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FINAL
Environmental Impact Report
Chico Walmart Expansion Project
City of Chico, Butte County, California

State Clearinghouse Number 2015102017

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Chico has evaluated the comments received on the Chico Walmart Expansion Project (State Clearinghouse No. 2015102017) Draft Environmental Impact Report (EIR). The responses to the comments and errata, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final EIR for use by the City of Chico in its review.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Master Responses:** Provides consolidated responses to similar comments or questions.
- **Section 3—Responses to Written Comments:** Provides a list of the agencies, businesses, individuals, and organizations that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4—Responses to Planning Commission Meeting Comments:** Provides responses to the verbal comments provided at the July 21, 2016 Chico Planning Commission Comment Session on the Draft EIR.
- **Section 5—Errata:** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.
- **Appendix K—Comments in Support of the Proposed Project:** Lists the names of individuals who submitted comments expressing unqualified support for the proposed project. Each comment is reproduced in this appendix.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Comments on the Draft EIR and Errata (Sections 2, 3, 4, and 5 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, businesses, organizations, and individuals through written comments submitted to the City of Chico. Master responses are provided in the order in which they are referenced in the responses in Section 3.

2.1 - List of Master Responses

- Master Response 1—Baney Lane and Business Lane
- Master Response 2—Vehicle Idling
- Master Response 3—Landscaping
- Master Response 4—Bicycle Parking
- Master Response 5—Walmart's Corporate Practices
- Master Response 6—Previous Walmart Application and CEQA Documents

2.2 - Master Responses

Master Response 1—Baney Lane and Business Lane

Summary of Relevant Comments

Various businesses, organizations, and individuals stated that the Draft EIR's traffic analysis failed to properly evaluate impacts to Baney Lane and Business Lane. These parties noted that the Draft EIR did not evaluate Business Lane or Baney Lane, as well as the intersections of Business Lane/Baney Lane or Business Lane/Toys R Us driveway. These parties stated that these should have been study facilities and evaluated for adequacy.

Oxford Hotel Group provided a number of comments, including (1) the need for Walmart to contribute to the long-term maintenance of Business Lane and Baney Lane; (2) concern that both roadways were never intended to be used as truck routes and would experience degradation from additional truck trips generated by the project; (3) a suggestion that project-related trips be routed via Forest Avenue to avoid Business Lane and Baney Lane; and (4) a suggestion that Baney Lane be widened or realigned to accommodate the new truck trips generated by the project. Additionally, Oxford expressed concern that the proposed left-out restrictions on the Baney Lane driveways would result in outbound trips cutting through its parking lot to reach Business Lane and ultimately the signal at E. 20th Street.

Response

Legal Status of Baney Lane and Business Lane

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.

Maintenance of Private Streets

Maintenance of private street facilities is the responsibility of the private property owners who own or benefit from use of the private street. The proper share of maintenance costs for each respective owner of a private street is a civil matter to be worked out between the owners and beneficiaries of the street or, if necessary, by a court of law. Approving a project that may result in changes to the relative amounts of traffic generated among users of a private street is not an environmental impact.

Project Circulation

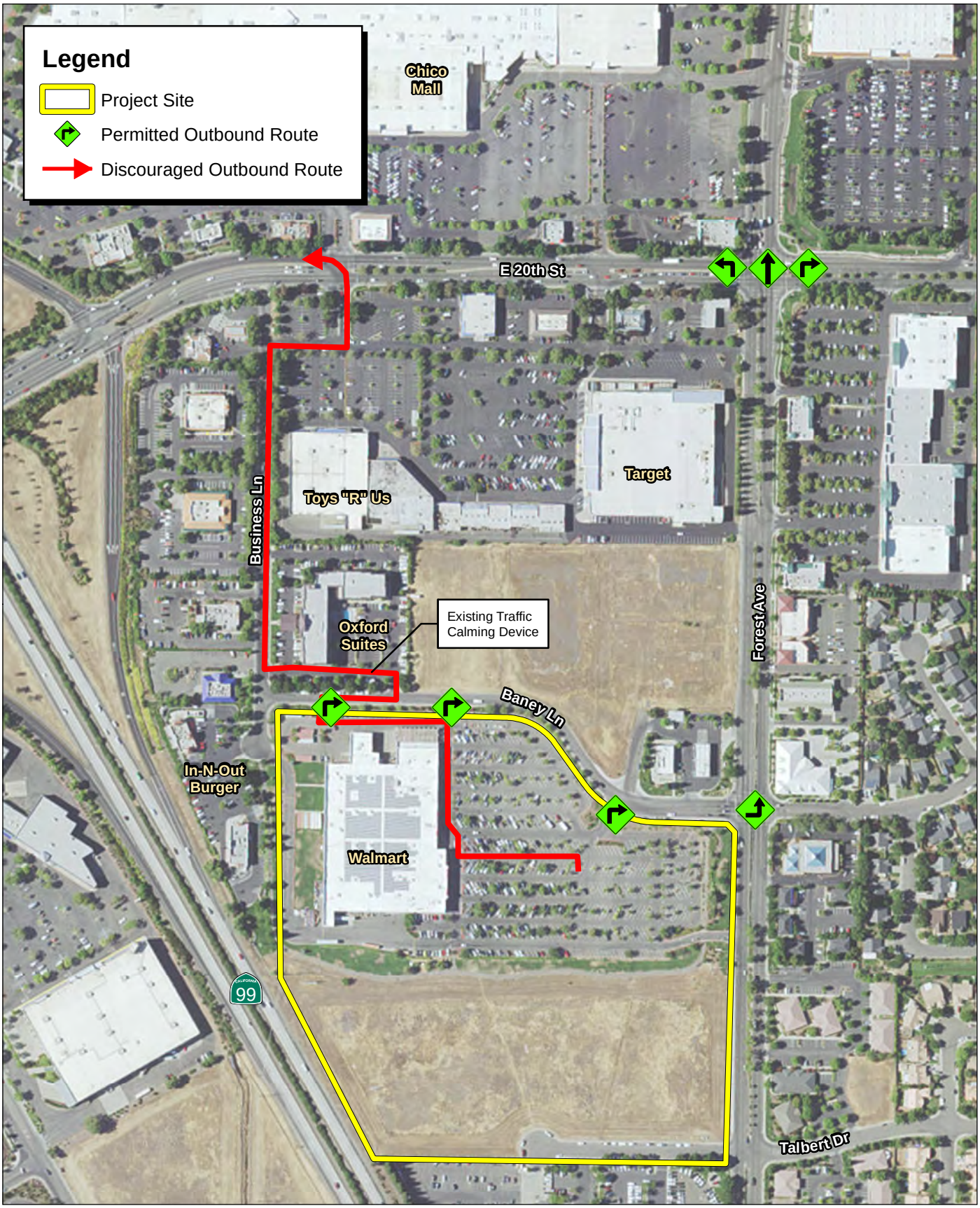
The proposed project's circulation plan was developed to route departing trips via Forest Avenue. The project's circulation plan includes the following features intended to accomplish this objective:

- The intersection of Forest Avenue/Wittmeier Drive would be signalized (allowing for safe and convenient left-turn access), lane capacity expansion approaching Forest Avenue, and two new driveways to the project site would be developed on Wittmeier Drive. These new driveways would be expected to be the primary access points for the fuel station and Parcels 2 and 3, as well as Walmart trips coming from destinations to the east and south.
- The middle and easternmost Baney Lane driveways would be modified with a raised island to prevent left-out turning movements. The westernmost Baney Lane driveway currently has this restriction. The intention is to send outbound trips destined for E. 20th Street (or points north) via Forest Avenue in order to avoid Business Lane and the Toys R Us parking lot. Additional queuing capacity will also be provided on Baney Lane approaching Forest Avenue. Exhibit 2-1 depicts these outbound routing restrictions.

Cut-Through Traffic via Oxford Suites Parking Lot

Representatives of Oxford Suites expressed concern that the Baney Lane driveway restrictions would result in a new cut-through traffic pattern through its parking lot. Under this scenario, Walmart motorists would exit at the westernmost Baney Lane driveway near the Tire Lube Express, turn left into the Oxford Suites parking lot, exit onto northbound Business Lane, and then continue into the Toys R Us parking lot to each the signal at E. 20th Street. Exhibit 2-1 depicts this outbound routing concern.

As shown in Exhibit 2-1, this route requires a circuitous path through three separate commercial parking lots involving two 180-degree turning movements to reach the signal at E. 20th Street. While possible, the likelihood that a significant number of motorists would use this route on a regular basis is low, given that it is not obvious and motorists would likely find it more time-consuming than simply using Forest Avenue to reach E. 20th Street.



Source: ESRI Imagery, 2015

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350 175 0 350 Feet

Exhibit 2-1
Outbound Routes

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Overall, the proposed turning restrictions on Baney Lane along with intersection enhancements at Forest Avenue and East 20th Street, as required by Mitigation Measures TRANS-3a and TRANS-3b, are anticipated to effectively divert the vast majority of existing and proposed outbound trips to Forest Avenue. Since the proposed turning restrictions would affect existing trips as well as new trips resulting from the proposed project, the devices are considered a beneficial aspect of the project that will minimize, if not eliminate, cut-through traffic.

Walmart Trucks Using Business Lane and Baney Lane

As noted on Draft EIR page 2-29, inbound Walmart trucks currently use Business Lane to access the Walmart loading docks. Outbound Walmart trucks exit the site at the Business Lane cul-de-sac, turn right on Baney Lane, and turn on Forest Avenue (left or right) to reach SR-99 via E. 20th Street or Skyway Road. These inbound and outbound routes are existing conditions and have been used for more than 20 years.

The Draft EIR disclosed on page 2-29 that trucks serving the fuel station and Parcels 2 and 3 may use Forest Avenue and Wittmeier Drive to serve these uses and, thus, completely avoid Business Lane and Baney Lane.

Regardless, as shown in Draft EIR Table 2-4, the expanded Walmart store would be served with three additional 2-axle truck deliveries (medium trucks) and one additional 4+ axle truck delivery (heavy trucks) on a daily basis. All inbound truck movements would continue to use Business Lane. Outbound movements would travel on either Business Lane to Baney Lane to Forest Avenue or Wittmeier Drive to Forest Avenue. However, if it were assumed that all outbound trucks were routed via Baney Lane, Business Lane would carry eight additional truck movements (with four traveling only on the short segment between the Walmart driveway and Baney Lane) and Baney Lane would carry four additional truck movements.

Table 2-1 compares the net increase in project-related truck trips on Business Lane and Baney Lane to existing traffic volumes, including existing truck volumes. As shown in the table, the project yields a net increase of 1.4 to 5.5 percent in truck trips on either street relative to existing conditions. This would represent a negligible increase and would not be significant enough to require Walmart trucks to use alternate routes to avoid both roadways or to trigger improvements to Baney Lane.

Table 2-1: Business Lane and Baney Lane Traffic Volumes

Category	Business Lane	Baney Lane
Existing Average Daily Trips	5,470 to 5,920	3,280 to 6,860
Existing Heavy Truck Trips (1% of traffic on local surface streets)	55 to 60	33 to 69
Existing Medium Truck Trips (2% of traffic on local surface streets)	110 to 120	66 to 138
Net Increase in Project-Related Heavy Truck Trips	2	1

Table 2-1 (cont.): Business Lane and Baney Lane Traffic Volumes

Category	Business Lane	Baney Lane
Net Increase in Project-Related Medium Truck Trips	6	3
Percent Increase in Heavy Truck Trips	3.3 to 3.6	1.4 to 3.0
Percent Increase in Medium Truck Trips	5.0 to 5.5	2.2 to 4.5

Notes:
Existing Average Daily Trip volumes obtained from Draft EIR Table 3.9-9; traffic volumes change at each driveway and intersection; thus, a low-to-high range is provided for both roadways.
Heavy and Medium Truck percentages obtained from Draft EIR table 3.9-10
1 trip represents one inbound or outbound movement.
Source: FCS, 2016.

Master Response 2—Vehicle Idling

Summary of Relevant Comments

Several individuals and organization expressed concern about truck and passenger vehicle idling.

Various speakers at the July 21, 2016 Planning Commission comment session inquired about whether the Draft EIR accounted for vehicle idling associated with the Walmart pharmacy and merchandise pick-up area or other drive thrus associated with the project.

Additionally, other speakers expressed concern that Walmart trucks would idle for extended periods during late night and early morning hours, potentially disturbing guests at the nearby Oxford Suites hotel.

An individual and an organization submitted written comments questioning the effectiveness of the anti-idling program required by Mitigation Measure AIR-2i because it only requires posting of signage and training of store personnel. The organization suggested 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.

Response

Draft EIR's Accounting of Vehicle Idling

In accordance with Butte County Air Quality Management District (BCAQMD) guidance, the Draft EIR's air quality analysis employed the use of the CalEEMod computer model to evaluate air emissions (criteria pollutants and greenhouse gas emissions). The CalEEMod accounts for mobile source emissions (passenger vehicles and trucks) and idling is part of the emissions profile captured by the model.

As noted in Table 1 of Appendix B of the DEIR, the land use type used for modeling air quality of the proposed store expansion was "Free-Standing Discount Superstore." There is no land use type in the CalEEMod software for free-standing discount superstore with drive thru.

There are, however, other land use types that could be used to generate an approximation of the difference in emissions between a land use category with drive thru and the same use without drive thru. These include "Pharmacy/Drugstore with Drive Thru" and "Fast Food Restaurant with Drive Thru," each of which has a corresponding land use type without a drive thru (for example, "Pharmacy/Drugstore w/o Drive Thru" and "Fast Food Restaurant w/o Drive Thru"). To estimate the effect on project emissions from the inclusion of a drive thru with the proposed store expansion, one could compare the percentage difference between emissions generated by a pharmacy/drugstore (or fast-food restaurant) with drive thru and one of the same size without a drive thru, and apply the same percentage increase associated with having a drive thru to the free-standing discount superstore (thereby creating a customized "Free-Standing Discount Superstore with Drive Thru" land use type for the model).

