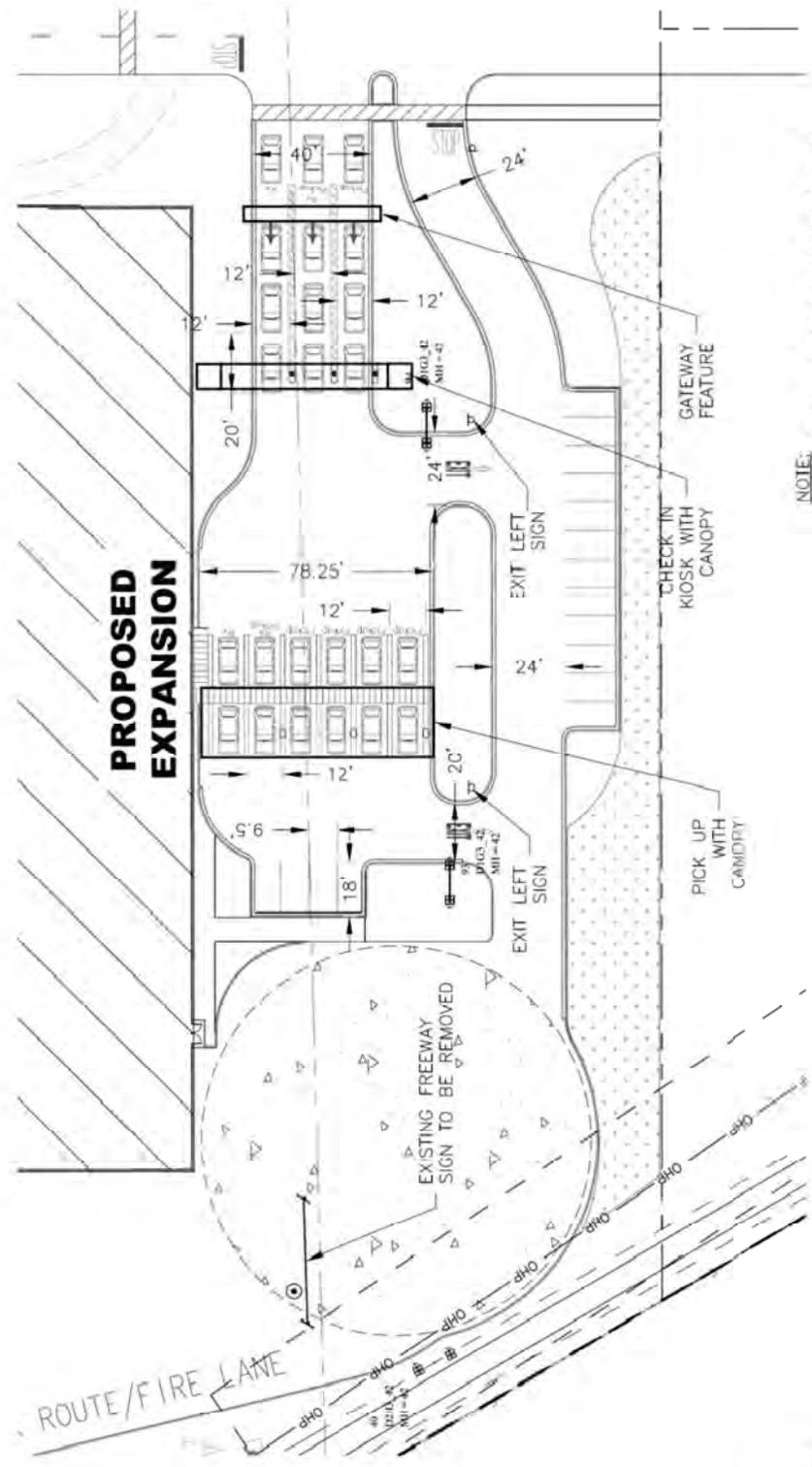
SHEET TITLE
SITE PLAN

Exhibit IV
 DATE: OCTOBER 8, 2015



Plat to Accompany Use Permit 15-10
Page 1 of 2

RECEIVED
Oct 09, 2015
City of Chico
Planning Services



NOTE:
 SEE PICK-UP DRIVE THRU ELEVATION FOR
 DETAILS OF GATEWAY FEATURE AND PICK UP
 KIOSK WITH CANOPY.

Exhibit IV



RSC ENGINEERING
 2250 Douglas Blvd, Suite 150
 Roseville, CA 95681
 Ph: 916.788.2884 Fax: 916.789.4408

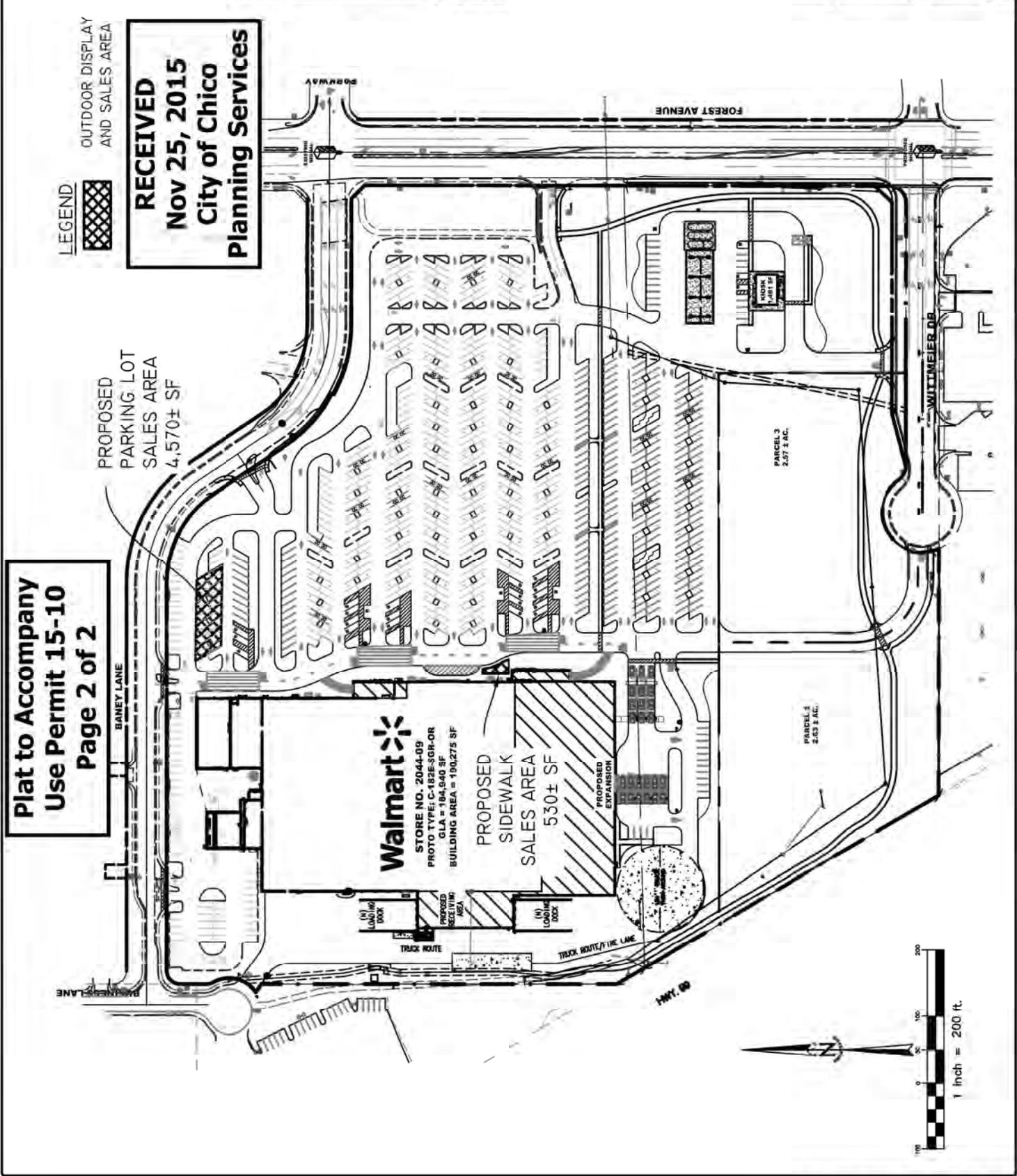
PROJECT NO: 027-046
 DRAWN BY: RSC Eng
 CHECKED BY: RSC Eng
 DESIGNED BY: RSC Eng

OUTDOOR DISPLAY AND SALES EXHIBIT
2044-09 CHICO EXPANSION
 2044 FOREST AVENUE
 CHICO, CA 95928

SHEET TITLE
OUTDOOR SALES

Exhibit
IV

DATE: OCTOBER 14, 2015

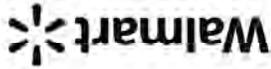


RECEIVED
 Nov 25, 2015
 City of Chico
 Planning Services

LEGEND

OUTDOOR DISPLAY AND SALES AREA

Plat to Accompany Use Permit 15-10
Page 2 of 2



RSC ENGINEERING
 2250 Douglas Blvd, Suite 150
 Roseville, CA 95661
 Ph: 916.788.2884 Fax: 916.788.4408

PROJECT NO: 027-046
 DRAWN BY: RSC Eng
 CHECKED BY: RSC Eng
 DESIGNED BY: RSC Eng

FUEL STATION SITE PLAN
 FOR STORE NO. 2044-09
 2044 FOREST AVENUE
 CHICO, CA

SHEET TITLE
**FUEL STATION
 SITE PLAN**

SHEET NO.
SP1
 OF 2

DATE: SEPTEMBER 1, 2015



VICINITY MAP



RECEIVED
 Sep 14, 2015
 City of Chico
 Planning Services

**Plat to Accompany
 Use Permit 15-12
 Page 1 of 2**

A.P. NO: 002-170-004
 APPLICANT: RSC ENGINEERING
 PARCEL 1 AREA: 21.88 AC
 SCALE: 1"=50'
 DATE: SEPTEMBER 1, 2015

FOREST AVENUE

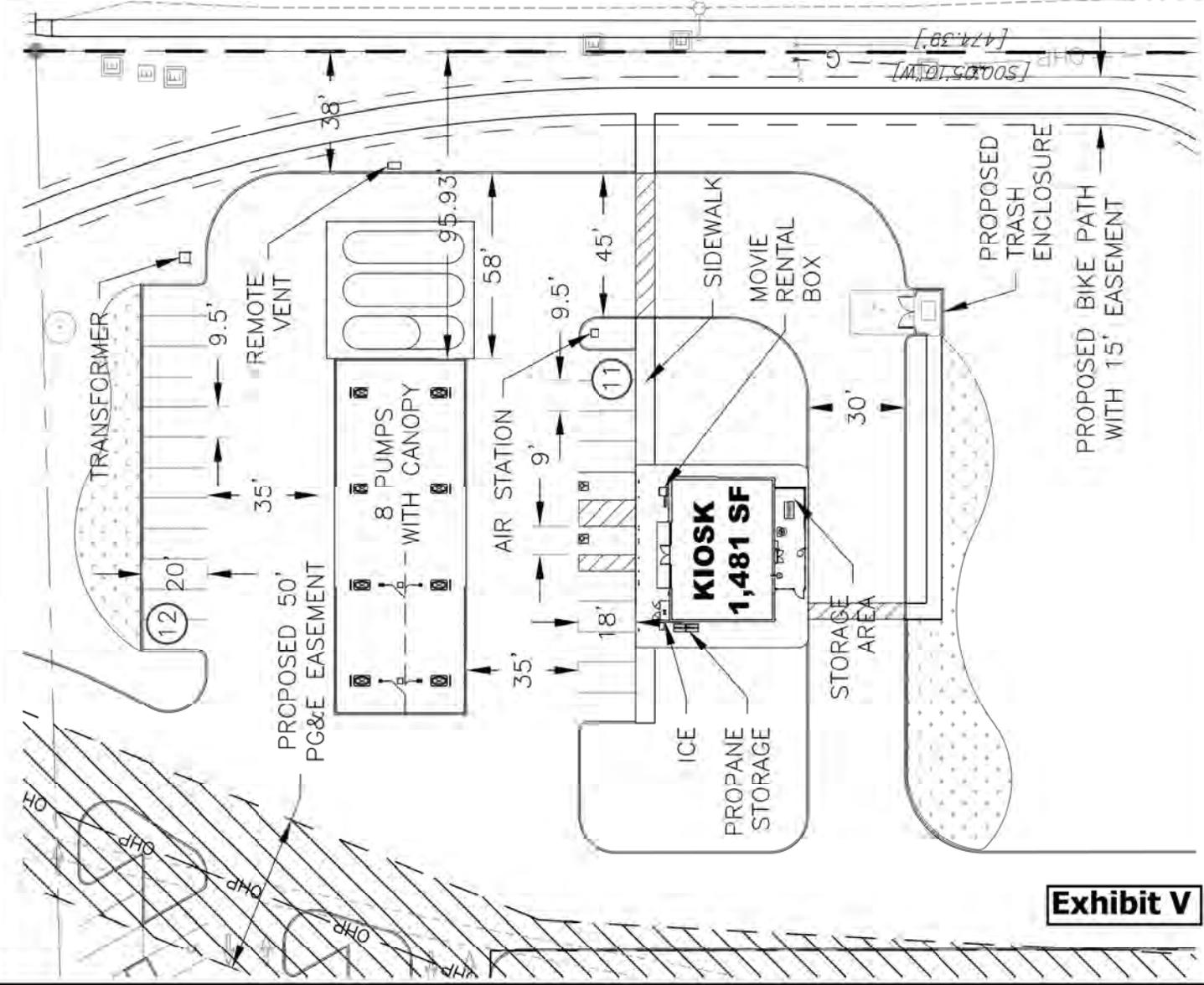


Exhibit V

Drawings: P:\027-046\Planning\Conceptual\027046_SP11 (Fuel Station).dwg
 USER: RWILSON
 LAST MODIFIED: Sep. 01, 15 - 14:00
 PLOT DATE: Sep 01, 2015 - 2:07:19 PM
 Xrefs: P:\027-046\Planning\Conceptual\027046_XRRPN1.dwg
 P:\027-046\Planning\Conceptual\027046_XTOPT1.dwg
 P:\027-046\Planning\Conceptual\027046_XRRPN-OFFSITE.dwg