Perhaps counterintuitively, when comparing the annual CalEEMod mobile emissions outputs for a Pharmacy/Drugstore with Drive Thru with a Pharmacy/Drugstore w/o Drive Thru, the drive thru use generates fewer mobile emissions on a per-square-foot basis. Likewise, modeled emissions for fast-food restaurants with a drive thru show less mobile emissions than fast-food restaurants of the same size without a drive thru. Table 2-2 shows these comparisons across three main pollutants found in mobile emissions.

Table 2-2: Comparison of Drive Thru and Non-Drive Thru Uses

Land Use	Tons per Year*		
	ROG	NO_x	CO
Pharmacy/Drugstore with Drive Thru	0.5711	1.2783	5.2971
Pharmacy/Drugstore w/o Drive Thru	0.5879	1.3368	5.4997
Difference with Drive Thru	**-2.86%**	**-4.38%**	**-3.68%**
Fast Food Restaurant with Drive Thru	3.3200	6.7626	29.2967
Fast Food Restaurant w/o Drive Thru	4.9167	13.203	50.6961
Difference with Drive Thru	**-32.48%**	**-48.78%**	**-42.21**

Note:
Emissions in this table reflect basic CalEEMod modeling software runs using a 10,000-square-foot building on a 1-acre site for the listed land use type, with all other model defaults left unchanged.
Source: CalEEMod, 2016.

Since any added vehicle emissions associated with having a drive thru appear to be outweighed by other emission factors that result in higher overall mobile emissions for the version of the same use without a drive thru, developing a customized land use type for free-standing discount superstore

with drive thru for the proposed store expansion is rejected in favor of the more-conservative analysis contained in the Draft EIR.

Truck Idling

Mitigation Measure AIR-2i requires an anti-idling program for heavy duty trucks to be implemented in conjunction with occupancy of the expanded Walmart store. The program is intended to promote compliance with the State's Airborne Toxic Control Measure that limits diesel idling to no more than 5 minutes and would be implemented by posting of signage in all loading areas and training of store personnel about idling restrictions.

As a practical matter, many large truck fleets (including Walmart) already comply with the 5-minute idling restriction via technology. Walmart trucks are equipped with devices that automatically shut off diesel engines after 3 minutes of idling and switch to auxiliary power units[1] to power various electrical systems, including refrigeration. Accordingly, trucks would not be idling for extended periods within the Walmart loading area and thus would not expose surrounding receptors to continuous related sources of noise. Furthermore, this technology indicates that the anti-idling program required under Mitigation Measure AIR-2i would achieve compliance with the 5-minute idling restriction.

Regarding the claim that Mitigation Measure AIR-2i is insufficient because it does not prevent idling by trucks and relies upon voluntary compliance, as previously noted, Walmart trucks already comply with the 5-minute idling restriction, which is mandatory under state law. As noted in Table 3.2-9 of the Draft EIR, no emissions reductions were taken as a result of including Mitigation Measure AIR-2i. Therefore, the DEIR analysis and conclusions do not depend on measuring or ensuring the effectiveness of the anti-idling program, and there is no basis to amend the mitigation measure to require public noticing of idling activities or how to report violations.

Note that BCAQMD submitted written comments to the City of Chico concurring with the Draft EIR's analysis, conclusions, and mitigation measures for air emissions.

Master Response 3—Landscaping

Summary of Relevant Comments

Several authors stated that the existing landscaping within the Walmart parking lot fails to comply with Chico Municipal Code Section 19.70, which requires 50 percent shade coverage within 15 years of project completion.

These authors stated that the existing, poorly performing trees should be replaced with new species (preferably native and drought-tolerant species) that are better adapted to the site. Additionally, the authors stated that irrigation should be upgraded, planting holes should be adequately sized, appropriate supplemental soil should be provided, and water-permeable pavement should be employed.

[1] An auxiliary power unit is an idle reduction technological device that powers various electrical systems when the diesel engine is shut off. These units can run off a truck's fuel supply or be powered by a battery or electrical connection. The California Air Resources Board identifies the use of auxiliary power units as one method of achieving compliance with the 5-minute idling restriction.

Response

The existing Walmart store opened in March 1994. Development plans for the existing parking area landscaping were reviewed and approved by City staff in compliance with the applicable landscaping requirements at that time. As such, performance of the existing trees on-site are not considered a potential environmental impact that may result from the proposed project.

Pursuant to CEQA Guidelines Section 15002, and as stated in the Introduction chapter of the DEIR, the scope of CEQA review for the project is limited to evaluating the potential environmental effects of the proposed project. This is in contrast to evaluating existing conditions, which are not attributable to the proposed project. The state and acceptability of existing site improvements may be addressed as part of the City's consideration of the project entitlements; however, it would not be appropriate to identify deficiencies in the existing parking lot landscaping as a potential environmental impact caused by the proposed project.

Master Response 4—Bicycle Parking

Summary of Relevant Comments

An organization and an individual noted that the existing bike rack in front of the Walmart store is outdated and located in an out-of-the-way area and, thus, susceptible to theft. The organization stated the City should require Walmart to provide more than the 20 covered bike parking spaces and 19 uncovered bike parking spaces, and suggested that modern bike racks should be provided in a high visibility location monitored by video surveillance for customers, and indoor bike parking should be provided as alternative to the bike lockers for employees.

Response

The Draft EIR noted on page 3.2-58 that the proposed project includes installation of 20 covered bike lockers and 19 uncovered bike parking spaces. ("Covered" signifies that the locker structures would include ceilings.) These new bicycle parking facilities would replace the existing bike rack in front of the store. Bike lockers are widely accepted as appropriate for bicyclists who will require storage for long periods of time, such as employees, and thus need protection from the elements, vandalism, or theft. Uncovered bike parking spaces (racks) are widely accepted as appropriate for bicyclists who will require storage for short periods of time, such as customers, and thus are sited more for convenience and ease of access.

The Chico Municipal Code requires bicycle parking at a rate of 5 percent of the minimum number of vehicle spaces required. Although the proposed store expansion and gas station only require 18 bicycle parking spaces, the proposed project includes new bicycle parking in sufficient quantity to meet Municipal Code requirements based on including both the existing and proposed number of vehicle parking spaces (767 vehicle spaces *x* 0.05 = 38 bicycle spaces). Since the project includes more than double the minimum number of bicycle parking spaces required by the Municipal Code, there is no basis for identifying the lack of bicycle parking as a potentially significant impact.

Clusters of bike lockers and bike racks are proposed at three locations along the front of the expanded store, including near the grocery entrance and on either side of the general merchandise store entrance. These locations are areas of high customer and employee foot traffic and would be

monitored by video surveillance. Additional bike lockers are proposed on the north side of the building near the Tire and Lube Express area, appropriately located for longer-term use and daytime surveillance by employees.

Pursuant to Municipal Code requirements, the location and design of proposed bicycle parking are subject to review as part of the project application for Site Design and Architectural Review. The City of Chico Planning Commission will determine if the proposed bicycle parking adequately meets code requirements as well as adopted General Plan policies and Design Guidelines regarding the provision of bicycle parking. Therefore, the location and design of bicycle parking may be modified by conditions of approval if deemed necessary by the Commission to make the design review findings, but no potentially significant environmental impacts have been identified with the proposed amounts or locations of bicycle parking for the project.

Master Response 5—Walmart's Corporate Practices

Summary of Relevant Comments

A number of authors expressed concern about or opposition to Walmart Stores, Inc. corporate practices. Comments focused on wages, the quality of jobs, benefits, competitive practices, market share, etc.

Response

CEQA Guidelines Section 15064(e) establishes that economic and social changes resulting from a project are only relevant to the extent that they result in physical changes to the environment. Thus, unless substantial evidence exists that clearly establishes that physical changes to the environment would result from the project's social and economic impacts, such issues are outside the scope of CEQA review.

In this case, no evidence has been presented by any of the authors or speakers demonstrating that Walmart's (or any other retailer's) corporate practices cause direct or indirect physical changes to the environment. As such, no nexus exists between these issues and the potential environmental impacts evaluated in the Draft EIR, and, therefore, these issues are outside the purview of the document.

Finally, note that Section 3.12, Urban Decay of the Draft EIR evaluated potential urban decay impacts resulting from closure of competing retail outlets as a result of the proposed project. As indicated in that section, urban decay was not a foreseeable consequence of the proposed project and impacts were found to be less than significant.

Master Response 6—Previous Walmart Application and CEQA Documents

Summary of Relevant Comments

Several authors and speakers at the July 21, 2016 Planning Commission comment session referenced the previous Walmart application and associated CEQA documents. Several individuals requested that the CEQA documents and associated comments be posted on the City's website and be reviewed as part of the current process. One individual stated that the Draft EIR for the current project should revised to reference the previous project as an "Area of Controversy" pursuant to

CEQA Guidelines Section 15123 and asserted that it is disingenuous to ignore this, especially when the project does nothing to correct the defects of the past project.

Response

Following the July 21, 2016 Planning Commission comment session, the City of Chico posted the CEQA documents associated with the previous Walmart expansion project on its website on July 22 and 25, 2016.

Walmart's previous application to expand its Walmart store was denied by the Chico City Council in 2009. The previous application differed in several respects from the current application in that the previously proposed Walmart expansion was significantly larger (97,556 square feet) and only one outparcel (2.42 acres) was proposed. The previous EIR assumed that the outparcel would be developed with a 5,000-square-foot fast-food restaurant with drive thru and 12-pump gas station. The proposed project involves a smaller Walmart expansion (66,500 square feet), eight-pump gas station with kiosk, and two outparcels totaling 5.2 acres (assumed to support 52,000 square feet of retail or restaurant uses). As such, the conclusions from the previous CEQA analysis would differ from those for the current application.

Additionally, given the time that elapsed between the 2009 City Council action and the filing of the current application (2015), many changes have occurred to baseline conditions, regulatory framework, and analytical methods that render many of the conclusions from the previous CEQA analysis outdated. Accordingly, the City of Chico determined that preparing a new EIR for the current application was the appropriate course of action. Revisiting the conclusions of the previous CEQA analysis in the current EIR would offer little to no value in terms of accomplishing the CEQA objectives of disclosing and mitigating significant impacts that may result from the currently proposed project on the environment. For this same reason, it would not be appropriate to respond to any comments submitted on that past CEQA analysis as part of the current CEQA evaluation.

Finally, CEQA Guidelines Section 15123 sets forth requirements for the Executive Summary chapter of Draft EIR and indicates that the section should include "Areas of controversy known to the Lead Agency including issues raised by agencies and the public." The Draft EIR did provide an Areas of Controversy section on page ES-3 that listed topics raised on during the NOP review period and at the October 15, 2015 Scoping Meeting. CEQA Guidelines Section 15123 does not state that the Areas of Controversy section must provide information about previous disapproved projects or detail past CEQA analysis; therefore, there is no basis to revise the Draft EIR text to discuss the previous Walmart application.

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SECTION 3: RESPONSES TO WRITTEN COMMENTS

3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

State Agencies

Central Valley Regional Water Quality Control Board ..... RWQCB
Governor's Office of Planning and Research, State Clearinghouse and Planning Unit ..... SCH

Local Agencies

Butte County Air Quality Management District ..... BCAQMD

Private Businesses, Individuals, and Organizations

B.T. Chapman ..... CHAPMAN
Chico Advocates for a Responsible Economy ..... CARE
Chico Velo ..... VELO
Dorothy Coffey, Ken Coffey, Jamie Hays, and Jessica Hayes ..... COFFEY
Jake Davis ..... DAVIS
Dominic Devlin ..... DEVLIN
Woody Elliott ..... ELLIOT
Gail [No Last Name Provided] ..... GAIL
Heidi Gonzales ..... GONZALES
Mark Habib (Peters, Habib, McKenna & Juhl-Rhodes, LLP) ..... HABIB
Lon Hatamiya (The Hatamiya Group) ..... HATAMIYA
Bill Helmer (July 22, 2016 and July 25, 2016) HELMER.1
Bill Helmer (August 1, 2016) HELMER.2
Karen Laslo ..... LASLO
David Lupton ..... LUPTON
Chris Nelson ..... NELSON
Robin Baney (Oxford Hotel Group; July 21, 2016) OXFORD.1
Curt Baney (Oxford Hotel Group; July 29, 2016) OXFORD.2
David Smith (July 15, 2016 and July 20, 2016) SMITH.D.1
David Smith (July 25, 2016) SMITH.D.2
Frank Smith ..... SMITH.F
Ane St. James ..... ST. JAMES

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Chico, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2015102017) for the Chico Walmart Expansion Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

RECEIVED
JUN 23 2016
CITY OF CHICO
PLANNING SERVICES

21 June 2016

Mr. Mike Sawley
City of Chico
P.O. Box 3420
Chico, CA 95927

COMMENTS ON THE ENVIRONMENTAL IMPACT REPORT FOR PROPOSED CHICO WAL-MART EXPANSION PROJECT, CHICO, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 17 June 2016, we received your request for comments on the Environmental Impact Report for the Chico Wal-Mart Expansion Project. 1

The Project consists of subdividing the project site to facilitate the following development and uses: (1) expand the existing Walmart store by up to 66,500 square feet; (2) develop an eight-pump fuel station (16 vehicle fueling positions) with a 1,500-square-foot kiosk; and (3) create two out lot parcels with a combined development potential of 52,000 square feet of commercial uses (retail or restaurant). Following the subdivision, the Walmart/fuel station parcel (Parcel 1) would total 21.88 acres, Parcel 2 would be 2.63 acres, and Parcel 3 would be 2.57 acres. Discretionary approvals include: Tentative Parcel Map, Use Permits, Planned Development Permit, and Site Design and Architectural Review. 2

Based on our review of the information submitted for the proposed project, we have the following comments:

Clean Water Act (CWA) Section 401, Water Quality Certification
The Central Valley Water Board has regulatory authority over wetlands and waterways under both the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. 3

Isolated wetlands and other waters not covered by the Federal Clean Water Act
Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements 4

from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at:
http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf 4 CONT

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)
Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Chico Wal-Mart Expansion Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml 5

Post-Construction Storm Water Requirements
Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. To comply with Phase II Municipal Storm Water Permit requirements the City of Chico must ensure that new developments comply with specific design strategies and standards to provide source and treatment controls to minimize the short and long-term impacts on receiving water quality. The design standards include minimum sizing criteria for treatment controls and establish maintenance requirements. The proposed project must be conditioned to comply with post construction standards adopted by the City of Chico in compliance with their Phase II Municipal Storm Water Permit. 6

If you have any questions or comments regarding this matter please contact me at (530) 224-4784 or by email at Scott.Zaitz@waterboards.ca.gov. 7

Scott A. Zaitz, R.E.H.S.
Environmental Scientist
Storm Water & Water Quality Certification Unit

SAZ: wrb:sjs

cc w/o
enclosures: Ms. Leah Fisher, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova

State Agencies

Central Valley Regional Water Quality Control Board (RWQCB)

Response to RWQCB-1
The agency provided introductory remarks to open the letter. No response is necessary.

Response to RWQCB-2
The agency summarized the proposed project's characteristics. No response is necessary.

Response to RWQCB-3
The agency provided standard language about Clean Water Act Section 401 Water Quality Certification permitting requirements.

The Draft EIR acknowledged these requirements on pages 3.3-17, 3.3-18, and 3.7-4, and Mitigation Measure BIO-4 requires the applicant to obtain all requisite approvals and permits from the United States Army Corps of Engineers and Regional Water Quality Control Board, including a Section 404 Permit and a Section 401 Water Quality Certification if development activities would result in impacts to the depressional seasonal wetland in the southwest corner of the project site.

Response to RWQCB-4
The agency provided standard language about permitting requirements associated with isolated wetlands and other waters not covered by the Clean Water Act.

The depressional seasonal wetland in the southwest corner of the project site may be classified as an isolated wetland, as it is not tributary to a blue line drainage or other navigable waterway. Mitigation Measure BIO-4 requires the applicant to obtain the requisite permits (including Section 404 Permit and Section 401 Water Quality Certification) if development activities would result in impacts to the depressional seasonal wetland in the southwest corner of the project site.

Response to RWQCB-5
The agency provided standard language about general permit for stormwater discharges associated with construction activities.

The Draft EIR acknowledged these requirements on pages 3.7-5 and 3.7-6. Mitigation Measure HYD-1a requires the applicant to obtain coverage under the general permit and implement a Stormwater Pollution Prevention Plan during construction activities. With the implementation of Mitigation Measure HYD-1a, the proposed project would comply with the applicable provisions of the general permit.

Response to RWQCB-6
The agency provided standard language about post-construction stormwater requirements.

The Draft EIR acknowledged these requirements on pages 3.7-5 and 3.7-6. Mitigation Measure HYD-1b requires the applicant to prepare and submit a Storm Water Mitigation Plan to the City of Chico for review and approval that identifies stormwater pollution prevention measures for operational activities. With the implementation of Mitigation Measure HYD-1b, the proposed project would comply with the applicable post-construction stormwater requirements.

Response to RWQCB-7
The agency provided concluding remarks to close the letter. No response is necessary.

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STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

RECEIVED
AUG 03 2016
CITY OF CHICO
PLANNING SERVICES

August 2, 2016

Mike Sawley
City of Chico
P.O. Box 3420
Chico, CA 95927

Subject: Chico Walmart Expansion Project
SCH#: 2015102017

Dear Mike Sawley:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 1, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2015102017
Project Title Chico Walmart Expansion Project
Lead Agency Chico, City of

Type EIR Draft EIR

Description The project applicant is proposing to subdivide the project site to facilitate the following development and use activities: (1) expand the existing Walmart store by up to 66,500 square feet; (2) develop a fuel station with 8 fueling positions and a 1,481 square-foot convenience market; and (3) create two outlots for future commercial use with a combined development potential of 52,000 square feet of retail or restaurant use. The existing driveways on Baney land would be modified to allow right-out turning movements only. In addition, a new vehicular access connection would be provided from the project site to the Wittmeir Drive cul-de-sac and the Forest Avenue / Wittmeir Drive intersection would be signalized.

Lead Agency Contact

Name Mike Sawley
Agency City of Chico
Phone 530 879-6800 **Fax**
email
Address P.O. Box 3420
City Chico **State** CA **Zip** 95927

Project Location

County Butte
City Chico
Region
Lat / Long 39° 43' 20" N / 121° 48' 13" W
Cross Streets Forest Avenue / Baney Lane
Parcel No. 002-370-055, -057
Township 22N **Range** 2E **Section** 12 **Base** MDBM

Proximity to:

Highways 99
Airports
Railways Union Pacific
Waterways Little Chico Creek
Schools Chico Unified
Land Use Walmart store and undeveloped land / Zoning: "CR" / General Plan: "Regional Commercial"

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 N; State Water Resources Control Board, Divison of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Redding); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 06/17/2016 **Start of Review** 06/17/2016 **End of Review** 08/01/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.

2

Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (SCH)

Response to SCH-1

This comment is the standard form letter issued by the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit confirming that the Draft EIR was distributed to various state agencies, and that the City of Chico has complied with statutory noticing obligations. No response is necessary.

Response to SCH-2

This comment consists of the "Document Details Report," which lists the state agencies that received the Draft EIR from the State Clearinghouse.

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629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax

Butte County Air Quality Management District

W. James Wagoner
Air Pollution Control Officer

Robert McLaughlin
Asst. Air Pollution Control Officer

July 29, 2016

City of Chico Planning Department
Attn: Mike Sawley, Associate Planner
P.O. Box 3429
Chico, CA 95927

RE: Chico Walmart Expansion Project Draft Environmental Impact Report (DEIR)

Dear Mr. Sawley:

The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the DEIR for the project listed above. Based on the information reviewed, the District has the following comments: 1

1. On October 1, 2015, the US EPA strengthened the 8-hour ozone NAAQS from 75ppb to 70ppb based on extensive scientific evidence about ozone's effects on public health and welfare. The US EPA will finalize area designations based on the new standard by October 1, 2017 using data collected in 2014 through 2016. Based on current trends, Butte County is expected to be designated non-attainment for the 2015 8-hour ozone standard. As the projected opening date is scheduled for 2018, the District recommends including the new 2015 8-hour ozone standard in the environmental setting. 2
2. Regarding Table 3.2-1: Ambient Air Monitoring Data, the California Air Resources Board now has official 2015 data available at http://www.arb.ca.gov/adam/. 3
3. Regarding the NSVPA Triennial Plan referenced in subsection Impact AIR-1 on page 3.2-21, the Plan's most recent update (2015) was approved in 2016. The current plan is available through our CEQA webpage at www.bcaqmd.org. 4
4. The District recognizes that Impacts AIR-4 and AIR-5 are expected to be less than significant and do not require additional mitigation measures. 5
5. The District recognizes that Impacts AIR-1, AIR-2, and AIR-3 have the potential to be significant without any mitigating measures. Based on the information provided, the District agrees that Mitigation Measures AIR-1 and AIR.2a through AIR.2k would collectively decrease air quality impacts to less than significant. 6
6. The first paragraph on page 3.2-37 includes a minor typo. Recommend changing BAQMD to BCAQMD. 7
7. Footnote 21 on page 3.2-46 includes a minor typo. Recommend changing 20115 to 2015. 8

If you have any questions, please contact me at 530-332-9400 x108. 9

Sincerely,

Jason Mandly
Associate Air Quality Planner

File: 3455.3

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Local Agencies

Butte County Air Quality Management District (BCAQMD)

Response to BCAQMD-1
The agency provided introductory remarks to open the letter. No response is necessary.

Response to BCAQMD-2
The agency noted that the United States Environmental Protection Agency changed the 8-hour National Ambient Air Quality Standard from 75 parts per billion (ppb) to 70 ppb[1] in October 2015 and suggested that the Draft EIR text be revised to note this change. The agency advised that Butte County is expected to be designated non-attainment for the 8-hour ozone standard.

Table 3.2-1 has been revised to reflect the new 8-hour ozone standard. The change is noted in Section 5, Errata.

Response to BCAQMD-3
The agency referenced Table 3.2-1 and noted that the California Air Resources Board now has official 2015 data available online.

The ambient air quality data contained in Table 3.2-1 was the most current information available at the time of Draft EIR preparation and included data through 2014.

Response to BCAQMD-4
The agency advised that the most recent update to the Northern Sacramento Valley Planning Area Triennial Plan occurred in 2015 and suggested that the Draft EIR text be revised to note this.

The text on Draft EIR page 3.2-21 been revised to reflect the 2015 version of the plan. The change is noted in Section 5, Errata.

Response to BCAQMD-5
The agency stated that it recognizes that Impacts AIR-4 and AIR-5 are expected to be less than significant and do not require additional mitigation measures. No response is necessary.

Response to BCAQMD-6
The agency stated that it recognizes that Impacts AIR-1, AIR-2, AIR-3 have the potential to be significant and concurred that the implementation of Mitigation Measures AIR-1, and AIR-2a through AIR-2k would reduce impacts to a level of less than significant. No response is necessary.

Response to BCAQMD-7
The agency suggested that a typographical error on page 3.2-37 be corrected.

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to BCAQMD-8
The agency suggested that a typographical error on page 3.2-46 be corrected.

[1] 70 ppb = 0.070 parts per million

The typographical error has been corrected and the change is noted in Section 5, Errata.

Response to BCAQMD-9
The agency provided concluding remarks to close the letter. No response is necessary.

Mike Sawley

From: BT Chapman <btc05usn@gmail.com>
Sent: Monday, July 18, 2016 11:07 AM
To: Mike Sawley
Subject: Draft E I R, Walmart expansion project; comments on

I hereby submit my comments on subject E I R.

1. From the Executive Summary ES1. The project description is inadequate as it does not describe what will be housed in the 66,000 sq ft expansion nor are examples provided for commercial uses that could be in the 52,000 sq ft out lot parcels. This is critical information! 1

2. From Executive Summary ES 1&2. Project objective #5. I am certain there are multiple ways to develop underdeveloped or under utilized land other than expanding an already gigantic retail outlet so this objective is not valid to me. As is project objective #6. How many new facilities like these are necessary/needed according to the city's General Plan? This information should be stated as part of the analysis. How thin can we "slice the fuel station, retail and restaurant pie and still have profitable enterprises? 2

3. E S 7 Impact Air-1. It should be stated how will the public know that pervious asphalt materials and other state-of-the-art materials and landscaping techniques, rainwater harvesting, etc. will be used to protect the environment and save water and gas and electric energy. I see no details presented to address these concerns. 3

4. E S 8, MMAir -2f.
A). A 10% reduction in gasoline and diesel-powered trips is stated but the baseline for comparison is not. So the question remains 10% reduction from what?
B) What is Walmart's specific plan for trip reduction measures based on recommendations in MMAir -2f? The EIR should specifically state the plan. 4

5. ES 9, MMAir-2l. It should be identified here who will monitor the idling restriction program for heavy-duty diesel vehicles. 5

6. ES 10, ImpactAir-4. If the project may expose sensitive receptors to substantial pollutant concentrations, why is no mitigation necessary? 6

7. ES 25, ImpactPSU 7. Will this project be LEED certified, use reflective roofing materials and have solar arrays and if not why not? And if yes these specifications should be stated in the appropriate section(s) of the EIR. 7

8. Urban Decay, 3.12.35 - paragraph 3. How will the convenience store associated with the nearby Sinclair Gas help differentiate this operation from the Walmart fuel station when the project description clearly states a fuel pump station will be accompanied by a 1,500 sq ft convenience market? 8

9. Urban Decay - Project impact on existing fuel stations. 3.12.35Last sent enable in first paragraph of this section. The anticipated market area generating future demand for gasoline sales should be identified over what period of time. I.e. 1 year / 20 years. 9

10. Urban Decay - General Merchandise Impacts - 3.12.36. 3rd sentenance in this section states future growth in retail demands will do certain things but it fails to state where future growth comes from and over what period of time. 10

Mike Sawley

From: BT Chapman <btc05usn@gmail.com>
Sent: Monday, July 18, 2016 11:21 AM
To: Mike Sawley
Subject: Walmart expansion draft EIR my comments continued

Continuing my comments. Sorry I hit the send button by mistake.

11. Urban Decay, 3.12.41. Foods and beverage store impacts fails to include Raley's on Notre Dame and Winco- the stores closest to the project site. 11

12. 3.12.42. Do a fact check. The Raley's store on East has recently been remodeled and does not have an "antiquated interior" or "aged produce coolers" and there is more upscale offerings. 12

13. Cumulative Effects, page 4-5. There needs to be a statement added to address what happens if gorge Butte Regional Conservation Plan is adopted vs the Walmart project status at the time. Would a consistency determination be required under CEQA guidelines? 13

14. Cumulative Effects, page 4-11.

If we are under serious drought conditions, how can the 2010 Urban Water Management Plan anticipate adequate water supplies for all scenarios through 2040? 14

15. Cumulative Effects page 4-14, paragraph 4.2.12 - Urban Decay. I look at the Kohls center and other long term vacancies and challenge the analysis that states," Chico market has demonstrated a robust ability to re-tenant vacant spaces". 15

Respectfully submitted,

/s/ B T CHAPMAN
864-0866

Mike Sawley

From: BT Chapman <btc05usn@gmail.com>
Sent: Monday, July 18, 2016 11:28 AM
To: Mike Sawley
Subject: RE: COMMERCIAL DEVELOPMENT IN CHICO

One final thought as it relates to the Walmart expansion project. That is, with it, Miriam Park and the BRUCE and 20th housing proposal by Epik Homes, all proposing commercial land use, is there any coordination of commercial development plans to insure there is not development over what is needed and necessary? 16

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Private Businesses, Individuals, and Organizations

B.T. Chapman (CHAPMAN)

Response to CHAPMAN-1
The author claimed that the Draft Executive Summary's project description is inadequate because it does not describe what will be contained within the Walmart expansion or provide examples of the commercial end uses for the outlots.

CEQA Guidelines Section 15123(a) states the following about the "Summary" section of an EIR:

> An EIR shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical.

Hence, the Executive Summary provided a one-paragraph summary of the proposed project on page ES-1. At the end of the paragraph, the following statement was provided: "Section 2, Project Description provides a complete description of the project."

In contrast, Section 2, Project Description provides detailed descriptions of the items listed by the author, including the allocation of square footage within the expanded Walmart store (pages 2-11 and 2-12) and the end uses of Parcels 2 and 3 (pages 2-22 and 2-23).