PROJECT NO: 027-046
 DRAWN BY: RSC Eng
 CHECKED BY: RSC Eng
 DESIGNED BY: RSC Eng

2044 FOREST AVENUE
 CHICO, CA
 FUEL STATION SITE PLAN
 FOR STORE NO. 2044-09

SHEET TITLE
**FUEL STATION
 SITE PLAN**

SHEET NO.
SP2
 OF 2

DATE: SEPTEMBER 1, 2015

LEGEND:

- BOUNDARY LINE
- - - RIGHT OF WAY LINE
- ⊕ PARKING COUNT
- OHP
- ==== RELOCATED OVERHEAD POWER LINES
- ==== PROPOSED CURB

PROJECT DATA:
 LOCAL JURISDICTION: CITY OF CHICO, CA
 ZONING CLASSIFICATION: CR REGIONAL COMMERCIAL
 LAND USE CLASSIFICATION: RC REGIONAL COMMERCIAL
 BUILDING SETBACKS: 0' FRONT, REAR AND SIDE

SITE PARKING ANALYSIS

FUEL STATION KIOSK: 1,481 SF
 (4 BAYS/8 PUMPS)

FUEL STATION PARKING
 STANDARD PARKING 21 SPACES
 ACCESSIBLE PARKING 2 SPACES (INC. 1 VAN)
 TOTAL 23 SPACES

FUEL STATION PARKING RATIO: 15.53/1,000 SF

CITY OF CHICO REQUIREMENTS

FUEL STATION 4.0/1,000 6 SPACES
 TOTAL 6 SPACES

**TYPICAL PARKING STALL IS 9.5' X 20'

PROPOSED PARCEL 1

WALMART PARCEL: 21.88 AC

NOTE: PROPOSED FUEL STATION IS A PORTION OF PARCEL 1

PROPOSED PARCEL 1 SITE COVERAGE

BUILDING: 5.03 AC 22.7%
 HARDSCAPE: 12.97 AC 58.9%
 LANDSCAPE: 3.89 AC 18.4%
 TOTAL: 21.88 AC 100%

RECEIVED
 Sep 14, 2015
 City of Chico
 Planning Services

**Plat to Accompany
 Use Permit 15-12
 Page 1 of 2**

A.P. NO: 002-170-004
 APPLICANT: RSC ENGINEERING
 PARCEL 1 AREA: 21.88 AC
 SCALE: N/A
 DATE: SEPTEMBER 1, 2015

Chico Advocates for a Responsible Economy (CARE)

Response to CARE-1

The organization provided introductory remarks to open the letter. No response is necessary.

Response to CARE-2

The organization provided standard language about CEQA requirements. No response is necessary.

Response to CARE-3

The organization stated that the Draft EIR indicates that project-related traffic would cause intersection operations to deteriorate at six locations, including one where it would fall to below General Plan standards.

To clarify, if an intersection operation falls from a higher, acceptable level (e.g., LOS A) to a lower, acceptable level (e.g., LOS C), this not considered a significant impact by the Chico 2030 General Plan. Thus, of the six locations referenced by the organization, only one (E. 20th Street/Forest Avenue) would experience a significant impact, as this intersection would operate below acceptable levels. Refer to Response to CARE-5 for further discussion.

Response to CARE-4

The organization stated that the Draft EIR's conclusions about the deterioration of intersection operations is "unacceptably in conflict" with the City's planning documents. The organization cited the deterioration of LOS at E. 20th Street/Forest Avenue, and the deterioration of LOS from A to C at two locations and several instances of doubling of delay.

To clarify, if an intersection operation falls from a higher acceptable level (e.g., LOS A) to a lower acceptable level (e.g., LOS C), this is not considered a significant impact by the Chico 2030 General Plan. Of the six locations referenced by the organization, only one (E. 20th Street/Forest Avenue) would experience a significant impact, as this intersection would operate below acceptable levels. Refer to Response to CARE-5 for further discussion.

Response to CARE-5

The organization stated that the Draft EIR identifies significant and unavoidable impacts to at least six intersections in Chico that will negatively impact traffic commute times, public safety, and quality of life. The organization stated that these LOS values conflict with the General Plan and call for serious alteration of the project size and density.

The Draft EIR's traffic analysis indicates that the intersection of E. 20th Street/Forest Avenue would degrade to unacceptable LOS with the addition of project-related trips under Existing Plus Project, Short-Term Plus Project, and Cumulative Plus Project conditions. For the Existing Plus Project and Short-Term Plus Project scenarios, a signal timing adjustment would improve operations to acceptable levels. According to a Synchro analysis of the E. 20th Street/Forest Avenue intersection, with signal optimization, it is estimated that signal timing modifications could improve operations to an average delay of 55 seconds and an acceptable LOS D during the Saturday peak time period. Since operation of the intersection will be maintained at an acceptable LOS by Public Works staff pursuant to existing General Plan policy, no mitigation is necessary to reduce project impacts. Furthermore, this adjustment is considered a routine traffic management activity that City staff

would otherwise undertake regardless if the proposed project advanced; therefore, it is not identified as a mitigation measure.

Under the Cumulative Plus Project conditions, the degradation of LOS is significant enough to warrant restriping to provide additional left-turn storage on the northbound Forest Avenue approach. In addition, the signal operation would need to be modified to provide split phasing on the Forest Avenue approaches. These improvements are reflected in Mitigation Measure TRANS-3a and would improve operations to acceptable LOS under all peak hours.

In summary, only one intersection would experience unacceptable operations with the addition of project-related trips, but implementation of standard signal timing adjustments and improvements contemplated by Mitigation Measure TRANS-3a would improve operations to acceptable LOS under all peak hours. Accordingly, no significant unavoidable impacts would occur at surface street intersections in the City of Chico.

The Draft EIR did identify one facility, a segment of southbound State Route 99 between State Route 32 and E. 20th Street, that would operate at an unacceptable level during the PM peak hour under the Cumulative Plus Project conditions. Feasible mitigation was identified to lessen the severity of this impact; however, after mitigation, it would remain significant and unavoidable. This is the sole impact identified by the Draft EIR as significant and unavoidable.

The organization's claims that the project would result in six significant unavoidable intersection impacts that negatively impact traffic commute times, public safety, and quality of life are not supported by any substantial evidence in the Draft EIR.

Response to CARE-6

The organization claimed that the Draft EIR failed to study Baney Lane and Business Lane and did not provide traffic counts at peak and off-hours for the intersection of Baney Lane/Business Lane. The organization stated that both streets provide access to a number of businesses in the project vicinity and the proposed project has the potential to contribute to back-ups and congestion on Baney Lane.

The reasons for omitting Baney Lane and Business Lane from the intersection analysis of the traffic study are addressed in Master Response 1.

Regarding congestion on westbound Baney Lane caused by project access points, the traffic study in Appendix I of the Draft EIR (page 19) states that the easternmost driveway would have a dedicated left-turn lane on Baney Lane to facilitate turns into the Walmart parking lot, and, under the cumulative plus project scenario, estimated through and left-turn volumes for westbound traffic on Baney Lane at peak times are below the level that would warrant additional dedicated left-turn lanes for the other Walmart driveways. Therefore, this concern was specifically addressed in the Draft EIR by a qualified expert and was not found to be a potentially significant impact of the proposed project.

Response to CARE-7

The organization stated that there is an undeveloped property to the north of Baney Lane that is designated for commercial use, and the likelihood of development on this site makes it likely that

Baney Lane would be used for vehicular access. The organization stated that the City should be aware of potential increases in congestion that could arise on Baney Lane.

At the time of Draft EIR release, the City of Chico did not have an application on file for development on this property. Thus, it would be speculative to make any statements about the impacts of future development of this site on the local roadway network. To the extent that future development of the undeveloped site would require discretionary approvals from the City of Chico, that project would be subject to separate CEQA review, which would entail analysis of potential traffic impacts resulting from that development.

Response to CARE-8

The organization claimed that the Draft EIR does not propose substantive mitigation measures to address the deterioration of intersection operations on E. 20th Street and offers only “non-specific recommendations” for City staff to monitor impacts without specific monitoring tools, metrics, or details of how this will occur.

As previously discussed in Response to CARE-5, only the intersection of E. 20th Street/Forest Avenue would operate at unacceptable levels with the addition of project-related traffic. For the Existing Plus Project and Short-Term Plus Project scenarios, a signal timing adjustment would improve operations to acceptable levels. Pursuant to General Plan Action CIRC 2.2.2, this adjustment is considered a routine traffic management activity that City staff would otherwise undertake regardless if the proposed project advanced, and, therefore, it is not identified as a mitigation measure.

The City of Chico, like other local governments through California, routinely monitors signalized intersections under its jurisdiction to ensure that signal timing provides sufficient green time for critical and non-critical movements. Signal timing adjustments are performed on an as-needed basis in accordance with industry practice and are based on empirical evidence including traffic volumes and average delay. Furthermore, the City must balance considerations for all roadway users when making signal timing adjustments and, thus, identifying it as a mitigation measure for an individual development project would be improper, as it suggests it is being done for the benefit of one private party at the expense of others, which is not the intent.

Refer to Response to CARE-5 for further discussion of the proposed improvements at E. 20th Street/Forest Avenue.

Response to CARE-9

The organization alleged that the proposed project is in conflict with the City of Chico General Plan and noted that the Caltrans District System Management Plan and Caltrans District 3 State Highways Bicycle Facility Plan apply to the project. The organization provided standard language about the California Supreme Court’s rulings concerning local general plans.

The organization’s specific comments about alleged conflicts with City of Chico General Plan are addressed in Responses to CARE-10 through CARE-12.

Regarding the Caltrans District System Management Plan, this is described as follows by the Caltrans website:

The District System Management Plan is a long-range (20 year) strategic and policy planning document that presents the long range goals, policies and programs the district intends to follow in maintaining, managing, and developing the transportation system. It serves as a resource for informing federal, state, regional and local agencies, and the public and private sector of the plans the district intends to follow in its partnership role with local and regional agencies

As such, the District System Management Plan is a management plan for the state highway system within each Caltrans District and does not govern local development or land use projects. As such, it does not apply to the proposed project.

The District 3 State Highways Bicycle Facility Plan applies to bicycle facilities that are within or part of the state highway system. The plan contemplates a Class II/III bicycle facility along SR-99 from Garner Lane (north Chico) to the Tehama County line; no facilities are contemplated along the segment of SR-99 near the project site. However, as discussed on Draft EIR page 3.11-86, the Chico Urban Area Bicycle Plan contemplates the SR-99 Bikeway, which would pass through the project site south to Skyway Road. Mitigation Measure TRANS-7 requires the applicant to provide an easement within the project site for a future connection to the bikeway. Thus, no conflicts would occur with either the District 3 State Highways Bicycle Facility Plan or the Chico Urban Area Bicycle Plan.

Response to CARE-10

The organization cited General Plan “Policy CIRC-1.1” and “Policy CIRC-1.1.1” and stated that it calls for the City to enhance roadways as needed to accommodate developed. The organization claimed that the “plain language” of the traffic study demonstrates a need to enhance the roads serving the project, particularly E. 20th Street.

To clarify, the General Plan sets forth “Policy CIRC-1.1” and “Action CIRC-1.1.1,” which are reproduced as follows:

- **Policy CIRC-1.1 (Transportation Improvements):** Safely and efficiently accommodate traffic generated by development and redevelopment associated with build-out of the General Plan Land Use Diagram.
- **Action CIRC-1.1.1 (Road Network):** Enhance existing roadways and intersections and develop the roadway system shown in Figure CIRC-1 over the life of the General Plan as needed to accommodate development.

Both the policy and action contemplate the need to expand and improve the roadway network as new development occurs within the Chico Planning Area. As discussed in Response to CARE-5, deficient intersection operations at E. 20th Street/Forest Avenue can be fully mitigated to a level of less than significant through signal timing adjustments and the improvements required by Mitigation Measure TRANS-3a. Thus, the project is consistent with the intent of both Policy CIRC-1.1 and Action CIRC-1.1.1.

Response to CARE-11

The organization alleged that the “policy” is being violated by the project, which is further reinforced by a second policy, Policy CIRC-1.2, which requires new development to fund and construct improvements to roadways to ensure that circulation degradation would not occur.

The text of Policy CIRC-1.2 is reproduced as follows:

- **Policy CIRC-1.2 (Project-level Circulation Improvements):** Require new development to finance and construct internal and adjacent roadway circulation improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities.

As discussed in Response to CARE-5, deficient intersection operations at E. 20th Street/Forest Avenue can be fully mitigated to a level of less than significant through signal timing adjustments and the improvements required by Mitigation Measure TRANS-3a. In the case of Mitigation Measure TRANS-3a, the applicant is responsible for the full cost of the improvements. Additionally, the proposed project is responsible for the full cost of the Baney Lane restrictions, the improvements to Wittmeier Drive, and the new transit, bicycle, and pedestrian facilities that would be provided within the project site. Thus, the project is consistent with the intent of Policy CIRC-1.2.

Response to CARE-12

The organization alleged that the General Plan “patently prohibits” approval of projects that contribute to degradation of levels of service below LOS E, with certain exceptions for downtown streets, arterials served by scheduled transit, and arterials not served by scheduled transit but with bicycle and pedestrian facilities. The organization claimed that none of the exceptions apply and the proposed project would violate the General Plan unless “concrete mitigation measures” are put in place. The organization characterized the Draft EIR’s mitigation measures as “overly vague, non-binding, or labile” and cited examples of “concrete mitigation measures” as “significant roadway improvements with completion-by dates, funding of increased traffic police response; funding for bicycle access; or limiting project size.”