In summary, the Draft EIR provided a comprehensive description of the proposed project in Section 2, Project Description. Moreover, in accordance with CEQA Guidelines Section 15123(a), the purpose of the Executive Summary is to provide a brief and succinct summary of the project.

Response to CHAPMAN-2
The author disputed the validity of Project Objective No. 5 on the grounds that there are multiple ways to develop undeveloped and underutilized land other than expanding an "already gigantic retail outlet." The author referenced Project Objective No. 6 and questioned how many new facilities are necessary or needed according to the General Plan, and he asserted that this information should be included in the analysis. The author also questioned how much demand is available for fuel station, retail, and restaurant in order for these businesses to be profitable.

CEQA Guidelines Section 15124(b) states the following about project objectives:

> A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

Project Objectives Nos. 5 and 6 are reproduced below:

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 that provide consumers with additional convenience and competitive options.

Regarding Objective No. 5, this objective could be achieved with a variety of development types, including development that does not involve expansion of the existing store. It is necessary for project objectives to avoid defining the underlying purpose of the project so narrowly that a reasonable range of alternatives cannot be developed and evaluated. Objective No. 5 is valid for the very reason that it does not preclude achievement by various means, including by alternatives to the proposed project.

Objective No. 6 is also valid because it sets forth a goal for the project of including certain major non-residential features and includes general parameters for compatibility with surrounding land uses and consumer convenience. As noted above, project objectives should reflect the underlying purpose of the project without being so overly detailed that only the proposed project can meet them.

The CEQA Guidelines do not require that economic need be justified in order to validate a project objective. Additionally, the 2030 General Plan merely designates land for specific land use activities and sets parameters to guide future development; it does not establish limits on the number or type of businesses and thus would not provide any insight into the economic justification for the project.

Overall, both objectives reflect the underlying purpose of the project, which is to expand the existing Walmart store and develop a new fuel station and commercial uses on the project site. Although the author may disapprove of the objectives, he has not provided substantial evidence that the project cannot attain them, or that the objectives fail to fulfill the CEQA Guidelines objectives of developing a reasonable range of alternatives and aiding decision-makers in preparing findings or a statement of overriding considerations.

Response to CHAPMAN-3

The author referenced the summary of Impact AIR-1 in the Executive Summary and asserted that it should be stated how the public will know that pervious asphalt, landscaping techniques, and rainwater harvesting will be used to protect the environment and save water, gas, and electricity.

Impact AIR-1 addresses project consistency with the Northern Sacramento Valley Planning Area Triennial Air Quality Plan; it does not address pervious asphalt, landscaping techniques, or rainwater harvesting.

To support finding that the project is consistent with the air quality plan, Mitigation Measure AIR-1 requires compliance with certain published Air District “Rules” that were developed to support meeting the attainment goals set forth by the plan. These include minimizing dust generation during construction (Rule 205), using low-VOC architectural coatings (Rule 230), and using low-VOC types of asphalt (Rule 231). The measure requires compliance with these Rules to be demonstrated to City staff on plans prior to or concurrent with grading/building permits for the project and during construction. Documentation of compliance with Mitigation Measure AIR-1 will be generated

leading up to and during construction, and all such documentation is public information available upon request to any member of the public.

Response to CHAPMAN-4
The author noted that Mitigation Measure AIR-2f calls for a 10 percent reduction in gasoline and diesel-powered vehicle trips and stated that a baseline for comparison is not provided. The author inquired about Walmart's specific plan for trip reduction measures based on Mitigation Measure AIR-2f and asserted that the EIR should specifically state the plan.

Mitigation Measure AIR-2f requires that a Transportation Demand Management (TDM) Program be implemented prior to the issuance of a certificate of occupancy for the Walmart expansion, with an objective of a minimum 10 percent reduction in gasoline-powered and diesel-powered trips. The baseline values from which the 10 percent trip reduction must be demonstrated are contained in the CalEEMod model output sheet provided on PDF page 107 of 1,140 in Appendix B of the DEIR. (The page is labeled "Page 23 of 29, Date: 5/13/2016 10:37 AM.") For example, the CalEEMod results indicate that the project would generate 8,319 trips on weekdays, 9,271 trips on Saturdays, and 7,082 trips on Sundays.

It should be noted that several conservative assumptions were made during the modeling process in an effort to ensure that the output did not underestimate emissions for the project. These include a larger-than-proposed store expansion, a constant (2018) emissions rate over the 25-year lifespan of the project, and assumptions regarding the future land uses on the outparcels. Therefore, some trip reduction required by the mitigation measure may be realized relative to the amounts reported in the Draft EIR, once more precise information about the project is used in the TDM Program analysis. Further, many of the TDM measures identified by the mitigation measure are currently implemented by the existing Walmart store, including posting of transit information, an employee ride-sharing program, employee lockers, bicycle racks, and flex scheduling/compressed scheduling practices. This serves to indicate that the measures identified in Mitigation Measure AIR-2f are feasible and readily implementable.

The TDM Program would be developed following project approval and prior to the issuance of occupancy for the Walmart expansion. Mitigation Measure AIR-2f requires the program to be developed by a qualified transportation consultant, with review and approval by the City of Chico. These are clear and unequivocal performance standards that provide certainty that an effective and feasible program will be developed as contemplated by the mitigation measure.

Finally, CEQA Guidelines allows the adoption of mitigation measures that may be implemented at a future date following project approval. Thus, the CEQA Guidelines require that mitigation measures identify timing of implementation, responsible parties, and performance standards that provide assurances that necessary actions will meet prescribed levels of effectiveness. Mitigation Measure AIR-2f meets each of these requirements.

Response to CHAPMAN-5
The author referenced Mitigation Measure AIR-2l and inquired who will be responsible for monitoring the anti-idling restriction program for heavy-duty diesel vehicles.

The author appears to have intended to reference Mitigation Measure AIR-2i, which requires the implementation of an anti-idling restriction program for heavy-duty diesel vehicles. Vehicle idling is addressed in Master Response 2.

Response to CHAPMAN-6
The author inquired why there is no mitigation necessary for Impact AIR-4, which concerns exposure of sensitive receptors to substantial pollutant concentrations.

As discussed on Draft EIR pages 3.2-41 through 3.1-49, exposure of sensitive receptors to substantial pollutant concentrations was found to be less than significant and did not warrant mitigation. Furthermore, CEQA Guidelines Section 15126.4(a)(3) establishes that mitigation measures are not required for effects that are found not to be significant, and, therefore, there is no legal basis to require the project to implement them. The impact statement in Table ES-1 and on page 3.2-41 has been revised to reflect this conclusion and the change is noted in Section 5, Errata.

Response to CHAPMAN-7
The author referenced Impact PSU-7 and inquired if the project would be LEED certified, use reflective roofing materials, and have solar arrays. The author stated that if not, a justification should be provided and, if yes, specifications should be provided in the EIR.

Impact PSU-7 was found to be less than significant and did not require mitigation. Thus, none of the items listed by the author are identified as mitigation measures. Furthermore, CEQA Guidelines Section 15126.4(a)(3) establishes that mitigation measures are not required for effects that are found not to be significant, and, therefore, there is no legal basis to require the project to implement them.

As discussed on Draft EIR page 2-1, the existing Walmart store employs a rooftop solar array. Note that the solar array is not required to mitigate any impacts on the environment, and, thus, the Draft EIR did not discuss the specifications of the array.

As noted on Draft EIR page 2-21, the Walmart expansion area would employ a white membrane roof, which would be considered a reflective roof. Again, the use of a white membrane roof is not required to mitigate any impacts, and, thus, the Draft EIR did not discuss the specifications of the roof.

Finally, the project is not proposed to be LEED certified (which is an independent, 3rd party rating system), as this is not required by any federal, state, or local regulation. The project will employ several building energy efficiency measures and will comply with the latest adopted edition of the Title 24 energy efficiency standards, which are among the most stringent in the United States.

The CEQA Guidelines do not require justification for elective decisions about project design characteristics.

Response to CHAPMAN-8
The author referenced the third paragraph on Draft EIR page 3.12-35 and requested clarification of how the Sinclair gas station convenience market helps to differentiate this outlet from the proposed Walmart fuel station that would have a 1,500-square-foot convenience market.

The Dino Mart convenience store at the Sinclair Gas station is distinguished from the planned Walmart gasoline convenience store by its pairing with a Port of Subs food operation immediately adjacent to the Dino Mart. The Port of Subs is open from 10:00 a.m. to 6:00 p.m. daily, or 8 hours every day. The Sinclair gas station and its convenience store are open 18 hours daily, from 5:00 a.m. to 11:00 p.m., Sunday through Thursday and from 6:00 a.m. to midnight, Friday and Saturday. Thus, for many hours a day, the Sinclair Gas station offers a restaurant option that will not be available at the Walmart gasoline station. The presence of an adjacent food operation with a varied menu of subs, wraps, salads, sides, extras, and desserts strongly differentiates the Dino Mart from the planned Walmart gasoline convenience store as well as other gas station convenience stores nearby and is deemed likely to enhance demand for other goods at the Dino Mart.

Response to CHAPMAN-9
The author stated that the first sentence of the fourth paragraph on Draft EIR page 3.12-35 should identify the time period that concerns the expansion of fuel sales inventory.

The market area for the fuel station analysis is the same as the market area for the entire study, which generally extends to Hamilton City on the west, through the Unincorporated County area of Durham to the south, to Paradise on the east, and Forest Ranch to the north. This market area includes all of the City of Chico as well as the Town of Paradise and several census-designated places, as defined on page 3.12-3 of the EIR and graphically portrayed in Exhibit 3.12-1 on page 3.12-7. The period of time for which demand is incorporated into the project impact analysis is 2015 to 2018. The year 2018 was selected because it was assumed to comprise the first full year of operations of the Walmart expansion, while the year 2015 comprises the benchmark year for existing conditions for the analysis pursuant to the date of the project's NOP.

Response to CHAPMAN-10
The author referenced the third sentence of the third paragraph on page 3.12-36, which pertains to general merchandise impacts, and said that it fails to state where future growth comes from and over what period of time.

As stated on page 3.12-22 of the EIR, the urban decay analysis impact analysis takes into consideration recaptured retail sales leakage and demand captured from new market area households. This is the same market area referenced in Response to CHAPMAN-9. Thus, the analysis takes into consideration projected household retail demand generated by new market area households. The household growth projections are grounded in projections prepared by the Butte County Association of Governments. The time period reflected in the project impact analysis is 2015 to 2018.

Regarding the findings on page 3.12-36 of the EIR, the level of General Merchandise sales anticipated to be supported by new market area households is estimated to be $4.1 million. The amount of new market area demand over the 2015 to 2018 time period is anticipated to more than exceed this level of sales, which is even less than originally cited.

Response to CHAPMAN-11
The author referenced the analysis of impacts to competitive food and beverage stores on page 3.12-41 and stated that it fails to include Raley's on Notre Dame Boulevard and WinCo on Forest Avenue, which are the two closest food stores to the project site.

The topic of the referenced discussion on page 3.12.41 is cumulative impacts, especially focused on incremental impacts associated with the estimated sales of the planned New Earth Market then under construction, where sales at this store was characterized as being most competitive with those of Chico's upscale food stores. For the purpose of the EIR, Raley's was not considered an upscale store and WinCo is a discount food retailer. Thus, these stores were not seen to be competitive with the New Earth Market, which is located about 4 miles northwest of the Raley's and WinCo stores, and thus were not perceived to warrant consideration in the discussion of New Earth Market's cumulative impacts.

While not perceived to be relevant to the cumulative impact discussion about the New Earth Market, the impacts on the referenced Raley's store on Notre Dame Boulevard and WinCo store are discussed elsewhere in the EIR by inclusion, on page 3.12-28. This discussion indicates the grocery sales impacts of the Walmart expansion are estimated to be relatively low at less than $500,000, after consideration of the retail sector's ability to absorb up to a 3 percent decline in sales, and that these impacts are likely to be experienced to some level throughout the market area. The Raley's store is not specifically singled out in this discussion but the WinCo store is singled out as a similar discount food store operation to Walmart. As such, the EIR concludes that these stores are likely to experience impacts on par with other market area stores and thus would not bear a disproportionate amount of the sales impact, which, as noted, is minimal.

Response to CHAPMAN-12
The author referenced a statement on page 3.12-42 about the Raley's on East Avenue having an "antiquated interior" and "aged produce coolers" and asserted that it has been recently remodeled and provides more upscale offerings.

The urban decay fieldwork for the EIR was conducted in November 2015, with the analysis finalized in December 2015. The EIR reported on the condition of the Raley's store at that time. Inquiries to Raley's indicated that the East Avenue store remodeling was completed in May 2016, while remodeling of the store on Notre Dame Boulevard is underway as of August 2016.

The completion of these improvements indicates that Raley's believes the Chico market is strong enough to warrant store reinvestment and it is positioning the stores for enhanced competition. These improvements will better help the stores to sustain competitive impacts from the Walmart expansion, and will especially better help the store on East Avenue weather impacts from the New Earth grocery store that has since opened less than 1 mile away. (This was a cumulative project identified in the Draft EIR in Table 4-1 and the store opened in April 2016.) Raley's store improvements do not change any of the EIR conclusions, other than making Raley's more competitive on a cumulative basis given the introduction of the New Earth Market, which is an upscale store with a very different product orientation than Walmart stores.

Response to CHAPMAN-13
The author references the cumulative analysis of biological resources on page 4-5 and indicated that there should be a statement added about what would happen if the Butte Regional Conservation Plan is adopted. The author inquired whether a consistency determination would be required pursuant to the CEQA Guidelines.

The Draft EIR addressed the Draft Butte Regional Conservation Plan on page 3.3-38, noting that the project would be consistent with all applicable provisions of the plan. Thus, a consistency determination is provided in the Draft EIR. Additionally, Mitigation Measures BIO-1, BIO-2a, BIO-2b, BIO-2e, and BIO-4 all include a provision indicating that the Butte Regional Conservation Plan's provisions would take precedence over the requirements spelled out in the various biological mitigation measures if it is adopted by the time grading activities occur. In summary, the Draft EIR does address what would occur if the Butte Regional Conservation Plan is adopted prior to ground-disturbing activities.

Response to CHAPMAN-14
The author referenced the cumulative potable water supply analysis on Draft EIR page 4-11 and questioned how the 2010 Urban Water Management Plan can anticipate adequate water supplies for all scenarios through 2040.

The Urban Water Management Planning Act (California Water Code Sections 10610–10656) requires all public or private water providers with 3,000 water connections to maintain and update an Urban Water Management Plan. The statute requires Urban Water Management Plans to forecast private water demand and supply projects for normal water year, single-dry year, and multiple dry year scenarios that are reflective of observed rainfall conditions (drought and non-drought year) within the service area of the water provider.

The 2010 California Water Service Company's (Cal Water) Urban Water Management Plan for the Chico-Hamilton City District evaluates these scenarios and concludes that adequate water supplies are available under all scenarios. This conclusion is based on the historic production rates of the Sacramento Valley Basin, West Butte Subbasin, which have demonstrated that the subbasin has abundant and reliable supplies of groundwater. Moreover, Cal Water acknowledges that it only pumps what it needs to meet demand and can pump significantly more if needed. That Cal Water's Chico-Hamilton City District met all demand during the 2012-2015 drought serves as confirmation that the Urban Water Management Plan's conclusions about water supply are credible.

Response to CHAPMAN-15
The author disputed a statement on Draft EIR page 4-14 about the Chico market demonstrating a robust ability to re-tenant vacant spaces and cited the Kohl's center's vacancy as evidence.

As noted in Appendix J to the EIR, on page 46, the vacancies near the Kohl's store are located in the Springfield Village shopping center. These included a vacant Shoe Pavilion and three pads along the perimeter of the center, some of which have never been occupied. Existing tenants include Kohl's and David's Bridal, among others. This center has a distinct market disadvantage because of its location peripheral to the well-occupied Chico Mall where it lacks strong visibility. In addition, with more pad potential available at the Chico Mall, the secondary nature of Springfield Village's location is further reinforced.

A broker[2] for Springfield Village indicates that the type of tenants seeking this location would prefer to be in the Chico Mall but cannot afford the Mall rents. Other retail centers located along major

[2] Matt Goldstein, Gallelli Real Estate

arterials with greater visibility, such as along E. 20th Street, are characterized by less vacancy than the Springfield Village shopping center. Despite this center's vacancy, this property is well-maintained and shows no sign of deterioration. If this prolonged vacancy continues, the peripheral shop space has the potential to be repurposed for an alternate use, such as office space for personal or professional services, or medical office space. In fact, one of the spaces vacant at the time the EIR was prepared has since become occupied by Choice Health Imaging, a medical use with approximately 7,500 square feet. According to a broker for the property, there are yet other service-oriented and medical-oriented users looking at the two other vacant pads at Springfield Village. Finally, over time, visibility of this center will likely be enhanced if the vacant lot next to the site were developed, which could then make these spaces more appealing because of the addition of adjacent land uses whose users will generate retail demand.

Most importantly, the cited vacancies in the Springfield Village center and other long-term vacancies are included in the overall market vacancy rate statistics cited in the EIR. These statistics include a 4.4 percent retail vacancy rate in Chico, which is very low (see page 42 in Appendix J). Because the inventory is large, at close to 7.5 million square feet, the amount of vacancy space exceeds 300,000 square feet, which is equivalent to a community shopping center. Yet the overall vacancy rate is below the standard considered healthy for a retail market, and the vacancies are distributed throughout the City of Chico in a range of sizes and locations, which suggests an overall healthy retail market in the City of Chico. This supports the EIR's conclusion that the Chico market has robust tendencies.

Response to CHAPMAN-16

The author referenced the proposed Walmart expansion project, the Meriam Park Project, and the Bruce Road/E. 20th Avenue Project (Stonegate) and questioned whether there is any coordination of commercial development plans to ensure that there is no development over what is needed and necessary.

Demand for new commercial development is driven largely by population growth. As indicated in Draft EIR Table 4-1, there are 919 planned, approved, or under-construction dwelling units within the Chico city limits. This indicates that there will be household growth in the market area and, by extension, additional demand for new goods and services.

The City of Chico does not have any adopted policies that serve to regulate the rate of economic growth, the inventory of commercial square footage, or otherwise "coordinate commercial development plans" in a manner that would seek to balance supply and demand. As a practical matter, this would be impossible to do, as supply and demand change on a constant basis, often based on macro-economic factors (e.g., fluctuations in the economic cycle). Rather, the timing of development is best left to the private sector to determine when market conditions warrant commercial development.

C.A.R.E.

Chico Advocates for a Responsible Economy

July 26, 2016

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CITY OF CHICO
PLANNING SERVICES

The City of Chico
Community Development Department
Attn: Associate Planner Mike Sawley
P.O. Box 3420
Chico, CA 95927

RE: Wal-Mart Draft Environmental Impact Report

Please find below our comments on the Draft EIR for the proposed Chico Wal-Mart Expansion project at 2044 Forest Avenue in Chico, California ("the Project"). 1

I. Introduction

The California Environmental Quality Act (CEQA) requires local agencies to prepare an Environmental Impact Report (EIR) any time a development project, whether public or private, or a legislative action, has the potential to have a "significant" impact on the existing environment. See Pub. Resources Code, § 15000 *et seq.* At the heart of CEQA is the EIR, which is meant not only to identify potential environmental impacts and available mitigation measures for decision makers, but to ensure the public that they are being protected. See Pub. Resources Code § 15003.

To that end, the lead agency evaluating the draft version of the EIR has a duty to ensure that it not only checks all the boxes, but demonstrates to the public that it is prepared to pursue the fullest possible protection of the environment. *Friends of Mammoth v. Board of Supervisors*, 8 Cal. 3d 247. That pursuit in turn should be accomplished as comprehensively and transparently as possible to assuage the public that it is being protected. *People ex rel. Department of Public Works v. Bosio,* 47 Cal.App.3d 495. 2

The draft EIR for the Project is deficient in meeting these goals in several respects. This letter is intended as an initial comment on those deficiencies in broad terms. It will consider the impacts identified and averred by the draft EIR and offer suggestions to help the lead agency effectuate the goals the legislature, and the people of California, had in mind in drafting the California Environmental Quality Act.

II. Traffic Circulation, Transportation and Parking

A. Degraded Levels of Service Along East 20th Street Subvert the General Plan's Circulation Element

The Chico General Plan Circulation Element contains several objectives aimed at reducing congestion alternative transportation options. The *Chico Walmart Expansion Transportation Study* ("Traffic Study") prepared by Fehr and Peers found that levels of service would deteriorate at six locations, with deterioration below the levels prescribed in the Circulation Element of the General Plan (see above) at one heavily trafficked intersection. 3

The Traffic Study's findings that levels of service would seriously deteriorate is unacceptably in conflict with the city's planning documents. The A.M. and P.M. Existing Plus Project Conditions analysis at E 20th Street and Forest Avenue would drop to F levels of service ("LOS"), and increase by between approximately 100% and 300%, from delays of 31 and 53 to 93. *Traffic Study at 41*. This is merely the worst of the degrading LOS; all along East 20th Street there are degradations of LOS, including two from A to C, and several more instances of the doubling of delays. *Traffic Study at 41*. 4

The dEIR identifies significant and unavoidable impacts to LOS to at least six locations in Chico. The significant and unavoidable impacts that the Project will have on LOS at these locations will negatively impact traffic commute times, public safety and residents' quality of life. These LOS also seriously conflict with the General Plan and recommends serious alteration of the Project's size and density. 5

B. Failure to Study the Intersection at Business and Baney Lanes

The *Chico Walmart Expansion Transportation Study* ("Traffic Study") prepared by Fehr and Peers studied fourteen intersections. Conspicuously absent from the study is the intersection of Business and Baney Lanes. Baney Lane provides significant access to the Walmart site, with three driveways into the site. *Traffic Study at 5*. Currently, Baney Lane tees into Business Lane. The count studies lack any analysis of the traffic counts at peak and off-hours for the intersection at Baney Lane and Business Lane. *See e.g., Traffic Study at Figure 4*. 6

This is a significant deficiency for two primary reasons. First, Baney Lane provides access to retail and restaurant facilities for drivers on Parkway Village Drive. Drivers from the significant residential development regularly use Baney Lane to access these facilities; the number of access points to the proposed Project off of Baney Lane create a potential for back-ups and congestion along Baney Lane. 6 CONT

Second, there is significant undeveloped property on the north side of Baney Lane that is designated for commercial use. The likelihood of development of this property in the near term strongly suggests that Baney Lane will become an important feeder road for this area- both during construction and after development. Again, given the proximity of the Project to significant residential developments, it is important that the City be aware of potential increases in congestion (and risk for accidents, with their associated public cost) that could arise on Baney Lane. 7

C. Lack of Mitigation Measures

Despite the findings of serious deterioration of Levels of Service all along East 20th Street, the dEIR does not propose substantive mitigation measures to bring the plan into conformity with the objectives of the General Plan. The dEIR offers instead only non-specific recommendations for staff to "monitor," changes, without specific monitoring tools, metrics, or details on how the City will respond to persistent congestion problems. 8

D. Conflicts with Circulation Element of the General Plan

The dEIR demonstrates that the Project, without further mitigation measures or alterations to the project size or scope, conflicts with or would undermine several policies and objectives of the General Plan. Unless the Final EIR and final project approvals include binding requirements to mitigate these impacts, the Project fatally interferes with the General Plan and would need to be rejected outright. 9

Several layers of regulation impact the proposed Project; the General Plan, the Caltrans District System Management Plan, and the Caltrans District 3 State Highways Bicycle Facility Plan, among others. The California Supreme Court has characterized local General Plans as the "constitution[s] for future development," and numerous state regulations and court cases have affirmed that proposals for land use development must conform with that

community's general plan. The proposed Project conflicts with several of the objectives and aspirations of the Chico 2030 General Plan ("General Plan"), and in particular the Circulation Element of the General Plan. 9 CONT

For example, Policy Circ 1.1 and Policy Circ 1.1.1 calls for the City to enhance roadways "*as needed* to accommodate development." (emphasis added). The plain language of the Traffic Study, as incorporated into the dEIR, demonstrates a need to make enhances to the roads servicing the Project, with particular attention to East 20th Street. The General Plan language is clear on this point, particularly considering that the dEIR makes clear that the levels of service on East 20th Street will degrade as a result of the development of the Project. 10

This policy, being violated by the Project, is actually reinforced by a *second* policy, Policy Circ 1.2, which requires developments themselves to fund and construct improvements to roadways to ensure that roadways are enhanced and do not suffer circulation degradation. 11

What's more, the General Plan patently prohibits approval of projects that contribute to degradations of levels of service below "E" (as is the case with the intersection of East 20th and Forest Avenue) unless certain conditions are met. These conditions are,

- 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. (Policy Circ 1.4) 12

None of these exemptions apply to the Project. Per the dEIR and General Plan's own terms, approval of the Project would violate the General Plan unless concrete mitigation measures are put into place to bring the Project into conformity with the General Plan. The dEIR recommends some mitigation measures that are overly vague, non-binding or labile; rather, any approved Final EIR should include concrete mitigation measures translatable to binding conditions that can be added to discretionary approvals. Examples would include significant road improvements with completion-by dates; funding for increased traffic police response; funding for bicycle access; or limiting the Project size.

The City can implement such mitigation measures into the final EIR and as a condition of approval of the Project. 12 CONT

III. Bicycle Facilities

Of particular concern to us is that a fully protected bicycle facility (i.e., bike lane) be integrated into the development of this project. While it is unlikely that residents of the abutting subdivision will be riding bicycles to do large-item or grocery shopping at the Walmart Supercenter, residents may want to access the other businesses on Business Lane and the outlot restaurant at the Project on bicycle to avoid the increase in traffic that will result from grocery shoppers and gas station patrons on Baney Lane. Absent such a facility, there is a serious concern that traffic could deteriorate beyond the projections of the Traffic Study. Making matters worse, a non-protected bike lane may result in serious accidents between motorists and bicyclists, given the several access points to the Project on Baney Lane. 13

IV. Air Quality

There are numerous issues that arise from the potential air quality impacts identified in the draft EIR. Given the cumulative potentially significant and significant impacts and the proximity of residential housing (less than five hundred feet in some instances), we would strongly urge this body to turn a discerning eye to proposed mitigation measures. 14

A. Mitigation Measure AIR-2h

This mitigation measure is intended to ensure that non-single-car automobile traffic does not become a fixed feature of travel to and from the Project and the surrounding sites. However, despite the mandatory language ("the applicant *shall* enhance…"), the Mitigation Measure lacks a satisfactory mechanism to ensure that the enhancement will in fact be ready upon occupancy of the expanded store. For this Mitigation Measure to properly address the significant impact the dEIR itself identifies, this 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. 15

B. Mitigation Measure AIR-2i

This mitigation measure is intended to ensure that trucks are not regularly idling, pumping fumes, odors, and particulates into the air so near to so much residential housing. The deficiency with this mitigation measure is that it does not, within its own terms, prevent the problem it is meant to prevent, i.e., regular idling of the trucks. To the extent that truck idling is a phenomenon *caused* by the presence of additional loading capacity and an expanded store, a voluntary prevention mechanism at the discretion of the property operator is plainly insufficient.

A proper Mitigation Measure would give the City and local residents a means for enforcement. Specifically, the Project operators should be required to conduct public information activities which give residents an opportunity to properly monitor and report violations of the measure. Semi-annual or annual notices inviting residents to be aware of the potential that trucks are violating a five-minute idling requirement, and encouraging residents to report non-compliance both to the Project operator and the City, would create a deterrent outside of the voluntary control of the operator. 16

As currently written, this Mitigation Measure lacks a third-party enforcement mechanism, and as such should be treated by the reviewing agency as a non-measure. If AIR-2i is in practice a non-measure, the dEIR does not adequately address a significant impact because it is treated within the dEIR itself as a necessary mitigation measure to bring the Project into compliance.

V. Economic Impact/Urban Decay

The draft EIR fails to sufficiently examine the potential economic impact and resultant urban decay of the Project given changes in regional and national changes in the relevant industry. There are several reasons for the dEIR to take a more critical approach to potential urban decay impacts. 17

Most centrally, after completion of the urban decay study (which was completed in December of 2015), Walmart announced the closure of nearly 300 stores, including nearly 200 in the United States and nine in California alone.[1] The reality of these closings makes a study of the potential effects of a closure of more significant moment.