The text of General Plan Policy CIRC-1.4 is reproduced below:

- **Policy CIRC-1.4 (Level of Service Standards)**—Until a Multimodal Level of Service (MMLOS) methodology is adopted by the City, maintain LOS D or better for roadways and intersections at the peak PM period, except as specified below:
 - LOS E is acceptable for City streets and intersections under the following circumstances:
 - Downtown streets within the boundaries identified in Figure DT-1 of the Downtown Element.
 - Arterials served by scheduled transit.
 - Arterials not served by scheduled transit, if bicycle and pedestrian facilities are provided within or adjacent to the roadway.
 - Utilize Caltrans LOS standards for Caltrans’ facilities.
 - There are no LOS standards for private roads.

To correct some misstatements in this comment: (1) LOS D is the minimum acceptable standard unless the above-listed exceptions apply; (2) LOS E would apply for the exceptions; and (3) the policy does not allow any facility to operate below LOS E.

Prior to the collection of traffic counts in October 2015, the City of Chico Public Works Department reviewed the study facilities and identified the appropriate LOS standards for each one. In the case of E. 20th Street/Forest Avenue, this intersection was found to meet the exception for “Arterials served by scheduled transit,” as six Butte Regional Transit B-Line Routes (5, 14, 17, 20, 40, and 41) travel through this intersection on either E. 20th Street or Forest Avenue. (The project vicinity is one of the most well-served areas for transit in the City of Chico.) Thus, this intersection is allowed to operate at LOS E during the PM peak hour pursuant to Policy CIRC-1.4.

Moreover, even if there were no scheduled transit service on either roadway, Class II bike lanes and sidewalks exist on all four approaches at this intersection; refer to Exhibit 3.11-5. Thus, this intersection would meet the exception for “Arterials not served by scheduled transit, if bicycle and pedestrian facilities are provided within or adjacent to the roadway.” Thus, this intersection would meet two of the three exceptions permitted by Policy CIRC-1.4.

Regarding the organization’s claims about “concrete mitigation measures,” Mitigation Measure TRANS-3a requires that (1) the applicant provide the full cost of improving the intersection to the City of Chico prior to issuance of the first building permit; and (2) the City of Chico to implement the improvement when monitoring determines that the intersection is approaching unacceptable levels. Hence, the funding responsibility and timing of implementation are identified by the mitigation measure.

Note that the improvements consist of restriping an existing northbound through lane to a shared left-through lane and changing the signal operation on the Forest Avenue approaches to split phasing. This type of lane configuration and signal operation exists at other intersections in Chico and, thus, is feasible and can be readily implemented.

Because Mitigation Measure TRANS-3a mitigates project impacts at the intersection of East 20th Street and Forest Avenue to a level of less than significant, and all other intersections would operate at acceptable levels, there is no legal basis to require the additional mitigation measures suggested by the organization.

The Draft EIR did identify one facility, a segment of southbound State Route 99 between State Route 32 and E. 20th Street, that would operate at an unacceptable level during the PM peak hour under the Cumulative Plus Project conditions. Feasible mitigation was identified to lessen the severity of this impact; however, after mitigation, it would remain significant and unavoidable. Because an acceptable level of service would not be maintained for this facility, this impact of the project is also inconsistent with Policy CIRC-1.4.

However, page 1-1 of the General Plan provides the following important preface for using the document:

When making decisions, goals and policies should be examined comprehensively, not individually. It is not the intent of the General Plan to predetermine decisions, but rather to help guide the decision-making process.

Thus, the project need not be consistent with every General Plan policy to warrant a finding of consistency with the overall document, and there is no individual policy in the General Plan that, by itself, prohibits approval of a given project.

Response to CARE-13

The organization asserted that a fully protected bicycle lane should be integrated into the development of the proposed project in order to facilitate bicycle travel by residents who live on the east side of Forest Avenue to the proposed outparcels and other businesses in the project vicinity. The organization stated that without such a facility, there is a “serious concern that traffic could deteriorate beyond the projections of the Traffic Study” and result in serious accidents between motorists and bicyclists on Baney Lane.

The proposed project would re-route the existing Class I bicycle/pedestrian path that links the Business Lane cul-de-sac with the Forest Avenue sidewalk to follow the southern perimeter of the site along Wittmeier Drive, where it would then link to the Forest Avenue sidewalk. Given that the residential uses located east of the project site take access on Forest Avenue at Talbert Drive (which is aligned with Wittmeier Drive), this new facility would allow for convenient access to the proposed project, as well as the planned SR-99 Bikeway. Thus, the project would provide a bicycle and pedestrian facility that would allow for safe and convenient access to the proposed project and surrounding uses to residents who live east of Forest Avenue.

Regarding the organization’s proposed fully protected bicycle lane on Baney Lane, the proposed project would modify two existing driveways on this roadway to prevent left-out turning movements. These restrictions would benefit bicyclists who use this roadway, as it results in one less turning movement opportunity at each driveway. Thus, with fewer turning movement opportunities, there would be no nexus to require the project to provide a protected bicycle lane on this roadway.

Moreover, Baney Lane is privately owned and is not contemplated to support bicycle facilities that are part of the City’s bicycle network.

Response to CARE-14

The organization claimed that there are numerous issues that arise from the potential air quality impacts in the Draft EIR and strongly urged the City to “turn a discerning eye to proposed mitigation measures.”

The organization’s specific comments on air quality are addressed in Responses to CARE-15 and CARE-16.

Response to CARE-15

The organization referenced Mitigation Measure AIR-2h, which requires enhancements to the Butte Regional Transit stop on Forest Avenue, and stated that it lacks a satisfactory mechanism to ensure that the enhancement will be ready upon the occupancy of the expanded store. The organization claimed that the mitigation measure should include a requirement for a study to identify the potential cost and timeline of such enhancements, and a surety note, bond, or escrow account to be funded at the level necessary to make such enhancements.

Mitigation Measure AIR-2h contemplates improving the existing Forest Avenue bus stop in accordance with Butte Regional Transit design standards and providing a minimum of a shelter, seating, lighting, transit information, and a pedestrian connection to the Walmart store entrance. The applicant would be required to fund the full cost of the improvements and the mitigation measure requires the enhanced stop to be in place prior to occupancy of the expanded Walmart store.

Enhancing the existing bus stop is expected to entail (1) replacing the existing shelter with an upgraded shelter that provides seating, lighting, and a transit information display; and (2) installing a new pedestrian connection from the stop to the Walmart store entrance. The upgraded shelter (and associated amenities) can be pre-ordered from a vendor approved by Butte Regional Transit and installed in a relatively short time after arrival on-site. The new pedestrian connection would be developed in conjunction with other site improvements that must be in place prior to occupancy of the expanded Walmart. Overall, the planning, work effort, and cost of these improvements would be relatively modest compared to other aspects of the proposed project and would not warrant a study or the use of a surety note, bond, or escrow account. Thus, there is no requirement to revise the mitigation measure as described by the organization because the mitigation measure complies with the CEQA Guidelines.

Response to CARE-16

The organization alleged that Mitigation Measure AIR-2i is insufficient because it does not prevent idling by trucks and relies upon voluntary compliance. The organization stated that the mitigation measure should give the City and residents a means for enforcement such as public information activities that allow for monitoring and reporting of violations, and regular noticing about the 5-minute limitation on diesel idling.

Truck idling is addressed in Master Response 2.

Response to CARE-17

The organization stated that the Draft EIR failed to examine the potential economic and urban decay impacts associated with the potential closure of the Chico Walmart store. The organization cited the closing of nearly 200 Walmart stores in the United States in early 2016 as evidence that closure is not only an abstract possibility but a likely and foreseeable outcome. The organization stated that the impact of such a closure should be studied and mitigation measures must be imposed to forestall the likely decay effects. The organization claimed that closure of a Walmart store results in secondary adverse economic effects that cause a drop in tax revenue and may cause cities to offer further tax incentives to attract new businesses.

The Chico Walmart first opened in March 1994 and has continuously operated since that time, a period of more than 22 years. Walmart has pursued two expansions of the Chico Walmart store during the past 15 years,³ including the current proposal that is evaluated in the EIR. Driveway counts taken by Fehr & Peers in October 2015 indicate that the Chico Walmart has higher per-square-foot trip rates than reported in the Institute of Transportation Engineer's (ITE) "Trip

³ Walmart also proposed building a second store in Chico in the northern part of the City in the mid-2000s in conjunction with the expansion of the existing store, but ultimately withdrew that proposal.

Generation” publication for the “Freestanding Discount Superstore” land use code.⁴ Collectively, these characteristics indicate that the Chico Walmart store is a very well-performing store and is unlikely to be closed in the foreseeable future. Thus, it would be speculative for the Draft EIR to evaluate a scenario in which the expanded Walmart store ceases operation.

Regarding the organization’s claims that the closure of a Walmart store inevitability results in adverse economic impacts, there are numerous examples of former Walmart store sites being successfully re-tenanted or redeveloped by other businesses. In California alone, former Walmart stores have been re-tenanted by Planet Fitness and Sears Outlet (Bakersfield); 99 Cents Only, Big 5 Sporting Goods, and Metro PCS (Cathedral City); See Grins RV (Gilroy); Hobby Lobby (Hanford); a medical plaza (Hemet); Kohl’s (La Quinta); and Burlington Coat Factory and Factory 2U (Palmdale). Additionally, in Yuba City, a former Walmart store was sold to Lowe’s, which demolished the store and built a new ground-up home improvement warehouse. Thus, the organization’s statements are not supported by substantial evidence.

Response to CARE-18

The organization claimed that the Urban Decay Analysis prepared by ALH Urban & Regional Economics fails to account for the potential closure of the Chico Walmart store. The organization reiterated its previous comments about the adverse economic impacts associated with closure of a Walmart store.

Refer to Response to CARE-17.

Response to CARE-19

The organization stated that the proposed project would negatively impact existing businesses and competitors near the project site and throughout Chico. The organization requested a more comprehensive study that addresses the negative cumulative economic impact that the closure of several small businesses and one major grocery store would have on the local economy should the project be approved.

The existing analysis in the EIR follows a rigorous methodology for urban decay studies and demonstrates that the economic impacts of the Walmart expansion are anticipated to be minimal. The study especially examines conditions in the real estate market in the event existing stores close. Notably, the study does not conclude that any stores will close as a result of the project alone, but rather, the project—in combination with cumulative stores, especially the upscale New Earth market that opened in April 2016 and other planned restaurants—could result in some store closures.

Evidence presented in the study demonstrates that existing vacant spaces, especially including the small business spaces cited by CARE, are experiencing retail backfilling with new tenants. Additional photographic evidence in Appendix J to the EIR further indicates that spaces that remain vacant, ranging from small to large, and including spaces vacant for prolonged periods of time, do not attract

⁴ ITE publishes trip generation rates for various types of land uses in “Trip Generation” that are based on empirical data collected from across the United States. A “Freestanding Discount Superstore” is the representative land use activity for the proposed expanded Walmart store, and the published trip generation rates for this use would ordinarily be used for the purposes of calculating peak hour trips generated by the project. However, in this case, the actual driveway count trip rates were used in the traffic analysis because they were higher than the Freestanding Discount Superstore trip rates.

blight, vagrants, crime, etc. In general, the EIR demonstrated that vacancies, even ones at older shopping centers that show their age, were well-maintained with no visible signs of urban decay, especially with regard to boarded up windows, graffiti, or visible signs of trash. Thus, the EIR includes sufficient information and a high standard of documentation regarding the market's ability to withstand economic impacts generated by the Walmart expansion project from the perspective of the physical environment, which is the sole focus of CEQA and is addressed by the EIR and its urban decay analysis.

Response to CARE-20

The organization stated that the Draft EIR failed to address a project conflict with General Plan Policy ED 1.5, which concerns quality of life in support of economic development, because the project threatens existing businesses and reduces opportunity to develop “Third Places” in strategic locations—an undeveloped property within a business district in proximity to employment centers. The organization claimed that the proposed project reduces the potential for the City to meet this policy because the project would result in less space available for Third Places. The organization stated that the Draft EIR should be revised and recirculated to address this conflict.

To clarify, the organization's comment referenced statements from Policy ED-1.5 and Action ED-1.5.1. The full text of the policy and action are reproduced below.

- **Policy ED-1.5 (Quality of Life In Support of Economic Development):** Encourage projects and programs that help increase the quality of life for local businesses and their employees.
- **Action ED-1.5.1 (Placemaking):** Support the development and enhancement of “Third Places” (places people go after work or when not at home), including open space, recreation, art, and entertainment venues.

Both the policy and action broadly encourage new opportunities for open space, recreation, art, and entertainment venues in the interests of improving quality of life for Chico residents and workers. The proposed project could be found to be consistent with both the policy and action given that (1) the 52,000 square feet of commercial uses on Parcels 2 and 3 could include new opportunities for eating and drinking, entertainment, health and fitness, or recreation businesses ventures; and (2) the bicycle and pedestrian facilities included in the project would create new recreational opportunities for local residents and workers. These characteristics would promote enhancements to quality of life as part of new economic development.

If one took a more narrow interpretation of the policy and action, it could be found that neither one applies to the project because it is a private commercial development on a site designated for “Regional Commercial” use by the General Plan.

Regardless, it is not agreed that a reasonable interpretation of Policy ED-1.5 or Action ED-1.5.1 would result in the project being found in conflict with either the policy or the action. Both the policy and action use voluntary language (see the use of the words “Encourage” and “Support”) and, no substantial evidence has been provided to support the conclusory claim that the project is necessarily inconsistent with either policy or action.

For these reasons, there is no basis to revise and recirculate the EIR as suggested by the organization.

Response to CARE-20

The organization provided closing remarks to conclude the letter. No response is necessary.

Stina Cooley

From: Lanette Henderson <lanetteddy60@hotmail.com>
Sent: Thursday, October 06, 2016 9:31 PM
To: Stina Cooley
Subject: Re: Public Comments Received Regarding Chico Walmart Expansion

Thank you. I am praying that God will open up the path for you to have this Wal-Mart if it is His will. God knows best as to what is best for Chico and Wal-Mart. I am so thankful that we can trust God to do what is right and good.

From: Stina Cooley <stina.cooley@Chicoca.gov>
Sent: Tuesday, October 4, 2016 5:03 PM
Subject: Public Comments Received Regarding Chico Walmart Expansion

Attached please find additional comments received after the publication of the Planning Commission agenda. These comments were provided to the Planning Commission and we will continue to forward all comments to them until the hearing.

These comments were received as emails and converted to a pdf. They have not been modified in any way. Many are a brief message or only state the opinion of the sender in the subject line.

Thank you.

Stina Cooley

Administrative Assistant
City of Chico
Community Development Department
P.O. Box 3420
Chico, CA 95927
530-879-6830
FAX 530-895-4726

Stina Cooley

From: aloharice56@comcast.net
Sent: Friday, October 07, 2016 10:34 AM
To: Stina Cooley
Subject: support walmart project

I fully support Walmart's expansion project!

Stina Cooley

From: mahal806@sbcglobal.net
Sent: Friday, October 07, 2016 2:12 PM
To: Stina Cooley
Subject: Walmart support project

Sent from [Mail](#) for Windows 10

I wish to give my support for the Walmart expansion. No opinion was solicited for the Costco expansion, the Ulta store, the Butte College building, the new car wash going in, etc., etc., etc. Why the discrimination against Walmart??? All of the above mentioned businesses have had an impact on the community, and no more so than Walmart will. I ask that you put your prejudices against Walmart aside and allow the proposed expansion. If the community doesn't want it, then it will fail. Remember free enterprise?

Siincerely, M. Halvorsen

RECEIVED

OCT 10 2016

CITY OF CHICO
PLANNING SERVICES

Chico Planning Commission
Municipal Center
421 Main Street- Council Chambers
Chico, CA 95926

I attended the October 6th meeting regarding the Walmart expansion. Unfortunately, I was unable to stay for the entire session. Nonetheless, I wanted to submit my impressions and concerns. I understand that there are established procedures, protocols, and legal processes that are in-place, which the commission may have limited control over. I also admit that I am new to the process and felt like a total outsider sitting listening to the reports and comments.

I am strongly opposed to expansion of Walmart. The micro-issues that were mentioned in the EIR, I don't believe were addressed in a realistic manner. It seemed that little, minor adjustments would fix everything and make the expansion acceptable. Nowhere and no time did I hear any consideration of quality of life seriously recognized or addressed. I could not help but wonder where the commissioners and planners live. I have lived in the neighborhood close to Walmart for about 24 years and watched the area develop, with no significant change in the employment situation in Chico. I have done just fine without shopping at Walmart and would never shop at that store. The traffic around Chico Mall has been unacceptable for years, especially during the holiday season. The expansion plan, along with the huge new development planned off East 20th would be a total disaster. Adding turn lanes would do little to change the traffic situation. Turn lanes do not handle enough traffic and access to them is frequently cut off by through lane traffic; just look at the left hand turn lane at the corner of East 20th onto Forest Avenue, the left hand turn lane at the corner of Mangrove and Vallanbrosa, turning towards the part and post office, or the left hand turn lane at the intersection of Cohasset turning towards the freeway entrance, across from the Ramanda. Traffic also impacts pollution and air quality, which I do not think were adequately addressed. Chico already has too many traffic lights and unhealthy air quality.

Projections to the year 2035 were almost laughable. Hindsight is always easy, but it is clear that the planning of the Chico Mall failed in projections to the future. When the mall was built there was very little out this part of town. There is no way that reliable projections to the future were made in the planning of that project, and little connection to that problem as evidenced by the continued development in this part of down, now threatened by the Walmart expansion and the other monstrosity of a development in the works. At the least, another traffic lane for the mall should have been included with a separate land for freeway traffic. Too late now....

It was shocking seeing the Walmart supporters at the meeting, decked out with their corporate provided JOBS tags, which they wore on their clothing. History of just about every other community that approved Walmart superstores indicate significant loss of jobs, closing of competitive stores, lowering of wages and cuts in

Attachment 7

hours of employees of those stores as they struggle to stay in business, not to mention the impact on smaller stores in the outlying communities where many of the Walmart shoppers will commute into Chico, into my neighbor for their self-interest and convenience. Support of Walmart means short-term lower prices and convenience (for some), at the expense of the economy in the long term and decreased quality of life for those of us living in the area.

Another huge issue, which was completely ignored in the ridiculous projections into the next twenty years, was the entire issue of climate change and the global economy that greatly impacts climate change, for which Walmart is a major contributor. The projections pretended that we could afford to continue with this kind of, automobile based, mindless development for that long is shockingly naïve. I was flabbergasted and wondered what planet you all live on. I live on planet earth but I felt like an alien at the meeting. I suppose the EIR is not required to consider such *esoteric* issues as climate change. I know that Chico sits in a valley in the north - state and often feels like an escape from the hustle and bustle of the rest of the world. I realize that Chico is provincial compared to the Bay area or other major metropolitan areas, but people love Chico for the quality of life – a quality of life that is threatened by a Walmart expansion. Perhaps a community discussion should have been held before the city decided to spend thousands of a disinterested EIR. I understand that this just might be beyond the scope of the planning commission. I studied urban sociology and planning in undergrad school and earned a degree in urban sociology. I learned that the kind of planning that we had then and continue to have is way to narrow in scope. Chico has the potential to be a leader in progressive climate friendly planning that celebrates a quality of life that we can be proud of, instead of backward, or status quo, shortsighted planning which includes support of a Walmart economy. Chico can do much better. For those who are big fans of Walmart, I can only say that you are wrong.

The tone of the slight mention of residential houses in the neighborhood of the Walmart expansion sounded like something hardly worth consideration. It reminded me of how Indians felt as whites took over their land. The mention of concern that Forest Avenue was the only connecting thoroughfare connecting Park and highway 32, I found interesting in that it seemed to be more of a concern that the residents of the area.

I doubt if these comments will make much of a difference, but I think you need to be aware that I am not alone. A Walmart expansion was defeated before and I hope that the city will be in for a fight if it chooses to approve such a project now. It is sad to feel that this type of relationship exists. I do not see this as a conservative verse liberal issue, but rather an issue of quality of life and awareness of the challenges we face in regard to climate change, the kind of community we develop, and the role Chico can play in necessary change.

Sincerely,

Larry Levin

Mike Sawley

From: Dani Rogers
Sent: Wednesday, October 19, 2016 9:25 AM
To: All City Council; Mark Orme; Mark Wolfe; Mike Sawley
Cc: Debbie Presson; Eric Kraft
Subject: FW: WalMart Expansion

FYI

From: Cynthia Van Auken [mailto:cynlou2014@outlook.com]
Sent: Wednesday, October 19, 2016 9:23 AM
To: Debbie Presson <debbie.presson@Chicoca.gov>; Dani Rogers <dani.rogers@Chicoca.gov>
Subject: WalMart Expansion

Please add my name to the list of citizens who encourage the WalMart expansion.

I often shop there, not because it is my favorite store of choice, but because of a limited budget. A limited budget, as the City should understand, dictates more about necessity rather than desire of options.

WalMart also tends to hire many who would probably not find employment elsewhere in Chico. Many denounce the company for their lack of benefits. Employees who choose to work part-time are the only employees without benefits.

I am sure the expansion will have an impact on other businesses. That is the nature of capitalism, often to the detriment of others. Businesses have faced competition before and survived.

With good government, Chico will continue to grow. Let this opportunity grow with it.

Thank you,
Cynthia L. VanAuken
1459 E. Lassen Ave. # 87
Chico, CA 95973
530-332-9144

Mike Sawley

From: Dani Rogers
Sent: Wednesday, October 19, 2016 4:14 PM
To: All City Council; Mark Orme; Chris Constantin; Vincent Ewing; Mark Wolfe; Mike Sawley
Cc: Debbie Presson; Eric Kraft
Subject: FW: from Council page - WalMart

FYI

From: Elden Cross [mailto:eldencross@sbcglobal.net]
Sent: Wednesday, October 19, 2016 3:54 PM
To: Debbie Presson <debbie.presson@Chicoca.gov>; Dani Rogers <dani.rogers@Chicoca.gov>; Eric Kraft <eric.kraft@Chicoca.gov>
Subject: from Council page

The City Council will soon have a hearing on the appeal of the Wal-Mart decision.. Please do not allow an out-of-town attorney to argue this issue before the Council unless he discloses who is paying his fees. We should not have anonymous outsiders trying to influence Council decisions.

Elden Cross

Chico

Stina Cooley

From: Judith Keen <jkeen2193@sbcglobal.net>
Sent: Monday, October 24, 2016 4:05 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, We need this super wal-mart. The jobs the taxes are important. Judith Keen

Stina Cooley

From: Dan Presley <dpresley@bbumail.com>
Sent: Monday, October 24, 2016 4:10 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please approve the Walmart Expansion in Chico, this will be good for our community,

- better shopping experience,
- more jobs for local people,
- better quality products for the community

Aviso de Privacidad y Confidencialidad // Privacy and Confidentiality Notice // Avis de confidentialité: <http://privacy.grupobimbo.com/>

Stina Cooley

From: Moria Favors <xraytechstudent@yahoo.com>
Sent: Monday, October 24, 2016 4:15 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

I support the new Walmart project. I believe that it will provide more jobs and a choice for consumers to shop. Right now people are looking for work and if this doesn't go through a lot of people will still be without work. Chico is high when it comes to unemployment. Give these people a chance for better lives. Help them have the opportunity for work and give people a choice for shopping needs.

Sent from my Verizon 4G LTE Droid

Stina Cooley

From: Laurie Gardner <ljgcountry@hotmail.com>
Sent: Monday, October 24, 2016 4:37 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I support the expansion. We need the jobs it will generate.
Laurie Gardner

Stina Cooley

From: revmichaeldracul <revmichaeldracul@gmail.com>
Sent: Monday, October 24, 2016 4:38 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, Are there any Real Names or Real Faces to this "Nebulous Group " In Oposition to the Walmart Expansion? I don't believe there is! Having worked on Butte Colleges "The Road Runner" as a Reporter and Photographer since the College Paper was Printed by the same Group that Publishes The Enterprise Record, and The Paradise Post, and The Oroville Mercury Register, I and many other College Paper Writers,Editors, watched as Enterprise Record Employees openly Plagurised the Colleges Writer's Stories and used it however they wished Lying,Cheating and Stealing from College Students Hard Works. I would put nothing past them and Trust them with Nothing! "Nebulous Group" is just the sort of Generic Term they would use to "Cloud The Waters" or outright Lie! Sincerely, A Witness To Their Inner Workings and lack of Journalistic Integrity.

Stina Cooley

From: James Trimmer <jamestrimmer@icloud.com>
Sent: Monday, October 24, 2016 4:42 PM
To: Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Walmart is a vital resource for seniors and folks with limited or fixed income. Provides small package items at reduced cost (not like stores such as Costco which mainly sales items in bulk packaging which can end up going to waste). Much of the rationale listed in the appeal is hearsay. James Trimmer 95926

Sent from my iPad

Stina Cooley

From: Dale Burrow <dburro@pacbell.net>
Sent: Monday, October 24, 2016 4:47 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Lowe's got permission to tear down the old Fred Meyers store and build a new home improvement store across the street from Home Depot and a couple blocks south of Walmart. Winco got permission to add thousands of square feet to its existing store a couple blocks north of Walmart.

Costco built a new store and tore down their old one. A new store is being added across the Costco parking lot only a couple blocks west of Walmart. But Walmart must fight the City of Chico and "environmental" groups for years to expand their store. What is the difference between Walmart and other businesses in the immediate vicinity that have their projects promptly approved? What drives this anti-Walmart bias? Could it be they're non-union? So what. Only a minority of America's workers are in unions.

Cut the crap and let Walmart expand their business!

Dale Burrow
Chico, CA 95928

Stina Cooley

From: Joan Lewin <lewin2@sbcglobal.net>
Sent: Monday, October 24, 2016 4:57 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am totally in favor of having an expanded Walmart in Chico.
My money from my fixed income will go a lot further with more selections at the best prices.

Thank You
Joan Lewin
Paradise, CA

Stina Cooley

From: diane Sills <dsills@att.net>
Sent: Monday, October 24, 2016 5:02 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I support the Walmart Chico project and hope you will approve it. I can't understand why anyone would not support this project. Chico needs to improve this Walmart and make it larger and more convenient to shoppers for finding all their grocery needs in one place.

Thank you for your consideration.

Diane Sills

Stina Cooley

From: Dennis Weinreich <bestbirds2013@aol.com>
Sent: Monday, October 24, 2016 5:20 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

MY FAMILY TOTALY SUPPORT THE NEW ADDITION TO THE WALMART STORES HERE IN CHICO..IT HAS BEEN ALONG TIME COMING...THERE ARE A LOT OF VERY POOR PEOPLE OF ALL COLORS THAT CANNOT AFFORD TO SHOP AT THE CHICO MALL... THEY NEED A PLACE LIKE WALMART THAT HAS BETTER PRICES TO FEED AND CLOTHE THEIR FAMILY'S..