[1] See "List and Map of Walmart Store Closures in the US", http://qz.com/595877/heres-a-list-and-map-of-all-the-walmart-store-closings-in-the-us/

The evidence before the City substantially suggests that a closure is not only an abstract possibility but a likely and foreseeable outcome. The impact of such a closure not only needs to be studied, *but mitigation measures must be imposed* in order to forestall the likely decay effects.

When Walmart closes a store, particularly a large-format Supercenter, the effects are multiplied for many of the reasons that small towns and cities welcome Walmarts in the first place: they generate a lot of business and quickly displace their competitors. The result is that smaller communities can be "broken" by a closure[2] with former competitors long-ago driven out of business, leaving abandoned "dark stores," unattractive to new entrants. Not only does this result in a sudden precipitous drop in sales tax revenue, but it could require the city to offer further tax incentives to attract new businesses to make up the loss. 17 CONT

While the urban decay analysis undertaken by ALH Urban & Regional Economics[3] ("Urban Decay Report") is rigorous, the analytical approach ALH takes is to consider whether there is existing demand to support the Project, and subsequently whether cumulative development would result in a higher-than-optimal vacancy rate. Urban Decay Report at 41-54. Given the news of store closures, this leaves a considerable blind spot that the Final EIR must address. By limiting its analysis to the local market, the Urban Decay Report fails to account for the (increasingly likely) impact of a store closure. Even if such an eventuality were in fact remote, its devastating effect must be accounted for. 18

This is important because a retailer of the size and character of Walmart is unique among all retailers; Walmart has unique effects both upon entry and exit of a given market--a potential "double blow" for the tax base and

[2] See "Walmart Closures Leaving Small Towns 'Broken,' Residents Say", http://abcnews.go.com/Business/walmart-closures-leaving-small-towns-broken-residents/story?id=36559225

"Walmart puts a strong hold on the city when they come into that neighborhood," said Darnell Gardner, Fairfield's City Council President said. "And they tend to drive that little boy out of business all the time. It's going to definitely affect the revenue that comes into this city, tremendously, so I really hate that they are doing this to us."

[3] "Chico Walmart Expansion Urban Decay" (December 2015).

commercial health of a community.[4] By failing to analyze the potential impact of a sudden closure, and in particular what mitigation measures can be put in place given such an eventuality, is a serious deficiency of the dEIR.

Walmart is a unique market player because of its global size and ability to absorb even a mass closure event. It is not a regional or even national player; even well-performing stores may be closed according to formulae that may not be germane to a local analysis. The Urban Decay Report failing to account for a sudden closure results in a finding of non-significance, which in turn made it unnecessary to propose mitigation measures. Absent an analysis of the impact of a sudden closure (and attendant mitigation measures to forestall a closure's impact), the City cannot make a reasoned decision on the Project. 18 CONT

Furthermore, the Project will negatively impact existing businesses and competitors near the Project site and throughout the city of Chico. We would like to see more comprehensive study and analysis conducted on the negative cumulative economic impact that the closure of several small businesses and at least one major grocery store would have on the local economy should the Project be approved. Newly vacant storefronts will not easily attract new tenants and may stay vacant for some time thus attracting blight, vagrants, crime, mischief and graffiti. 19

It is critical that enough study, particularly of economic impact, be conducted now so as to ensure any impacts imposed can survive judicial scrutiny. This is a "measure twice, cut once" situation. Mitigation impact fees require enough evidence in the record to survive a challenge.[5] A full and more comprehensive economic impact study at this point is therefore critical.

VI. Conflict with General Plan

The dEIR fails to properly address a conflict with the General Plan's Economic Development element, specifically Policy ED 1.5, "Quality of Life in Support of Economic Development." The dEIR fails to consider the conformity with the ED 1.5's objective of "encourag[ing] projects and programs that help increase the quality of life for local businesses and their employees." Development of the Project threatens existing businesses and reduces 20

[4] See "Walmart Closures a "Double Blow" for Many Frustrated Residents", http://www.cbsnews.com/news/walmart-stores-nationwide-closures-impact-small-towns-employees/

[5] See for example City of San Marcos v. Loma San Marcos, LLC (2015) 234 Cal.App.4th 1045, 1058-1060.

opportunity to develop "Third Places" in a very strategic location--an undeveloped property within a business district in close proximity to a number of employment centers.[6] This is particularly problematic because of the *cumulative* effect; that is, as individual projects are developed, the overall opportunity of the city to meet this General Policy exponentially dwindles, especially given the limited amount of space available in places of close proximity to employment areas. 20 CONT

While this conflict is not explicit, the potential conflict is patent, yet is not studied in the dEIR to any depth. We would encourage recirculation or editing of the dEIR to address this conflict.

VII. Conclusion

This letter is intended to provide guidance and suggestions to the Lead Agency in preparing its Final EIR, and to guide the certifying body to use its discretion to certify or reject the EIR in strict conformity with CEQA. Chico Advocates for a Responsible Economy submits these comments without intending them to be exhaustive or exclusive of other issues, but was constrained by the immensity of the document and the short timeframe. Chico Advocates for a Responsible Economy therefore reserves the right to the extent permitted by law to raise new issues with the final EIR or address deficiencies in technical data, engineering, reports, misinterpretations of statutory, regulatory, and agency guidelines, etc., not detected on this first perfunctory review of the EIR. 21

Sincerely,

Heather Schlaff

Roger Beadle

Seth Derish

John Shannon

Tom Nickell

[6] See Action ED 1.5.1, Chico General Plan.

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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 that 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.

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Chico Velo
Bicycling Advocacy and Education
. . . since 1980!

August 1, 2016

Mike Sawley
Community Development Dept
City of Chico

Re: Walmart EIR inputs

Hi Mike,

I am responding with some feedback regarding the Walmart expansion EIR, particularly as relates to bicycle and pedestrian facilities. As a bicycle advocacy 501.c.3 nonprofit organization, we believe that this proposed expansion provides an ideal opportunity for both the City and Walmart to 'step up' our game with regard to supporting 'active transportation' options in our community. 1

While we recognize the existence of the current bike facilities mentioned in the EIR, there are some clear deficiencies in the current solutions which we believe the City should require Walmart to address with this expansion. Particularly with the addition of a gas station that will reinforce and promote the choice of a motor vehicle over 'human-powered transportation', Walmart has an obligation to the community, to provide better accommodations (and thus encouragement!) for bicyclists and pedestrians. And finally, as a League of American Bicyclists' Silver level 'Bike-Friendly City', Chico needs to set the bar well above 'the minimum required' to support bicyclists and pedestrians. The following requirements would bring the project more 'up to par' with accepted practice for alternative transportation: 2

- Bike lanes and paths – It is insufficient to simply 'maintain' the current level of bike infrastructure on the property as stated in the EIR on pages 3.11.85 and 86 that 'the proposed 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." The project should also include an accommodation for patrons and employees to navigate the parking lot safely, from the bike lanes/paths to the store entrance(s). 3
- Bike Racks – Bicycles are the preferred/only method of transportation for many Walmart patrons and employees, and these people deserve to be provided with **safe and secure** bike parking. The current bike rack 'out front' at Walmart is the old-fashioned kind that makes it difficult to lock your bike safely (and thus easy to steal). It is located in an 'out-of-the-way' corner that further reduces security of bikes parked there. In the attached photo, courtesy of Karen Laslo, you can see that at least one of the bikes has already been vandalized and lost its front wheel. Chico Velo would like the City to require Walmart to specifically address safe and secure parking needs of both patrons and employees, beyond just stating "20 covered bike parking spaces and 19 uncovered bike parking spaces to be provided'. For patrons, please 4

specifically require Walmart to provide at a minimum, modern bike racks in a high-visibility location convenient to shoppers (security video camera would be a plus…). For employees, please consider requiring Walmart to provide safe indoor bike parking while at work, as an alternative to the covered bike lockers. 4 CONT

- Employee showers for bike commuters – We did not find mention of employee facilities, perhaps they are already available. But if not, they should be added with the expansion, so bike commuters can shower before work. These showers would provide a benefit (and promote healthy life-choices like exercise on lunch hour) for all employees, not just bicycle and pedestrian commuters. 5
- Encouragement/incentive programs for bike and pedestrian commuters would also be greatly beneficial. 6
- Finally, as a 'Bike-Friendly City', Chico should require or at least strongly encourage the local Walmart to apply to the League of American Bicyclists (www.bikeleague.org) to become a 'Bike-Friendly Business' to further strengthen Walmart's engagement with our community and our city's overall bike-friendliness score. 7

Thanks in advance for your consideration, 8

Janine

Janine Rood
Executive Director,
Chico Velo Cycling Club

Chico Velo (VELO)

Response to VELO-1
The organization provided introductory remarks to open the letter.

Response to VELO-2
The organization stated that the City should require Walmart to provide better accommodations for bicyclists and pedestrians.

Refer to Response to VELO-3 through Response to VELO-7.

Response to VELO-3
The organization stated that the project should include an accommodation for patrons and employees to navigate the parking lot safely, from bike lanes/paths to the store entrances.

As shown on Exhibit 2-4, a new walkway is proposed between the Forest Avenue frontage and the Walmart store entrance. Additionally, the existing bicycle/pedestrian path located in the middle of the project site would be rerouted around the southern perimeter of the project site and would connect to the Forest Avenue sidewalk. Finally, Mitigation Measure TRANS-7 requires the project applicant to dedicate an easement on the final parcel map for a future Class I bikeway connection to the planned SR-99 Bikeway, which would serve to connect the proposed project to this facility when built.

Response to VELO-4
The organization stated that the existing bike rack in front of the Walmart store is “old fashioned” located in an “out-of-the-way” corner, thus making bikes stored there susceptible to vandalism and theft. The organization referenced a photograph showing the existing rack, with a bicycle missing its front wheel, and asserted that the bike had been vandalized. The organization stated the City should require Walmart to provide more than the 20 covered bike parking spaces and 19 uncovered bike parking spaces, and suggested that modern bike racks should be provided in a high-visibility location monitored by video surveillance for customers and indoor bike parking should be provided as alternative to the bike lockers for employees.

Bicycle parking is addressed in Master Response 4.

Regarding the photograph, it appears to demonstrate that the front wheel is locked with the rear wheel to prevent theft; there are no indications that vandalism has occurred.

Response to VELO-5
The organization suggested that Walmart provide showers for employee use.

Mitigation Measure AIR-2f identifies the provision of an employee-only restroom with a shower as a potential trip reduction measure that may be included in the Transportation Demand Management Program. At the time of this writing, no decisions have been made regarding whether this item would be included in the Walmart store or the other project buildings, as the Transportation Demand Management Program would be developed prior to the expanded Walmart store opening.

It should be noted that the existing Walmart store does offer lockers for employee use, which would also be provided in the expanded store.

Response to VELO-6
The organization suggested that encouragement/incentive programs be offered for bike and pedestrian commuters.

The Transportation Demand Management Program required by Mitigation Measure AIR-2f identifies posting of transit information in a public area of the Walmart store that is accessible to employees and patrons. Such a display may also include maps and information about bicycle and pedestrian facilities and programs.

Response to VELO-7
The organization suggested that the City require or strongly encourage the local Walmart store to apply to the League of American Bicyclists to become a "Bike Friendly Business."

Walmart is aware of this request and will consider it. However, the League of American Bicyclists is a private organization and the City of Chico (or any other government agency) cannot require a private party to join a voluntary organization.

Response to VELO-8
The organization provided concluding remarks to close the letter.

Mike Sawley

From: Doris Coffey <dotkenbo@sbcglobal.net>
Sent: Friday, July 29, 2016 3:18 PM
To: Mike Sawley
Subject: Certify Walmart EIR

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. 1

I don't think it will impact traffic conjestion 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 se traffic conjestion 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. 2

Please let Walmart expand. Chico needs it for shopping and jobs. Also think of the income of taxes to the city. 3

Thank you

Dorothy Coffey
Ken Coffey
Jamie Hayes
Jessica Hayes

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Dorothy Coffey, Ken Coffey, Jamie Hayes, and Jessica Hayes (COFFEY)

Response to COFFEY-1
The authors expressed support for the proposed project and expressed skepticism that other grocery stores would be adversely impacted.

The Draft EIR evaluated impacts on other competitive grocery stores in the Market Area. Refer to Section 3.12, Urban Decay for further discussion.

Response to COFFEY-2
The authors expressed skepticism that the project would have adverse impacts on traffic. The authors noted that traffic congestion currently occurs around Costco and the North Valley Plaza. The authors stated that Forest Avenue "has and will always be an easy flow through of traffic area."

The Draft EIR evaluated traffic impacts on local streets (including Forest Avenue and E. 20th Street) in Section 3.11, Transportation. All intersections were found to operate at acceptable levels after implementation of mitigation.

Response to COFFEY-3
The authors reiterated their support for the proposed project. No response is necessary.

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Mike Sawley

From: Jake Davis <JakesDavis@yahoo.com>
Sent: Monday, July 11, 2016 2:18 PM
To: Mike Sawley
Subject: Walmart

Please don't allow Walmart's expansion here in Chico.

My name is Jake and I'm the co-founder of the environmental group Chico 350, a local sub-group of 350.org. Our mission is to do whatever we can to slow climate change. Expanding this Walmart and allowing their drive-up shopping would mean more fossil fuels burned in a time when we must do everything in our power to burn less. And most of Walmart's goods come from China which is the dirtiest, most polluting country in the world. Then they must be shipped all the way to Chico.

This would be moving in the wrong direction. And it would hurt our chances of meeting our goal with Chico's Climate Action Plan which the city is working on. We signed an agreement with the governor to reduce our greenhouse gas emissions by 25% by 2020 and we're way behind. 1

We have only the one environment. And we depend on it for life. Please. No amount of money is worth jeopardizing that.

Sincerely,

Jake Davis

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Jake Davis (DAVIS)

Response to DAVIS-1

The author expressed opposition to the proposed project due to potential increases in greenhouse gas emissions. The author stated that the development of the proposed project would be contrary to the reduction goals contained in the Chico Climate Action Plan. The author stated that "We signed an agreement with the governor to reduce our greenhouse gas emissions by 25% by 2020 and we're way behind."

The Draft EIR evaluated project consistency with the Chico Climate Action Plan on pages 3.2-57 through 3.2-60. It should be noted that the Climate Action Plan recognizes that economic growth will occur over the planning horizon of the plan and sets forth greenhouse reduction strategies for new development. Along these lines, the Climate Action Plan states on page 1-2 that, "Growth consistent with the Land Use Diagram and policies throughout the General Plan will result in reduced contributions to global climate change, reduced reliance on oil and other fossil-fuel sources, and decreased per capita consumption of natural resources."

Project consistency with the various strategies set forth in the Climate Action Plan was evaluated in Table 3.2-19 and the project was found to be consistent with all applicable provisions. Moreover, the project meets the Climate Action Plan's target of a 44.5 percent reduction in greenhouse gas emissions relative to Business As Usual by 2020; refer to Table 3.2-18. In summary, the project is consistent with all applicable aspects of the Chico Climate Action Plan.

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Mike Sawley

From: Dominic Devlin <dominicdevlin@icloud.com>
Sent: Friday, July 29, 2016 12:48 PM
To: Mike Sawley
Subject: Certify Walmart EIR

We want a bigger Walmart super one the pants are too short or too long clothes are not the right size we need a bigger Walmart and li open land right there and it a fire hazard with that Dead grass around there 1

Sent from my iPhone

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Dominic Devlin (DEVLIN)

Response to DEVLIN-1

The author expressed support for the proposed project. The author stated that "one the pants are too short or too long clothes are not the right size [*sic*]" and "open land right there and it a fire hazard with that Dead grass around there [*sic*]."

The undeveloped portion of the project site is routinely disked or mowed for weed abatement purposes. Additionally, the Chico Fire Department was consulted during the preparation of the Draft EIR about fire safety concerns and did not indicate that the undeveloped portion of the site was a fire hazard. Regardless, the development of the proposed project would result in the fuel station and outparcel uses being developed on the undeveloped portion of the project site, which would eliminate any potential for grass fires.

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Mike Sawley

From: Woody Elliott <woody.elliott@gmail.com>
Sent: Monday, August 01, 2016 3:03 PM
To: Mike Sawley
Subject: Chico Walmart Expansion Draft EIR

Mr. Mike Sawley:
The current tree canopy coverage over Walmart's existing parking lot is pathetically less than the 50% coverage currently required 15 years after project completion in 1994 City Code Chapter **19.70 Parking and Loading Standards GENERAL PARKING SPACE DESIGN AND LAYOUT STANDARDS E. 2**. See following Google Earth image 4/14/2015. 1

To comply with this ordinance for reasons of aesthetics, customer comfort from shading of vehicles, and mitigation of storm water runoff; the poorly performing trees in the existing parking lot should be replaced. These new tree should be species, preferably drought tolerant and native to the area, that are better adapted to the site. They should be planted using Best Management Practices including upgraded / repaired irrigation, adequately sized planting holes, appropriately supplemented soil, and water permeable pavement. Landscaping in the expanded parking lot and throughout the development should be designed using the same principals. For information on the value and use of trees in an urban setting see publication EPA 841 B13 001 Stormwater to Street Trees at http://nepis.epa.gov/Exe/ZyPDF.cgi/P100H2RQ.PDF?Dockey=P100H2RQ.PDF 2
Please notify me in advance whenever this project is publicly reviewed including the City's Architectural Review and Historic Preservation Board, Planning Commission and City Council. Thank you, 3

Woody Elliott
287 Pinyon Hills Dr.
Chico, CA 95928

Cell Phone: (530) 588-2555

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Woody Elliott (ELLIOTT)

Response to ELLIOTT-1

The author asserted that the tree canopy coverage in the existing Walmart parking area is less than 50 percent coverage required 15 years after project completion as set forth in Municipal Code Section 19.70. The author included an aerial photograph of the project site.

Refer to Master Response 3.

Response to ELLIOTT-2

The author stated that the existing poorly performing trees should be replaced with new species (preferably native and drought-tolerant species) that are better adapted to the site. Additionally, the author stated that irrigation should be upgraded, planting holes should be adequately sized, appropriate supplemental soil should be provided, and water-permeable pavement should be employed.

Refer to Master Response 3.

Response to ELLIOTT-3

The author requested that he receive notice of future public meetings about the project.

The author has been added to the notification list for the proposed project and will receive notice of all future public meetings.

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Mike Sawley

From: G S <shuttershultz@gmail.com>
Sent: Friday, July 29, 2016 3:31 PM
To: Mike Sawley
Subject: Re: Chico Wal-Mart Expansion Project - Notice of Availability of a Draft Environmental Impact Report

Attention: Dear Mike Sawley:

This is for all those actually concerned.

So I read enough of the environmental report to know it is, of course, not a good thing for anyone else except Walmart.

I cried while reading it. I cannot believe that it is even being considered. Once again, no good will come of this and it will only make Chico more crowded and have less safe air quality than it already has. I can't think of any good reason, even if it were to create jobs it is not worth the negative effects it would have on everything and everyone involved.

What I loved about Chico was the open spaces and beauty, however, it is becoming just another city of cement with over crowding.
I came from a city called Apple Valley, next to Victorville, in 1984 it was beautiful I moved in 2004 and it was already very crowded and too busy. Now there are several Walmart stores and it is extremely crowed and has a lot of crime. In years to come, that will be Chico unless someone puts a halt to it now. It is best to not have the need to look back and say what have we done? 1

There is already so much beautiful land being demolished for new houses and still many older homes for sale or setting empty. Enough land is already being raped and much habitat to the animals and insects is being taken from them each day. I saw the most beautiful snake coming from the field near Wildwood park where the houses are being built. It just broke my heart it had no where to go, crossing the extremely hot street it ended up in someone's front yard underneath a tree. It matters not what type of snake it was because it was here first. I protected it from the cars as it was trying to find somewhere cool and safe, not knowing it may not have been safe where it ended up. When does the destroying of the land stop? When things are harmed living or otherwise, harm returns in various forms…noise, pollution, toxic air, crowded streets, crime, etc.

So sorry this is happening. I hope there are many others that are aware of this unnecessary expansion for a bigger store; it
is just another money scheme for Walmart's pockets. As I mentioned before, we don't need more choices, dirtier air and wonderful land paved over; life is too busy and complicated enough as it is.

"Don't it always seem to go, that you don't know what you've got till it's gone?" Joni Mitchell's song
This sentence obviously applies even more today then it did in the seventies. Was anyone listening? Perhaps with global warming they will pay more attention.

May Mother Earth forgive everyone for all of the harm humans do. 1 CONT

Take care, Sincerely, Gail S.

On Sun, Jul 24, 2016 at 8:15 PM, Mike Sawley <mike.sawley@chicoca.gov> wrote:
Gail, please send the letter or email to my attention. Thanks

On Sun, Jul 24, 2016 at 8:08 PM -0700, "G S" <shuttershultz@gmail.com> wrote:

Mike: So who do I send a letter to? It will be about how this is such and unnecessary thing. It's actually bad. Walmart does not give up until they win, that is their strategy. They are only out for themselves. So who do I send a letter to? Thanks, Gail S.

On Fri, Jun 17, 2016 at 10:50 AM, Mike Sawley <mike.sawley@chicoca.gov> wrote:

Dear Interested Parties, attached please find a Notice of Availability for the Draft Environmental Impact Report (Draft EIR) prepared for the Chico Walmart Expansion Project. The Draft EIR and supporting appendices are available at this link. 2

The public comment period begins today (June 17, 2016), and ends on August 1, 2016, at 5 p.m. After the public review period, written responses to all significant environmental issues raised will be drafted and a Final EIR will be prepared. Once the Final EIR is prepared, a public hearing by the Planning Commission will be scheduled to consider certification of the EIR, as well as the requested project entitlements.

Feel free to contact me at my direct line below, or via email if you have any questions or comments.

Thank You,

Mike Sawley

Associate Planner

City of Chico Community Development Dept.

P.O. Box 3420, Chico, CA 95927

(530) 879-6812

Gail [No Last Name Provided] (GAIL)

Response to GAIL-1
The author stated that she "read enough of the environmental report to know it is, of course, not a good thing for anyone else except Walmart." The author provided commentary on historic development trends in Chico and expressed general opposition to further growth.

The author did not provide any specific comments about the Draft EIR's analysis or conclusions. No response is necessary.

Response to GAIL-2
The comment consists of an email exchange between the author and a City staff member about how to submit written comments on the proposed project. Comment GAIL-1 consists of the author's written comments on the proposed project.

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Please do not certify the WalMart EIR

7-27-16

Dear Mr. Sawley,

I am not a supporter of WalMart for the following reasons: 1

① WalMart does not treat their employees respectfully. Most WalMart employees have to obtain food stamps and other government subsidies in order to make ends meet. 2

② WalMart does not care how many current stores will go out of business as a result of their "Super Store" 3

In addition, the traffic in that area will be severely impacted. 4

Please take the time to research how detrimental WalMart has been to other communities in the U.S. 5

Thank you,

Heidi Gonzales
Chico resident & property owner

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JUL 29 2016
CITY OF CHICO
PLANNING SERVICES

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Heidi Gonzales (GONZALES)

Response to GONZALES-1
The author expressed general opposition to the proposed project. No response is necessary.

Response to GONZALES-2
The author stated that Walmart does not treat its employees respectfully and claimed that most employees receive government benefits including food stamps.

Walmart's corporate practices are addressed in Master Response 5.

Response to GONZALES-3
The author claimed that Walmart does not care how many current stores will go out of business as result of the proposed expansion.

Draft EIR Section 3.12, Urban Decay evaluated potential impacts on competing outlets in the market area and the potential for urban decay. Refer to Section 3.12, Urban Decay for further discussion. Also refer to Response to CARE-17 and Response to CARE-19.

Response to GONZALES-4
The author asserted that traffic in the project vicinity will be severely impacted.

Draft EIR Section 3.11, Transportation evaluated potential impacts on intersections around the project site. Refer to Section 3.11, Transportation for further discussion.

Response to GONZALES-5
The author stated, "Please take the time to research how detrimental Walmart has been to other communities in the U.S."

The author did not cite any studies by name or provide any examples of communities that have been negatively impacted; therefore, no further response can be provided.

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PETERS, HABIB, McKENNA
& JUHL-RHODES, LLP
ATTORNEYS AT LAW
414 Salem Street
P.O. Box 3509
Chico, California 95927-3509

Telephone: (530) 342-3593
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MARK A. HABIB
JAMES P. McKENNA
LIA M. JUHL-RHODES

GUY R. KENNEDY (1871 - 1933)
JEROME D. PETERS (1891 - 1953)
JEROME D. PETERS, JR. (1914 - 2000)
DAVID H. RUSH (RETIRED)

July 29, 2016

VIA HAND DELIVERY

City of Chico
Community Development Department
411 Main Street
Second Floor
Chico, CA 95928

Attn: Mike Sawley, Associate Planner

Re: Walmart Expansion Project - Wittmeier Drive
Our Client: Wittmeier Auto Center

Dear Mr. Sawley:

This follows our previous correspondence of November 5, 2015, relating to the Walmart Expansion Project. In response to the draft EIR recently issued for the Project, please accept the comments in this letter when further examining and processing the proposed Project. Our client does not oppose the Project, but wants to ensure that traffic impacts to Wittmeier Drive are carefully and fully examined, addressed and mitigated before any Project approval takes place. 1

With respect to the impact analysis concerning Wittmeier Drive and Option A and Option B discussed in the draft EIR, the information presented seems incomplete to determine with certainty if parking along each side (north and south) of Wittmeier Drive will be maintained (and/or created) along each side of the street, along with the eastbound and westbound lanes described in Options A and/or B. We were unable to locate drawings within the draft EIR depicting or answering this question. Please provide any information you can on this subject and/or point out the narratives or drawings within the draft EIR that address this question. The ability to park along each side of Wittmeier Drive is an essential existing condition of the roadway that should be maintained. 2

We are also unsure if Walmart's plans (draft EIR) anticipate or require the creation of a de-acceleration lane on southbound Forest Avenue to facilitate right turns onto Wittmeier Drive. If there are drawings or if you can point out specific narratives in the draft EIR that address this question, please provide that information. It seems that a de-acceleration lane for right hand turns at this location would be necessary, if not already 3

City of Chico
Attn: Mike Sawley, Associate Planner
Re: Walmart Expansion Project - Wittmeier Drive
July 29, 2016
Page 2

required. Wittmeier is also submitting this comment with the understanding that the intersection of Wittmeier Drive and Forest Avenue will be fully signalized in connection with any final approval of the Project 3 CONT

With respect to potential mitigation measures designated Options A and B, Wittmeier prefers Option B over Option A given what is presently known to Wittmeier, assuming that street parking will be maintained along the north and south sides of Wittmeier Drive in addition to the establishment of all eastbound and westbound lanes discussed in Option B. 4

With respect to Options 1 and 2, the round-a-bout contemplated by Option 2, designed sufficiently large to allow for use by trucks of all sizes serving Walmart, the new parcels being created by Walmart and Wittmeier Auto, is an appropriate requirement on the Project and should help facilitate traffic flows in and out of Wittmeier Drive from all properties served by Wittmeier Drive. We ask that this mitigation measure be incorporated into the Project. 5

If you have any questions in this regard, please let me know. Thank you for taking these comments into consideration, and for any additional information you can provide on the questions raised above. 6

Very truly yours,

PETERS, HABIB, McKENNA & JUHL-RHODES, LLP

MARK A. HABIB

MAH/tc

cc: *Via Email*
Ed Wittmeier
Russ Wittmeier
Matt Gallaway
Russ Erickson
Miriam Montesinos, Esq. (Attorney for Walmart)

Mark Habib (Peters, Habib, McKenna & Juhl-Rhodes, LLP) (HABIB)

Response to HABIB-1
The author provided introductory remarks and noted that its client (Wittmeier Auto Center) does not oppose the project, but wants to ensure that traffic impacts to Wittmeier Drive are evaluated and mitigated.