SINCERELY,

DENNIS E. WEINREICH

Stina Cooley

From: chicorose <chicorose@sbcglobal.net>
Sent: Monday, October 24, 2016 5:41 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I know the people with lower incomes would greatly benefit from a Super Wal-Mart. Rose Anderson

Sent from my Verizon, Samsung Galaxy smartphone

Stina Cooley

From: kenokarol@yahoo.com
Sent: Monday, October 24, 2016 5:44 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am writing in hope your City Council Members will vote to let Walmart become a Super Walmart. We recently moved here from Lake Co. as we lost our home in the Valley Fire 9-12-15. We love living

here in Chico. One of the reasons is the variety and amount of wonderful stores you have here. We had a Walmart in Clearlake but it wasn't a Super Walmart. That store had much more than the Chico store. Every time I've gone here the shelves are half empty

.
You have just about every other chain here, why are you boycotting having a Super Walmart ? All the other stores you have approved did not take away from the existing stores you had already approved. Why do this to Walmart ?

A lot of people could be employed there and Walmart offers great benefits.

Lets help people to gain employment. Walmart does not deserve to be singled out when none of the other chain stores in town were permitted to build.

Thanks for your consideration.

Carol Rapozo

Stina Cooley

From: Jeff & Lori DeVore - Country Woodcrafts <mail@cwoodcrafts.com>
Sent: Monday, October 24, 2016 6:14 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please let the Chico Walmart expansion go ahead. When we travel we always look for Walmart Supercenters and stock up on groceries that we can't find here. We find that their prices are reasonable and their grocery items are more varied than we can get in our local supermarkets.

Sincerely
Jeff & Lori DeVore - Country Woodcrafts
<http://cwoodcrafts.com>

Stina Cooley

From: Sheree Ferrel <sferrel11@yahoo.com>
Sent: Monday, October 24, 2016 6:30 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am writing to let you know that I support the New Walmart Expansion/Store. I am a lower income citizen and require the alternative shopping to the higher priced stores. I NEED this store! Please, Please, Please.....take into consideration that today, more and more people are in the "low income" category. The "Middle Class" no longer exists. There are only the RICH and the POOR. I am self employed. I provide my own job and am not entitled to any government benefits (i.e. unemployment, disability insurance etc) with the exception, of course of OBAMA CARE. I pay my FAIR share of taxes. This request for consideration is not due to something I want. I am writing, because I NEED this store. I am sure that I am not the only person who feels this way. I sincerely thank you for your time and attention to my request and need. Please allow the Walmart expansion to proceed.

Sincerely,

Sheree A. Ferrel

Stina Cooley

From: James McDaniel <bonnyjim@aol.com>
Sent: Monday, October 24, 2016 6:33 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Why not Expand Wal-Mart??????

For the Chico City Council Members: For crying out loud. I thought this was a done deal and we could, finally, look forward to an expanded Wal-Mart. We come to Chico every week (we live in Paradise) to shop at Wal-Mart and other places. We avoid some of the higher priced places because our retirement funds dictate our budget and we need Wal-Mart. We have told you before, that we go all the way to Yuba City every other month to shop at the Super Center there for things we cannot find anywhere else in Chico. Please see that we get the expanded version of Wal-Mart so we can spend our money here and not in Sutter County.

Jim and Bonny McDaniel

James McDaniel
bonnyjim@aol.com

Stina Cooley

From: paraclark@aol.com
Sent: Monday, October 24, 2016 6:40 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I would urge you to vote yes for the Walmart Superstore. Let the people decide where they want to shop. My husband & I are retired and live off our income savings & Medicare. With the low interest we receive our income is also low. Walmart keeps the cost of food at a lower price which helps us keep our living expenses down. Those who don't like Walmart have the option of not patronizing them. If you vote against this our option is taken away.

Where was the opposition when Winco did their expansion? In my opinion they are in a higher traffic area than Walmart.

I would appreciate your positive vote.

Virginia Clark
6036 North Libby Rd.
Paradise, CA 95969

Stina Cooley

From: kghaemian <kghaemian@yahoo.com>
Sent: Monday, October 24, 2016 6:52 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

I love Walmart. Prices are very affordable specially for someone like me that has to live on a budget. Employees are very friendly and quality is good too.
Thank you,
Kaveh

Stina Cooley

From: marilyn porter <skippyporter@yahoo.com>
Sent: Monday, October 24, 2016 7:36 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I have lived in Chico since 1962 so I am not a new comer to this area. What I want to know is why is there such a small group of people whose voices are being heard when it comes to this expansion of Walmart. I am so tired of driving to either Anderson or Yuba City to shop at their super center because our local stores do not beat their prices ,even with the cost of gas I still save more than shopping locally .I would prefer to support our local economy but being retired and on Social Security I have to shop where I can save the most money. I ask you to please approve their expansion .There is no reason why this small group of people should have the final say in this matter too many people would benefit from this expansion. thank you in advance for your positive vote for this. Marilyn Porter

Stina Cooley

From: Randi Rovetto <bjdjr1939@yahoo.com>
Sent: Monday, October 24, 2016 8:04 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, This is ridiculous, let's go ahead with the expansion, it's really needed in Chico

Stina Cooley

From: lyndiafree <lyndiafree@sbcglobal.net>
Sent: Monday, October 24, 2016 8:15 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am disabled and for a super walmart...so as to have shopping all in one place ...

Sent via the Samsung Galaxy Tab® 3, an AT&T 4G LTE tablet

Stina Cooley

From: wanda story <dogs997@yahoo.com>
Sent: Monday, October 24, 2016 9:26 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I would appreciate a vote to allow Wal-Mart to expand, it helps me with my shopping and being able to afford things for my family. They give me more for my money than other stores, so I hope tht you will allow them to expand. Thank you for your time and help. Wanda Story

Stina Cooley

From: Janice Morgan Gluskoter <pervien@yahoo.com>
Sent: Monday, October 24, 2016 9:50 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

I have to shop at several different store right now & with a super store I won't have to. I love the super store. I lived in So Cal & shopped at the Walmart down there. It was really great to get everything I need all at one place, from medicine to fabrics. Please choose to make WalMart a super store. It would also help put more unemployed people to work. Thank you Janice Morgan Gluskoter.

Sent from my Verizon Wireless 4G LTE Droid

Stina Cooley

From: Suellen Grenko <smgmom1998@yahoo.com>
Sent: Monday, October 24, 2016 10:56 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am a long-time resident of Chico and p-t educator at both Butte College and CSU. I want to STRONGLY recommend to you that you NOT grant a denial of Wal Mart's request to expand. I am aware a group has appealed the decision.

PLEASE let Chico grow! We are very limited, though it may not seem so with the mall looking great these days! But I find I, and friends of mine, must drive to the Anderson Outlet area Wal Mart when I really want to shop Wal Mart! The super store is what we need in Chico to meet the needs of so many more of us on struggling incomes, thanks to the present administration in Washington!

Lower income families thrive on thrift stores and discount stores like Wal Mart, and many will seek work at the super store. Now that part of the middle class is "moving south," we also rely on the good prices Wal Mart provides for so many every day and pharmacy items. Chico has proven that it can handle three health food stores within a small radius; it can also handle a WM superstore without threatening other businesses.

It is a different economy than when Wal Mart first proposed expanding about 10 years ago. We need this expansion now, more than ever. And the number of jobs created would be good for many families.

Please do not be swayed by the old arguments!

Suellen Grenko
smgmom1998@gmail.com

Stina Cooley

From: Marva Hawes <marva49er@mail.com>
Sent: Tuesday, October 25, 2016 5:35 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: I support the expansion of Walmart

My husband and I support the expansion project for the Chico Walmart. Please fight for us thru this process!!! Please dont allow outsiders to influence this project!! Many many Chico residents depend on Walmart to help make ends meet, the ones opposing this project can afford to shop in the most expensive places in town, but many of us need to watch every dime we spend, We appreciate all that Walmart brings to our community. Thank you for fighting for us!!

Sincerely.,
Andy and Marva Hawes

Stina Cooley

From: Bob & Kelley Tapp <wildheartbunnies@yahoo.com>
Sent: Tuesday, October 25, 2016 7:43 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Bob & Kelley Tapp
1479 Honey Run Rd.
Chico, CA. 95928
(530) 345-9706
Wildheartbunnies@yahoo.com

It seems such a shame that the non-city voters don't get a say in WalMart. It affects us, too! Our family will NOT shop downtown because of my hubby's disability. We can't get easy parking, the stores don't provide carts, and the bums. So WalMart is our friend!

Stina Cooley

From: francesmcoulbourn@sbcglobal.net
Sent: Tuesday, October 25, 2016 9:05 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, Please tell us all that are for the Walmart expansion why you are letting a small minority voice dictate over the voice of the majority. We thought it was settled, now it could be over turned? It is like Mary O'Hare! One voice and it affected the whole country. Please don't let that happen in Chico. The reasons for shopping in Walmart are economics. The downtown area will not be affected because the people that shop down town are niche. They can afford to shop there. Others need the low prices to help feed and clothe their families. Please don't let us down. I live right across from Walmart on Parkway Village drive. I don't think adding more services will change the traffic dynamics anymore than it already has been changed. Thank you for your attention to this email. Frances M C.

Stina Cooley

From: Janet Owen <owen_janet@yahoo.com>
Sent: Tuesday, October 25, 2016 10:43 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,
Please allow the Walmart expansion.
Sincerely,
Janet Owen

Stina Cooley

From: Philip A Roberts <philiparoberts@sbcglobal.net>
Sent: Tuesday, October 25, 2016 11:02 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am a senior citizen with many ties in the community including SCORE counselling for small businesses. It is most unfortunate that another group has decided to try and halt the expansion of Walmart. Many years have past this the first attempt to expand was halted. I believe the City Council's decision was the proper one to make and hope that you stick to your guns. Expansion of Walmart will provide more jobs, sales tax and more than anything else a major convenience for shoppers. Those threaten by this expansion need to review their objectives in operating their own businesses and improving same to make it desirable to shop at their business as opposed to trying to stop a successful business from expanding and providing products and services at competitive prices which is badly needed in these difficult economic times. I have 4 adult married children and have discussed this matter with them and they all agree WE NEED A SUPER WALMART IN CHICO.

Philip Roberts
213 Denali Drive
Chico, CA

Stina Cooley

From: Lynn Erickson <rlerickson2@yahoo.com>
Sent: Tuesday, October 25, 2016 11:27 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am in favor of letting WalMart expand their store. We have let other stores do that (Costco, etc). I really don't see the problem in allowing WalMart do so. We would get the benefit of better prices on groceries, and as a recent widow, every bit helps there!! I do believe there would be more good than bad in allowing this.

Thank you for your consideration.

Lynn Erickson
1242 Bidwell Ave.

Stina Cooley

From: wanda story <dogs997@yahoo.com>
Sent: Tuesday, October 25, 2016 11:44 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,
Please support the expansion of Wal-Mart. thank you for your time

Stina Cooley

From: ANE ST JAMES <chicoane@att.net>
Sent: Tuesday, October 25, 2016 1:12 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

The majority of Chico citizens have already been heard and the City Council has reached a decision, allowing Walmart to proceed with the planned expansion. Although the Council is following procedure by allowing an appeal, it goes without saying that right or wrong, the people have decided what they want and those who do not agree are in the minority. Do what is right for those of us who are low income and need this opportunity for lower price shopping and who also elect you to office trusting you to make unbiased decisions.

Stina Cooley

From: Earl Aagaard <emjaagaard@gmail.com>
Sent: Tuesday, October 25, 2016 1:35 PM
To: Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I'm writing to repeat the appeal that I sent to the Planning Commission - APPROVE the WALMART EXPANSION.

Walmart is located in a commercial zone, with plenty of room for the proposed expansion.

They have satisfied the law's requirements for dealing with the expected side effects of that expansion.

The ONLY reason I can see to deny their request is political.....some folks dislike Walmart. If there are real and substantive reasons for denying the permits, why was the Planning Commission unable to discover them?

Please think about ALL the citizens of Chico, not just the loudest voices with the most funding.

I am retired and on a budget. I shop mostly at Costco, FoodMaxx, Walmart, Winco, Trader Joe's, .99 Only, and Dollar Tree. I also purchased groceries at Safeway, Save Mart, S&S, the Co-op, and Raley's. An expanded Walmart will NOT mean I won't shop at other stores, it will merely give me additional options as they expand the range of items, especially produce, that they offer.

I'm urging you to vote to benefit all of us who live here in Chico and the surrounding area - APPROVE the WALMART EXPANSION.

Thanks very much,

Earl Aagaard

Stina Cooley

From: jean arnold <jeanmarie227@yahoo.com>
Sent: Tuesday, October 25, 2016 1:56 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I support the Walmart expansion.

Jean Arnold
16 Garden Park Drive
Chico

Stina Cooley

From: ann knight <toniannie39@yahoo.com>
Sent: Tuesday, October 25, 2016 2:12 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, Please allow Wal Mart to expand. We need low cost products for senior citizens & all low income families.

Thank you

Stina Cooley

From: neta <neta@att.net>
Sent: Tuesday, October 25, 2016 4:24 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

I want the super walmart here in Chico. Keep the tax dollars here in our city instead of Yuba City or Anderson where so many people shop at the super walmart there. Thank You

Dear City Council Members,

Stina Cooley

From: Jim Lentz <steepleseven@gmail.com>
Sent: Tuesday, October 25, 2016 4:57 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,I would appreciate a Super Walmart in Chico. I Much prefer doing all my business in Chico rather than Oroville. James Lentz

Stina Cooley

From: nedskis@aol.com
Sent: Tuesday, October 25, 2016 5:03 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, Please vote for the Walmart project. The Jobs, increase in tax money and low cost food will Help Chico !

Thanks

Ned Morris

Sent from [Mail](#) for Windows 10

Stina Cooley

From: lynne gingrich <lmomzilla@me.com>
Sent: Tuesday, October 25, 2016 5:06 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

It's time for Chico to have the Walmart superstore. So many benefits for our town. Jobs plus a store to shop in besides the over priced raleys and Safeway.

Just do ... it's time

Lynne Gingrich. Fourth generation chico resident

Sent from my iPad

Stina Cooley

From: sheryl morrell <sweetness95926@yahoo.com>
Sent: Tuesday, October 25, 2016 6:20 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am in total favor of Super Walmart. I feel it will greatly benefit our City by bringing more jobs, tax revenue as well give this of us medium income residents more shopping choices. I have heard many people discussing the fact that they believe it will hurt the downtown business. Honestly, I strongly don't feel it will make any difference at all. The people that can afford to shop downtown will continue to shop there. Those of us who can't afford downtown will continue to go to our current Walmart or drive to Anderson.

I like many Chicoians live paycheck to paycheck. Walmart is affordable let's face it. We need this. I haven't talked to one person who is against it.

I wish I was able to be at the Counsel Meeting but I just had major surgery and I have very limited mobility right now. I want my voice to be heard. Please listen to the "people" of Chico and keep them in your mind when deciding on this very important issue.

Thank you in advance for your support.

Sincerely,

Sheryl Morrell
1749 Eaton Rd #76
Chico, CA 95973
530-945-2622

Sent from my iPhone

Stina Cooley

From: Arah Barham <arahrn@comcast.net>
Sent: Tuesday, October 25, 2016 6:42 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

My husband and I very much would like a Super Walmart in Chico. We have shopped at the Chico Walmart since It was first opened. Downtown stores are pricey, parking is a challenge, and we have never shopped there. I know there's a strong contingency who hates Walmart. Please do not allow a small group of people, who don't shop at Walmart, stop those who do, from getting a Supercenter.

My husband and I can't be at the meeting, but want our Voice to be heard.

Thank you.

Brett and Arah Barham

Sent from my Verizon Wireless 4G LTE DROID

Stina Cooley

From: Steven Schmidt <we2folks@sbcglobal.net>
Sent: Tuesday, October 25, 2016 7:01 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please support the Walmart expansion plan. Thanks very much.

Steve Schmidt

Stina Cooley

From: Dan Meeder <dmeeder60@yahoo.com>
Sent: Tuesday, October 25, 2016 7:07 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, I would very much like to have the Super store. Have been in a few and their very nice and convenient.

Stina Cooley

From: javieravila1023@comcast.net
Sent: Wednesday, October 26, 2016 8:41 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

We definitely could use the super wal mart, there ain't nothing in this town but casinos and golf courses

Sent from my Verizon 4G LTE Smartphone

Stina Cooley

From: irene.irene <irene.irene@att.net>
Sent: Wednesday, October 26, 2016 9:48 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please do NOT be swayed by the "special interest" group going as far as hiring a media getting lawyer. Please do listen to the people and voters, who are asking, please let there be a super store. Chico is growing. Enough diversity to support all levels of stores. Yes, to the Walmart Super Store.

Sent from my T-Mobile 4G LTE Device

Stina Cooley

From: Randi Rovetto <bjdjr1939@yahoo.com>
Sent: Wednesday, October 26, 2016 9:50 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, Lets go guys, this is really needed for the people of Chico and surrounding areas.

Stina Cooley

From: lrossjr@sbcglobal.net
Sent: Wednesday, October 26, 2016 3:19 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, I am in full support of Walmart expanding.
Thank you
Leonard Ross

Sent from my iPhone, Len

Stina Cooley

From: Beatrice Pardue <beeeyecpee@gmail.com>
Sent: Wednesday, October 26, 2016 7:48 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please give the approval for the Walmart superstore Chico Project.

Sent from Samsung tablet.

Stina Cooley

From: kay kaye <hiemcke@pacbell.net>
Sent: Wednesday, October 26, 2016 9:32 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,
I support Walmart Chico project

Sent from my iPad

Stina Cooley

From: Darci Bruggman <darcilin@yahoo.com>
Sent: Wednesday, October 26, 2016 9:25 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please approve the Walmart expansion project. As the Chico ER stated, don't let a Stockton attorney decide Chico's business! This Walmart expansion will be hiring local people. It will be catering to Chico folks who are looking to get more for their dollar and are driving to Oroville to get it. Keep our dollars and decisions local!

Darci Bruggman

Sent from my iPhone

Stina Cooley

From: Judy Martinez <calmexwife@gmail.com>
Sent: Thursday, October 27, 2016 8:10 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

We need a better Walmart! The merchandise is spotty at best! I like the one stop shopping with great parking. Downtown Chico has many restaurants and specialty shops which I would patronize when I needed something like that. But currently I'll drive to Oroville. I may continue to do so when I see their new Walmart. I live in Magalia so the distance is about the same. We are senior citizens on a small pension. Any savings financially is what we look for.

Judy Martinez

Stina Cooley

From: tiburcia_c@yahoo.com
Sent: Thursday, October 27, 2016 8:17 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Sent from my T-Mobile 4G LTE device approved the Walmart expansion we need a warm Play Store where you can get everything and make as grandmother easy to shop as we get older we don't have to run all over town to two different stores and it'd be easier when you do to take care of your grandchildren so I for it

Stina Cooley

From: Jill Theriault <jillory@gmail.com>
Sent: Thursday, October 27, 2016 9:32 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am so excited about a new Walmart. I am 59 years old and grew up here but have spent 13 years in Maine, you know that state way up there in New England. During that time they put in a Walmart Super Store in Biddeford which is in Southern Maine. It was Beautiful, clean, bright, spacious and easy to shop there.

When I moved back here, I felt like I was going back to the dark ages (it feels like an old k-mart in comparison) and when I need to get something there, I go in and get out as fast as I can. As it is now, the Walmart here in Chico does nothing for the town of chico's reputation and standing as the little town that has everything.

A new super Walmart would provide more jobs, more options, more competitive commerce and add pride to this great town of Chico. Walmart has become an American shopping icon and Chico deserves this much needed upgrade.

When I moved back home and went to Walmart for the first time, it was very depressing and added to my question of did I make the right decision moving back here.

Approving the upgrade to Walmart here in Chico, California is also improving Chico and makes an impression to visitors and newcomers that Chico is a happening and bright spot on the map...and last but not least, the town deserves it. If Southern Maine can support several Super Walmarts AND other retail stores, then Chico and its neighboring towns can easily support it here.

Thank You for your time,
Jill J Theriault
3768 Echo Mountain Road
Butte Valley, Ca. 95965

530 895 1863 home phone

Sent from my iPhone

Stina Cooley

From: Rio Townhouse <riotownhouse@gmail.com>
Sent: Thursday, October 27, 2016 9:46 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, we need jobs here in Chico...and a place we can buy good food at good prices. And I never shop down town Chico, because prices are to high. I have shopped at the Super Walmart in Red Bluff and yuba city and they are great. You let Target expanded. Please let Walmart also expanded, Chico needs a Super Walmart and more jobs. Thanks

Stina Cooley

From: Marie Kustner <mkustner@wepatchyou.com>
Sent: Thursday, October 27, 2016 7:16 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am for the expansion of Chico's Walmart. There is nothing wrong with choice. The only competition is Winco and Food Maxx. The other stores (Safeway, Raley's) is much more expensive. Please let them expand. The Kustner Family. Marie Kustner, Philip Kustner.
Sent from my iPad

Stina Cooley

From: wanda story <dogs997@yahoo.com>
Sent: Thursday, October 27, 2016 11:40 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,
Please support the expansion of the Wal-Mart store
thank you very much for your time.

Stina Cooley

From: Robin MacKell <remgirl2@gmail.com>
Sent: Friday, October 28, 2016 4:00 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please let Walmart expand, I already shop there for groceries. This is absurd that you won't allow this based on the fact it will put small businesses or other grocery stores out of business. It will create jobs and affordable prices!!!

Robin MacKell

Stina Cooley

From: Lanette Henderson <lanetteddy60@hotmail.com>
Sent: Friday, October 28, 2016 5:07 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: WalMart

Please back WalMart expansion! This opposer is just trying to slow progress down. He doesn't care either way, Mr. Jolly is just having fun trying to have WalMart spend more money and time. He does this for his own pleasure. Don't accommodate his silliness.
Thank you, Lanette Henderson, Chico resident since birth in 1943.

Stina Cooley

From: Nicole Lawhun <pointsettanoel@yahoo.com>
Sent: Friday, October 28, 2016 5:45 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Sent from my iPhone

Stina Cooley

From: Frank Ross <Frank@chico.com>
Sent: Friday, October 28, 2016 12:51 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I support WalMart's expansion. I see the clients that go to that store, most are not going to go to Safeway or Raley's they are two expensive. Every one was excited when the heard that Fred Myers was looking. Why would we not want a retailer that supports the community and has for years, to let a company that left Chico, expand here. Get this approved the shoppers deserve better.

Frank Ross

Stina Cooley

From: Martin Schwabe <gtnvm@sbcglobal.net> on behalf of gtnvm@sbcglobal.net
Sent: Friday, October 28, 2016 1:01 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Please make the right Walmart Chico Project Decision

Dear Chico City Council Members,

It seems that you are the elective body that holds Walmart's Chico store expansion plans in your hands. I appeal to you to vote for the project. America was founded on innovation, and competitiveness. Walmart's expansion seems to be a major challenge to Chico's future, but I am sickened to think that it could end with you. I will still get the products I want; I will just order them off the internet which I guarantee you generates no income to you or the City. If I could buy them from Walmart, I would. I feel that the forward-looking council that approved WinCo's expansion and the Costco relocation and huge build out, would have already approved the project just on its merits. You should be part of the group that affected positive change on Chico.

Sincerely,

Martin Schwabe

Stina Cooley

From: Marla Forrest <mrforrest@sbcglobal.net>
Sent: Friday, October 28, 2016 1:12 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

My husband Karol Forrest and I, Marla Forrest, are definitely in favor of the new Walmart. It will give more jobs to people and will not take away from the businesses downtown. Walmart serves a totally different clientele on average. Please vote in favor of the expansion of Walmart. It will serve all aspects of our community and will draw more people from outside our community to shop here. Once they are in town shopping at Walmart they will probably also go to other stores here in Chico. Thank you for your support of our community. Please remember to vote "Yes!"

Sent from my Verizon 4G LTE Droid

Stina Cooley

From: Melba Wellsfry <minimelba@att.net>
Sent: Friday, October 28, 2016 1:15 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I sincerely hope that you do approve the expansion of Walmart. I have been able to shop Red Bluff in their new store when I was visiting there and found it very nice.

You approved expansions of Winco and Costco so why not Walmart? I think it will be discrimination if their expansion is not finally approved.

There are always some who oppose such as this and I have an idea that they don't even shop at Walmart but rather patronize businesses such as Trader Joe's, New Earth and S & S Produce and are able to purchase the more expensive "organic" items. Some of us cannot afford to shop there!

Melba L. Wellsfry
2662 Escallonia Way
Chico, CA 95973

530-566-0195

Stina Cooley

From: ze lo <zelauj_2012@hotmail.com>
Sent: Friday, October 28, 2016 1:59 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Sent from my iPhone

Stina Cooley

From: Armando Lopez <armandolopez4352@sbcglobal.net>
Sent: Friday, October 28, 2016 4:24 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I support the expansion of the Walmart in Chico.

Stina Cooley

From: Doris Coffey <dotkenbo@sbcglobal.net>
Sent: Friday, October 28, 2016 4:46 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Yes, yes,yes I and my whole family are in "FAVOR" of letting Walmart expand. I do not understand how anyone would think that this expansion would impact ANY other grocery stores in Chico. Everyone has their favorite grocery store, some Winco some Foodmax some Raleys some Safeway. I and like many friends and co-workers shop who has the best prices. Who doesn't in this day and age.

I don't think it will impact traffic conjection either. Pretty much the same people will go there. Seems like Chico has an aful lot of building going on right now.If you want to see traffic conjection due to building look at Costco parking lot. Also the mess at the North Valley Plaza is really hard to get through. Forest Ave has and will always be an easy flow through of traffic area.

Please let Walmart expand. Chico needs it for shopping and jobs. Also think of the income of taxes to the city.

Thank you

Dorothy Coffey
Ken Coffey
Jamie Hayes
Jessica Hayes

Stina Cooley

From: andiken1 <andiken1@aol.com>
Sent: Friday, October 28, 2016 5:21 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

It is not right that the Walmart project is being held up, once again. Please do not allow another obstacle, those with their own agenda, stop this store from being able to expand when it is obvious what the people in Chico want. Being a large company should not be a reason to treat them any differently than any other business.

Thank you,
Andrea Kennedy

Sent from my Verizon, Samsung Galaxy smartphone

Stina Cooley

From: Sheree Ferrel <sferrel11@yahoo.com>
Sent: Friday, October 28, 2016 5:49 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I am writing to let you know that I support the New Walmart Expansion/Store. I am a lower income citizen and require the alternative shopping to the higher priced stores. I NEED this store! Please, Please, Please.....take into consideration that today, more and more people are in the "low income" category. The "Middle Class" no longer exists. There are only the RICH and the POOR. I am self employed. I provide my own job and am not entitled to any government benefits (i.e. unemployment, disability insurance etc) with the exception, of course of OBAMA CARE. I pay my FAIR share of taxes. This request for consideration is not due to something I want. I am writing, because I NEED this store. I am sure that I am not the only person who feels this way. I sincerely thank you for your time and attention to my request and need. Please allow the Walmart expansion to proceed.

Sincerely,

Sheree A. Ferrel

2nd submission

Stina Cooley

From: lynn lowrie <lynn.lowrie@sbcglobal.net>
Sent: Friday, October 28, 2016 5:53 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I hope you vote for the new Walmart Center. I do so much shopping there and it is an asset to the area. When we travel out of the state, we always go through towns that have Walmarts, stop and do some shopping and usually stay over before we begin our trip again. It's a "Port in the Storm" to every single RVer in the nation. Just ask some of us, we ALL feel that way. Being on that north/south highway area it's obvious lots of people driving that highway are making stops at our Walmart. We need a larger Wal-mart.

Lynn Lowrie

Stina Cooley

From: Carol Nielsen <cal4moi78@yahoo.com>
Sent: Friday, October 28, 2016 6:10 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

How many times in your life have you missed out on a perfect opportunity?? The council had the opportunity to vote for a WalMart Super Store out at the ratty looking golf course out on far North Esplanade. Well, today we still have the cruddy looking golf course and the building of apartments and hundreds of newly built homes. That is west of Esplanade on the way to the cruddy looking golf, what ever you want to call it. I just mentioned the homes west of Esplanade, but there are homes being built all over the north end of Chico. Stores?? What stores are available?? I live a quite a way west of Esplanade and have a really long way to go to get to decent shopping. A WalMart Super Store out on North Esplanade would sure be great and building would have sure shot out even bigger. Chico is still the little bitty town that caters to the students and rolls merrily along to "no where ville."

I hate to criticize you and the rest of the city council, but you are losers if you decide to hold WalMart back on their future. It won't be the best but will attract lots of people to shop for good looking produce, meat, you name it that we don't have at this time. While I'm at it, where is there space for Chico to expand??

Shoppers will come down from Paradise to shop. I will always wonder how great it would have been to have a Super WalMart in the place of the crappy looking golf course out north of Chico where all the massive home building is going on.

Sincerely, Carol Nielsen

Stina Cooley

From: Elizabeth Pancoast <lizpancoast@me.com>
Sent: Friday, October 28, 2016 6:49 PM
To: Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please approve the expanded Walmart store here in Chico. I am one of the "nebulous" people who wants to see this store finally built!

I used to live in Chico and thought our Walmart was just fine. Five years ago I retired and moved away. I lived in 2 large cities where they have the Walmart Super Centers. Now I am "spoiled"! I recently moved back to Chico and have been so disappointed in the local Walmart.

I find that I think, "I'll run over to Walmart and pick up 'X'" (something I need). Then I remember, "Oh yeah, I live in Chico now!" So I keep a list of things I need and buy them when I go to the Sacramento area to visit family. Don't you think it would be better to have my money spent here in Chico? This project would increase revenue and taxes, and provide for more jobs.

I need a Walmart where my money can stretch to help me survive on my fixed income.

PLEASE, please...approve the expansion of Walmart!

Liz Pancoast

Sent from my iPhone

Stina Cooley

From: mgarber27 <mgarber27@yahoo.com>
Sent: Friday, October 28, 2016 8:58 PM
To: Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Wal Mart MUST be allowed to expand!!!! my family drives to Willows or Red Bluff to shop at a Wal Mart Supercenter... Sometimes even to Yuba City. Three Safeways, two Raley's a Winco and a food max but, no WM supercenter?? obviously political. If not for any other reason they should be allowed to expand just to clean up the eyesore that is the current twenty years old wal mart. Facts are Chico is NOT a small town at all and could probably support two Supercenters without hurting other businesses. Keefer Road to Estates drive 120k residents. Also, we need more lanes on East ave from esplanade to cohasset. Also, hWY 99 needs THREE LANES in each direction from skyway to eaton IMMEDIATELY. Roadways in Butte County are the scariest in CALIFORNIA!!!!

Sent from my Verizon 4G LTE smartphone

Stina Cooley

From: Lovelace, Kathy <LovelaceKa@butte.edu>
Sent: Friday, October 28, 2016 10:04 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, We need to have this approved for many reasons but to save people money on their weekly budgets and the jobs that will be manifested are very important reasons. Thank You, Kathy Lovelace

Stina Cooley

From: RS Rabo <rsrabo@gmail.com>
Sent: Friday, October 28, 2016 10:36 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; reanette.filmer@chicoca.gov; Stina Cooley
Subject: Support Walmart Expansion

Dear City Council Members,

We fully support the Walmart expansion. Like many retirees on a fixed income, we need to shop value & price. We shop at multiple stores in Chico to find both, but the majority of our shopping is at Walmart. On many occasions, Walmart provides one-stop shopping for us. On days when this occurs, we reduce our carbon footprint by not running to multiple stores and we are able to save on personal fuel & shopping bills. A win-win!! A Walmart expansion will provide additional selections for shopping. The store is always clean and maintained, and we see familiar employees and sometimes new faces each time we enter. Walmart provides jobs to our community. These employees add to the Chico and greater Butte County economy. An expansion will mean more jobs.

There are times when our shopping list has specific needs or items that we have come to enjoy or rely on and we are happy to frequent the stores that provide those items or services. That will not change.

We have not seen the outrage by citizens groups when other union & non-union stores have expanded in Chico. The Walmart expansion project is long overdue & is supported by local residents.

Ron & Shirley Rabo

Stina Cooley

From: Andy Hawes <Andy@jesuscenter.org>
Sent: Saturday, October 29, 2016 5:10 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,
Please support the expansion project for the Chico Walmart. We need this in our community. Thank you!!!
Andy and Marva Hawes

Sent from my iPhone

Stina Cooley

From: Bud Debo <buddebo@outlook.com>
Sent: Saturday, October 29, 2016 11:24 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Walmart Expansion Plan

Dear City Council Members,

I am a retired resident of Chico - NOT some *outsider* trying to influence the Walmart decision on behalf of the national and regional chain food stores already located in town (Food Maxx, Safeway, Raley's, Safeway, Winco, etc.).

As someone on a fixed income who has to watch my food expenditures very carefully, I can see NO reason why the people of Chico should be deprived of the opportunity to have another competitive food shopping choice, such as the one planned by the Walmart expansion. I shop for groceries at the Walmart Supercenter in Willows as often as I have the time to make the 1.5 hour round-trip. In addition to the time involved to go shop there, the cost of gas to make the trip is something that I would not have to endure if the Chico Walmart's proposed expansion plan is approved.

I believe that most of the organized opposition to this plan is motivated by large corporations that are already in Chico and who are attempting to prevent additional competition through the abuse of the political and legal process.

I urge you to approve Walmart's expansion plan. The additional competition will benefit all the residents of Chico, especially the high percentage of residents who are living on low wages and retirement income.

Thank you for your consideration.

B. A. Debo
2139 W Sacramento Ave
Chico 95973

Stina Cooley

From: MICHAEL HOWELL <rangermick@sbcglobal.net>
Sent: Saturday, October 29, 2016 11:18 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I cannot understand why it is so difficult to allow Walmart to expand. Have any of you ever been in a Super Walmart. They are clean, wide aisles, lots of shopping with clothing, food and other daily items.

This has been going on for numerous years. Not everyone can afford to shop in the more expensive stores...just compare cat food at Walmart, Raley's, and Safeway.

Please think about all the rest of us who are on a very limited fixed income! Does Costco really need a monopoly on gas in the greater Chico area? Costco sells in bulk, but not everyone needs to buy 2 gallons of milk at a time.

Thank you

Stina Cooley

From: shirley <shirley_2_1@yahoo.com>
Sent: Saturday, October 29, 2016 6:45 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

I support Walmart's expansion.

Thank you,
SHIRLEY CARLQUIST
485 1/2 E 8th Ave
Chico, Ca. 95926
(530) 321-8453

Stina Cooley

From: Dolores McHenry <mchenry.dolores@gmail.com>
Sent: Saturday, October 29, 2016 8:43 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I for one, and many more like me do support Wal-Mart. It's a long time coming. Not everybody can shop down town Chico. Over price, with a family of five. Your going to make your dollar stretch. And what's wrong with a one stop shopping? As far as the traffic?!? Please.

But it's ok for the Chico State Student's to come here, adding more traffic. I see, it's ok for College student, The City of Chico caters to the Students. For GET about the resident who live here 365 days out the, plus the surrounding areas. Nobody complain when Fred Meyers came to Chico. As far as the MOM AND POP store, they went out in the late Forties and FIFTIES.

Than came the SUPERMARKETS. I do hope we get a super walmart, I'm ALL for it.

Patricia McHenry
Durham

Stina Cooley

From: Dorena Gilbert <dananddorena@yahoo.com>
Sent: Sunday, October 30, 2016 11:01 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I have worked at the Chico Walmart for 12 Yrs now and I resent the people that come and testify before these hearings about what I make or how I am treated. I make a very good wage and get good benefits. Unless they have worked for Walmart or see my paystub they don't know what they are talking about. If you would like to see one of my paystubs I would have no problem showing it to you.

I would love to see our store grow to help families in our community stretch their money further. I shop at Walmart but I also shop at Safeway, Winco and Grocery outlet. Every store offers different shopping experiences and having our store expand will not change that.

I am hoping that you vote in favor of this expansion. I would like to think that the city council is fair and unbiased and not go against us just because our name is Walmart. The only reason I see for it getting denied is because of that one reason. You let Costco expand, Winco also added more footage. I don't believe that us growing will impact the community other than helping the people that live here.

Thank you

Dorena

Stina Cooley

From: Sarah A <imacrazzylady@gmail.com>
Sent: Monday, October 31, 2016 6:25 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Walmart..?Costco gets to build

Yeah thats right, We the people notice how Walmart has to beg and plead and scrap to get people to get it changed to a super walmart. But Costco can build build build freely! So do you hate the Union or are you pro union with costco.. please give us a walmart super store, i am 30 i have a toddler. we need good fresh cheap food. we cant get that at safeway, rayleys or holiday market.

Stina Cooley

From: Stevens, Barbara (Retired) <BStevens@csuchico.edu>
Sent: Monday, October 31, 2016 8:30 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I totally support the enlarged Walmart. I believe you are discriminating against those with the least amount of money if you don't approve this.

Sent from my Verizon, Samsung Galaxy smartphone

Stina Cooley

From: Ralph Dacy <ralph.dacy@gmail.com>
Sent: Monday, October 31, 2016 4:42 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Walmart Expansion Proposal

Dear City Council Members,

We adamantly support Walmart's expansion proposal, for myriad reasons already expressed and known. Chico should be actively encouraging growth and jobs for the community good, instead of stifling it with a NIMBY attitude. Please exercise no further delays in approving this project.

Ralph & Victoria Dacy
Chico

Stina Cooley

From: jhansel99 <jhansel99@sbcglobal.net>
Sent: Monday, October 31, 2016 3:31 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please vote YES for the Walmart expansion. the people have spoken. we want the expansion! it will not hurt the other food stores or the downtown stores or shops as they're called. ttell shops are SPECIALTY SHOPS. they cater to a specific clientele. They will not be affected by a Walmart Superstore ! Remember you were elected by ALL the people. Please represent all the people.

WE WANT A SUPERSTORE!

Traffic, congestion, etc. These are excuses.

Whence approved it will still be a few years before completion as city government is known to drag their feet on projects wanted by the regular people!

Sent from my Verizon, Samsung Galaxy smartphone

Stina Cooley

From: Donna Draper <draperdm8@gmail.com>
Sent: Monday, October 31, 2016 8:59 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, We need a super Wal-Mart here in Chico. It would be an advantage both for the customers and the economy of the city!

Stina Cooley

From: James Reutlinger <jreutlinger@icloud.com>
Sent: Tuesday, November 01, 2016 9:47 AM
To: Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

I'm just writing to let you know that I'm in favor of the Walmart expansion. I'm hopeful that the council would do the right thing and approve it.

Sent from my iPhone

Stina Cooley

From: DIANE PRUITT <CRAFTIGMA@COMCAST.NET>
Sent: Tuesday, November 01, 2016 10:06 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

The senior citizens and low income residents in Chico, Paradise and surrounding area NEED a Super WalMart.... Let us all have a choice of where we want to shop!

Stina Cooley

From: lisa antunez <lisaantunez2@gmail.com>
Sent: Tuesday, November 01, 2016 10:12 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, pls let walmart expand there reasonable price for people who work but still low income

Stina Cooley

From: Bob & Sue Taylor <semongb@gmail.com>
Sent: Tuesday, November 01, 2016 11:30 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, Please ok the Walmart expansion. It would be so nice to have all that they have to offer us. We have been waiting way to long for this to happen. Please give us the freedom of choose to have a better and more complete shopping experience. Thanks for your time. Robert Taylor

Stina Cooley

From: kathy.birdseye <kathy.birdseye@sbcglobal.net>
Sent: Tuesday, November 01, 2016 1:09 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please pass the approval for an expanded Super Walmart in Chico. My friends and leave Chico to shop in yuba city, red bluff and Anderson and even willows. Please approve one in Chico. Thank you.
Kathy Birdseye Chico citizen

Sent via the Samsung GALAXY S® 5, an AT&T 4G LTE smartphone

Stina Cooley

From: Koch, Lynne <LDKoch@csuchico.edu>
Sent: Tuesday, November 01, 2016 5:15 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please pass the Walmart Expansion Project.

Thank you,

Stina Cooley

From: neta <neta@att.net>
Sent: Wednesday, November 02, 2016 11:48 AM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

super walmart and the downtown specialty stores are a completely different world... the walmart shoppers dont shop downtown much and the people that support the downtown shops obviously don't like walmart. This town is plenty big enough for both.

I like to shop both downtown and walmart. Keeping the tax dollars in our community and not else where. so many people shop anderson, yuba city and even roseville, when they want a super walmart. Please give us a super walmart. Thank You

Dear City Council Members,

Stina Cooley

From: donna shepard <1hotmotherof4@gmail.com>
Sent: Wednesday, November 02, 2016 12:26 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members, I support the expansion of Walmart. We poor people need it. All these places complaining it will hurt their businesses need to realize its there prices that hurt their business.... We poor people can't afford to shop in their stores. And if they have loyal customers they will continue to shop at those high priced stores. Plus's it will make it more convenient to have one stop shopping... It will save us almost \$70 in cab fairs instead of going to different places to shop. No one complained when Costco expanded, and winco did not hurt FoodMax , for people who prefers to shop else where can... Their choice. But we should have the choice for one stop shopping at Walmart. Ty

Donna S Shepard
Melbourne L Draper
Meachel E Day

Stina Cooley

From: Michell Sherwood <eastbay6262@gmail.com>
Sent: Thursday, November 03, 2016 1:49 PM
To: Stina Cooley
Subject: Support Walmart Project

I support the Walmart project.

Stina Cooley

From: j1foreman@yahoo.com
Sent: Thursday, November 03, 2016 2:15 PM
To: Stina Cooley
Subject: Support Walmart Project

This is in support of the Wal Mart Project. Its already been approved by the planning commission. So just because a select few are against it including a lawyer I guess that has a vendetta against them.

Who the heck are they to tell us citizens what we want? Why not let them expand their business like Costco and others have done?

There is no rhyme or reason why they cant expand. They have a Super Wal Mart in Willows one in Anderson one in Yuba City and one on the way in Oroville.

Even though this one is not called a Super Center. Why should the Citizens of Chico have to travel out of town?

They have all that land between them an Whitmire that just sitting there. Let them put it to use.

Its also going to bring more jobs and money into Chico.

They already have a Plan Let Them Use It. It's not going to run anyone out of business.

Their Grocery prices are not any lower then other grocery Stores in the area.

LET THEM EXPAND!!!

Stina Cooley

From: Bob Gustafson <bobgcpa@aol.com>
Sent: Thursday, November 03, 2016 2:33 PM
To: Stina Cooley
Subject: SUPPORT WALMART PROJECT

I support the expansion project. We can't stay a Podunk town forever. Retail clerks union 17 shouldn't be able to keep us from the best prices.

Bob Gustafson

Stina Cooley

From: Rachel Dutro <dutrolr@gmail.com>
Sent: Thursday, November 03, 2016 3:52 PM
To: Stina Cooley
Subject: Support Walmart Project

I understand if there are people in our community who do not wish to shop at Walmart, but they should not be dictating their preferences to the rest of us in the community. Please allow the Walmart expansion project to move forward. They are willing to address all the community needs and concerns and deserve to be given the chance to expand their business.

Sincerely, Rachel M. Dutro

Stina Cooley

From: Sharon Porter <ssporter43@gmail.com>
Sent: Thursday, November 03, 2016 4:32 PM
To: Stina Cooley
Subject: Support Walmart project

It's time to let Walmart expand. We, in Paradise, come to Chico to go to Walmart. Not allowing them to expand only hurts Chico.

Sharon Porter

Stina Cooley

From: Rose Luff <rwluff424@hotmail.com>
Sent: Thursday, November 03, 2016 4:53 PM
To: Stina Cooley
Subject: I support Walmart project

Sent from my iPad

Stina Cooley

From: L & J Gray <grayjaneice@sbcglobal.net>
Sent: Thursday, November 03, 2016 5:54 PM
To: Stina Cooley
Subject: WE SUPPORT WALMART PROJECT

We believe that the walmart expansion project should finally be approved.
Quit the stalling & unfairness....get it done! Lyle & Janeice Gray

Stina Cooley

From: Darci Bruggman <darcilin@yahoo.com>
Sent: Thursday, November 03, 2016 6:04 PM
To: Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please approve the Walmart expansion project. As the Chico ER stated, don't let a Stockton attorney decide Chico's business! This Walmart expansion will be hiring local people. It will be catering to Chico folks who are looking to get more for their dollar and are driving to Oroville to get it. Keep our dollars and decisions local!

Sent from my iPhone

Stina Cooley

From: Dixie Adcock <taylmama5@aol.com>
Sent: Thursday, November 03, 2016 6:55 PM
To: Stina Cooley
Subject: Support Walmart project

So I received the Walmart flyer in my mail today and figured I would give my two cents.

Here's the obvious point business expand to out grow the competition that's just the name of the game in those positions why would we stop Walmart from out doing the competition because if given the chance those who are opposing would do the exact same.

Plus this will give others a chance to be employed I think expanding Walmarts is a great idea they offer alot of incentives for they're employees like higher education and first time home buyers program I honestly believe there expansion is win win for alot of individuals with how the stores are raising prices on groceries n other such items Walmart offers a pretty decent price for alot of individuals who can't afford much I think this should be approved thank you.

Dixie Adcock
(530)764-0023

If you may have questions on my reasons

Sent from my Boost Mobile Phone.

Stina Cooley

From: lita m <luv_4_unicrns28@hotmail.com>
Sent: Thursday, November 03, 2016 7:33 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Stina Cooley

From: lita m <luv_4_unicrns28@hotmail.com>
Sent: Thursday, November 03, 2016 7:34 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Stina Cooley

From: mahal806@sbcglobal.net
Sent: Thursday, November 03, 2016 7:43 PM
To: Stina Cooley
Subject: Subject: Support Walmart Projct

Sent from [Mail](#) for Windows 10

Since the planning commission apparently already approved the expansion of the Chico store, why are we allowing proponents to oppose and overturn that decision? Why is Walmart the only business that is held to this amount of scrutiny? Why didn't Ulta, Butte College, Rite Aid, Costco, the new car wash, etc. need votes to build and expand? It seems there is a lot of discrimination going on against Walmart. If people do not want Walmart, then people won't shop there and the business will fail. I believe that is what free enterprise is all about. Set your prejudices aside and let Walmart expand. Competition is good for business and business is good for the economy and the community.

Sincerely

Margaret Halvorsen

Stina Cooley

From: mahal806@sbcglobal.net
Sent: Thursday, November 03, 2016 7:43 PM
To: Stina Cooley
Subject: Support Walmart Project

I want to support the Walmart expansion. The voters and the City Council have apparently approved the project, so who are these opponents who want to overturn the decision of the City Council and the votes of the people. The people who are opposing the project are not obligated to shop there. If there are enough of them, the business will fail – that's what free enterprise is all about. It's interesting that no voting was asked for when Costco came to Chico and then expanded, or when Ulta built, or Rite Aid, or the new Car wash, or Butte College. All of these businesses have an impact on the community, but no opposition was raised for them. Let go of your bias and let Walmart complete their expansion.

Sincerely,
Margaret Halvorsen

Stina Cooley

From: Sherry Marsicola <lewis1paradise@att.net>
Sent: Friday, November 04, 2016 7:44 AM
To: Stina Cooley
Subject: Support Walmart Project

Sent from my iPad

Stina Cooley

From: challen dewey <dondeweyjr@yahoo.com>
Sent: Friday, November 04, 2016 9:44 AM
To: Stina Cooley
Subject: Support Walmart Project

November 4, 2016

I support the Walmart project 100%

Carol Rose
234 Mission Serra Terrace
Chico, CA
95926

Stina Cooley

From: dan88jake@yahoo.com
Sent: Friday, November 04, 2016 9:58 AM
To: Stina Cooley
Subject: support walmart project

I support Walmart project

Danny Jacobsen

[Sent from Yahoo Mail on Android](#)

Stina Cooley

From: Lisa Williams <williamslisamail@yahoo.com>
Sent: Friday, November 04, 2016 10:01 AM
To: Stina Cooley
Subject: support walmart project

I Support the Walmart project

Lisa Williams

[Sent from Yahoo Mail on Android](#)

Stina Cooley

From: vooroma@sbcglobal.net
Sent: Friday, November 04, 2016 11:16 AM
To: Stina Cooley
Subject: Support Walmart Project

Please vote "in favor" of Walmart Project. Thank you

Sent from [Mail](#) for Windows 10

Stina Cooley

From: Kathleen Yeater <gardengirl1253@ymail.com>
Sent: Friday, November 04, 2016 11:20 AM
To: Stina Cooley
Subject: Support Walmart Project

I'm writing to confirm my support in favor of the Walmart expansion and remodel project. I see the project as a benefit the the residents of Chico and the surroundings areas.

Please facilitate the completion of this project.

Kathleen Yeater
1925 Manzanita Ave
Chico, CA 95926
530-896-0566

Stina Cooley

From: Hodges,Melanie <HodgesML@ah.org>
Sent: Friday, November 04, 2016 12:17 PM
To: Stina Cooley
Subject: "SUPPORT WALMART PROJECT"

I SUPPORT THE WALMART PROJECT; because it would be a good economical addition to Chico area. Oroville has built up w/ a number of stores and the taxes that come in from that has been a major huge boost. Plus if you don't build the Super Walmart – people will go to Oroville and Not Chico to spend their money...
Chico needs to understand that they should try to stay up w/ the economy and upgrade where / when it is needed to help add city taxes to fund more organizations , such as police, fire, etc.. Sometimes thinking outside the box can be a good thing!

Melanie Hodges
Customer Service Rep II
Admitting Dept.
Feather River Hospital
Out Patient Surgery Center
1933 Peach Lane
Ofc #: 530-876-7079 x-3850
Fax #: 530-876-3855
Email: Melanie.Hodges@ah.org


*** ~~~~~ ***
"The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient or an employee of agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by replying to this message or contact the FRH Privacy Official at **530.876.7132** (*confidential voice mail*). Do not delete any material from any computer until instructed to do so by the sender or the Privacy Official. Thank you."

Mike Sawley

From: Dani Rogers
Sent: Friday, November 04, 2016 9:37 AM
To: All City Council; Mark Orme; Chris Constantin; Mark Wolfe; Mike Sawley
Cc: Debbie Presson; Eric Kraft
Subject: WalMart - comment received via website

Please see comment below regarding the upcoming WalMart hearing.

Dani

From: Wufoo [<mailto:no-reply@wufoo.com>]
Sent: Friday, November 04, 2016 9:03 AM
To: Krista Watters <Krista.Watters@Chicoca.gov>
Subject: Chico [#4071]

Name *	Janice Horn
Email *	rhornj@comcast.net
Department:	General Question / Other
Comments	Please approve the Walmart expansion for the good of the citizens of Chico. A no vote expresses an elite view of the city and its people.

Stina Cooley

From: aloha_k_girl_13@yahoo.com
Sent: Friday, November 04, 2016 12:59 PM
To: Stina Cooley
Subject: Walmart's approval

Hello,
I would like to urge you to approve Walmart for the expansion they are requesting.

It would allow customers more of a one-stop shopping experience. Less driving all around town to finish necessary shopping. Those of us who enjoy the low prices and convenience of many types of items in one store would be very happy with the addition of more groceries added to the store. (Those who don't like Walmart - will still not shop there.)

I personally have been to the Super Walmart in Willows and was amazed at how nice the store was with a full grocery section and spacious aisles and well organized departments throughout the store. I have wished we could have that store in Chico.

Now, we have the opportunity to approve such a store and I would hope you would see the added benefit it would provide the shoppers of Chico.

Thank you,
Karen Parkerson
Chico, CA

Stina Cooley

From: Scott Vallance <scottvallance64@gmail.com>
Sent: Friday, November 04, 2016 1:30 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,
Please vote in favor of Walmart expansion

Sent from my iPhone

Sent from my iPhone

Stina Cooley

From: joe Stricker <joestricker8@gmail.com>
Sent: Friday, November 04, 2016 4:15 PM
To: Stina Cooley
Subject: DECLINE Wal-Mart Project!

I am writing again to express my desire that the Chico Council OVERTURN the planning commission's decision to approve Walmart's plan to remodel and expand the Chico store.

Do Not let another Walmart expansion project go through in our area.

We already have adequate affordable bakery and grocery departments:

Eg.,-Grocery Outlet

-Winco

-Dollar General (an extremely poor choice for food-but a lot of them around none the less) Additionally there is no sales tax on food.

So in addition to creating an unfair competitive grocery arena, it will not result in increase tax revenue.

We have Drive thru pharmacies:

-CVS

-Rite Aid

-Walgreen's

Non-drive thrus include:

Raleys, Costco, Bidwell Pharmacy

We have plenty of one stop shopping/Gas stations:

-eg., Costco,

And numerous other options.

They also tout the addition of jobs but documentaries have shown that the HR manual promotes employee enrollment into local County and Federal welfare rolls as their low pay qualifies them for these services.

This adds to the Tax burden, it is irresponsible job creation.

Thank-you for your consideration,

Dr Joseph Stricker

Stina Cooley

From: Kimberly Quicksey <quickkim5@yahoo.com>
Sent: Friday, November 04, 2016 5:28 PM
To: Stina Cooley
Subject: Support Walmart Project

Stina Cooley

From: knsgraham <knsgraham@sbcglobal.net>
Sent: Friday, November 04, 2016 5:46 PM
To: Mark Sorensen; Sean Morgan; Andrew Coolidge; Randall Stone; Ann Schwab; Tami Ritter; Reanette Fillmer; Stina Cooley
Subject: Support Walmart Chico Project

Dear City Council Members,

Please build Chico Walmart Super Center! Our walmart is awful. They say it will hurt or mom n pops stores. Well I for one as many others can't afford to shop at the downtown stores because their too expensive for my/our budget so with that said the ones that do shop at the mom n pops stores downtown can still do and they won't b affected and the ones that can't afford to can shop at Walmart as they have been. I live by walmart and deal with traffic already and really don't see that it will make any difference.

Thank you,
Mrs. Graham

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

Stina Cooley

From: Mike Dehnke <mcdehnke@att.net>
Sent: Friday, November 04, 2016 6:02 PM
To: Stina Cooley
Subject: Support Walmart Project

Sent from my iPad

Stina Cooley

From: kathihankins@att.net
Sent: Friday, November 04, 2016 6:10 PM
To: Stina Cooley
Subject: "SUPPORT WALMART PROJECT"

I support the Wal-Mart expansion. I can not make it to the meeting. But would like my voice heard.

Sent from my Sprint Phone.