Refer to Response to HABIB-2 through Response to HABIB-5.

Response to HABIB-2
The author referenced Options A and B set forth in Mitigation Measure TRANS-5 and stated that the information seems to be incomplete to determine if parking along each side of Wittmeier Drive will be maintained under either option. The author requested additional information, including drawings, about onstreet parking on Wittmeier Drive. The author asserted that onstreet parking is "an essential existing condition of the roadway that should be maintained."

Wittmeier Drive has approximately 36 feet of curb-to-curb width and currently allows two through lanes and onstreet parking in both directions. As detailed on Draft EIR page 3.11-82, the author submitted an NOP comment letter dated November 5, 2015 that expressed concern about the ability of the Wittmeier Auto Center to use Wittmeier Drive for auto carrier loading and unloading, as well as the exclusive access to the Service Center and Parts Department. In response, the Draft EIR proposed Mitigation Measure TRANS-5.

- Mitigation Measure TRANS-5 Option A contemplates one left-turn lane and one through lane in the eastbound direction and one through lane and one right-turn pocket in the westbound direction. These lane configurations would apply to the portion of the street nearest Forest Avenue and would preclude onstreet parking on at least one side of the street given the curb-to-curb width. Further west of the Forest Avenue intersection, Wittmeier Drive would revert to the current two through lane configurations in both directions, which would allow for onstreet parking in both directions except where new driveways to the project site are proposed. This option was intended to allow auto carrier loading and unloading along the south curb of Wittmeier Drive.
- Mitigation Measure TRANS-5 Option B contemplates one left-turn lane and one through lane in the eastbound direction and one through lane in the westbound direction. The eastbound left turn lane would transition to a center two-way left turn lane further to the west. However, onstreet parking would likely be precluded on at least one or both sides of the segment with the eastbound left turn lane/two-way left turn lane. This option was intended to allow auto carrier loading and unloading within the two-way left turn lane.

Providing room for auto carrier loading (either on the south curb or in a two-way left-turn lane) as well as left-turn access to the Service Center and Parts Department would result in the loss of some existing onstreet parking on Wittmeier Drive. However, Wittmeier Drive is a public roadway and the proposed outparcels have the legal right of vehicular access to this street. Thus, the greater public interest of safe and efficient traffic operations outweighs the convenience of onstreet parking. Ultimately, the loss of free, onstreet parking on Wittmeier Drive would not have a physical impact on the environment and, therefore, is not considered a significant impact that would require mitigation.

Response to HABIB-3
The author stated that it is unclear if the proposed project would provide a deceleration lane on southbound Forest Avenue prior to facilitate right turns onto Wittmeier Drive. The author suggested that a deceleration lane is necessary and should be required. The author acknowledged that the intersection of Forest Avenue/Wittmeier Drive would be signalized as part of the proposed project.

A deceleration lane or dedicated right turn lane is not currently proposed on southbound Forest Avenue at Wittmeier Drive. The Cumulative Plus Project scenario forecasts a total of 53 AM peak-hour, 38 PM peak-hour, and 40 Saturday peak-hour right-turn movements at this location, which would not be enough to warrant a deceleration lane or dedicated right turn lane.[5] Right turns from southbound Forest Avenue onto Wittmeier Drive would function without a dedicated deceleration lane, similarly to right turns from southbound Forest Avenue onto East 20th Street. Moreover, the intersection of Forest Avenue/Wittmeier Drive is forecast to operate at acceptable levels under all scenarios, indicating that right turn movements would not experience excessive delays.

Response to HABIB-4
The author referenced Mitigation Measure TRANS-5 Options A and B and indicated that Wittmeier Auto Center prefers Option A, assuming that onstreet parking will be provided along both sides of Wittmeier Drive.

The author's support of Option A is noted. The City of Chico will determine what options set forth in Mitigation Measure TRANS-5 would be implemented along Wittmeier Drive prior to approval of any improvement plans for the roadway.

As previously discussed in Response to HABIB-2, Option A will likely preclude onstreet parking on one or both sides of Wittmeier Drive near Forest Avenue while retaining onstreet parking generally west of the existing/proposed driveways nearest Forest Avenue. Refer to Response to HABIB-2 for further discussion.

Response to HABIB-5
The author referenced Mitigation Measure TRANS-5 Options 1 and 2 and stated that Option 2 (roundabout) should be incorporated into the project provided that it is sufficiently sized to accommodate trucks serving Walmart.

The author's support of Option 2 is noted. The City of Chico will determine what options set forth in Mitigation Measure TRANS-5 would be implemented along Wittmeier Drive prior to approval of any improvement plans for the roadway.

It should be noted that Option 2 will preclude onstreet parking within the cul-de-sac portion of Wittmeier Drive, as parking within a roundabout would create safety conflicts.

Response to HABIB-6
The author provided concluding remarks to close the letter.

[5] Generally, a dedicated right-turn lane becomes warranted when turn volumes exceed 100 vehicles per hour.

The Hatamiya Group

July 11, 2016

Mayor Mark Sorensen
and City Council
City of Chico
411 Main Street
Chico, CA 95928

Re: Walmart Expansion Project DEIR

Dear Mayor Sorensen:

I am the President and CEO of the Hatamiya Group, an economics consulting firm in Davis, California. I previously served as the Secretary of Technology, Trade and Commerce for California from 1999 to 2003. I was retained by Wal-Mart Stores, Inc. to perform an independent and objective analysis to quantify *Taxable Retail Sales* and *Retail Business Permits* over the period since Wal-Mart opened its store in Chico in 1994. We were also asked to analyze other northern California communities of Anderson, Crescent City, Folsom, Marysville, Willows, and Yreka, where Walmart stores with grocery have opened or expanded over the past several years.

Based upon publicly available data provided by the California Board of Equalization ("BOE"), we found that communities which opened or expanded a Walmart store with grocery, showed a positive trend of continued growth in both *Taxable Retail Sales* and number of *Retail Business Permits*. Since the opening of the Walmart store in 1994, Chico has experienced explosive growth in both measures. *Taxable Retail Sales* have increased from $760.4 million in 1997 to over $1.34 billion in 2013 (1997 was the earliest year data was available from the BOE and 2013 is the latest full year of measurement available from the BOE), a 75.8% increase. It is important to note that the recession beginning in 2007 resulted in a drop in *Taxable Retail Sales* through 2009. However, *Taxable Retail Sales* have since rebounded to positive levels. Over this same period, the number of *Retail Business Permits* increased from 646 to 1,479, a 128.9% growth. Attachment 1 more clearly illustrates these changes. 1

My analysis is focused upon these two measures since they are required to be reported by all California cities to the BOE, are an excellent gauge of the economic vitality of a community, and thereby provide a common and objective basis of comparison. I have provided for your review two attachments derived from BOE data as reported quarterly and annually by California cities that demonstrate the increase in *Taxable Retail Sales* and *Retail Business Permits* in communities with Walmart Store expansions. Attachment 2 shows the changes in *Taxable Retail Sales* in the year prior to the Walmart Store expansion as compared to the year after the expansion. Attachment 3 shows the changes in *Retail Business Permits* over the similar period.

Taxable Retail Sales

- **The City of Anderson experienced an increase of 54.7 percent in *Taxable Retail Sales* from the year prior to the opening of a Walmart store with grocery as compared to the year after the opening.**
- **Other northern California cities also experienced year-over-year positive gains to *Taxable Retail Sales* with the expansion of a Walmart store with grocery, including Folsom at 18.8%, Crescent City at 9.7%; Willows at 7.1%; Marysville at 6.6%; and Yreka at 5.9%.**

Retail Business Permits

- **The City of Yreka also experienced the largest increase of 22.6% in the number of *Retail Business Permits* from the year prior to the expansion of a Walmart store with grocery as compared to the year after the expansion.** 1 CONT
- **Similarly, other northern California communities also experienced year-over-year positive gains to *Retail Business Permits* with the expansion of a Walmart store with grocery, including Folsom at 20.2%, Crescent City at 12.3%; Marysville at 5.5%; and Anderson at 2.6%.**
- **Willows was the only community to have a decline in *Retail Business Permits* down by three from 119 to 116, or a slight 2.5% drop. However, two years after the expansion, Willows' *Retail Business Permits* had rebounded positively to 120 (0.8% increase).**

As the BOE data clearly demonstrates that when a Walmart store with grocery is opened and/or expanded within a comparable northern California community, *Taxable Retail Sales* and *Retail Business Permits*, on average, should continue to increase as a benefit to the region.

Should you have any questions, please do not hesitate to contact me directly at (530) 758-7424 or lon@hatamiyagroup.com.

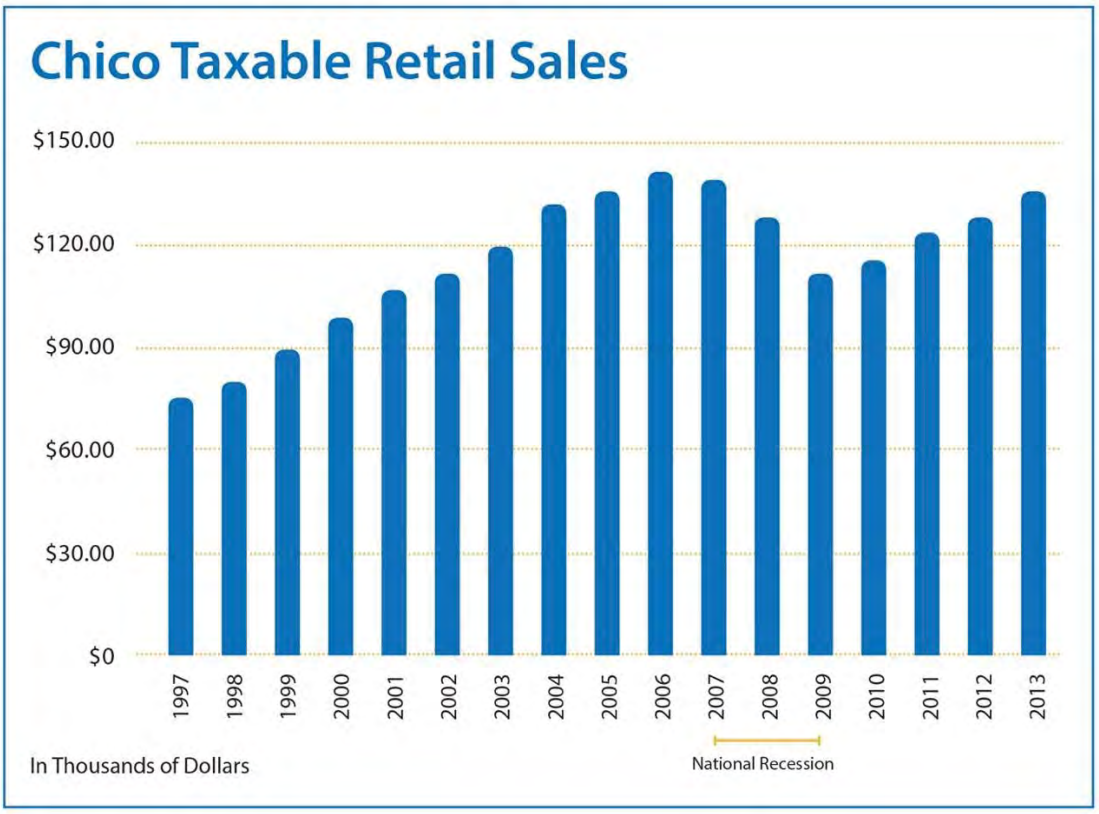
Sincerely,

Lon Hatamiya, MBA, JD
President and CEO
The Hatamiya Group

cc: Chico City Council and Planning Commission
Mark Orme, City Manager
Mike Sawley, Associate Planner

Attachment 1: Changes in Taxable Retail Sales and Changes in Retail Business Permits for Chico, CA. Opening date March 1994.

In some cases, BOE data did not exist prior to 1999.



2

Attachment 2: *Changes in Taxable Retail Sales[1] of Comparable Communities[2] with Walmart Store with Grocery Opening/Expansions*

City	County	Current Population	Opening Year	2005 Taxable Retail Sales ($000)	2007 Taxable Retail Sales ($000)	Percentage Change from Year Prior to Year After Expansion
Anderson	Shasta	10,485	2006	$110,108	$169,643	54.7

City	County	Current Population	Expansion Year	2004 Taxable Retail Sales ($000)	2006 Taxable Retail Sales ($000)	Percentage Change from Year Prior to Year After Expansion
Marysville	Yuba	12,051	2005	$134,220	$143,132	6.6

City	County	Current Population	Expansion Year	2011 Taxable Retail Sales ($000)	2013 Taxable Retail Sales ($000)	Percentage Change from Year Prior to Year After Expansion
Crescent City	Del Norte	6,592	2012	$76,669	$84,079	9.7
Folsom	Sacramento	77,246	2012	$1,226,502	$1,460,551	18.8
Willows	Glenn	6,213	2012	$75,972	$81,376	7.1
Yreka	Siskiyou	7,832	2012	$120,039	$127,129	5.9

3

[1] *Taxable Retail Sales* data from California Board of Equalization: http://boe.ca.gov/news/tsalescont.htm, downloaded on July 1, 2016.
[2] *Population* data from California Department of Finance: http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/documents/E-1_2016PressRelease.pdf, downloaded on July 1, 2016.

Attachment 3: *Changes in Retail Business Permits[3] of Comparable Communities with Walmart Store with Grocery Opening/Expansions*

City	County	Current Population	Opening Year	2005 Retail Business Permits Issued	2007 Retail Business Permits Issued	Percentage Change from Year Prior to Year After Expansion
Anderson	Shasta	10,485	2006	228	234	2.6

City	County	Current Population	Expansion Year	2004 Retail Business Permits Issued	2006 Retail Business Permits Issued	Percentage Change from Year Prior to Year After Expansion
Marysville	Yuba	12,051	2005	253	267	5.5

City	County	Current Population	Expansion Year	2011 Retail Business Permits Issued	2013 Retail Business Permits Issued	Percentage Change from Year Prior to Year After Expansion
Crescent City	Del Norte	6,592	2012	155	174	12.3
Folsom	Sacramento	77,246	2012	1,049	1,261	20.2
Willows	Glenn	6,213	2012	119	116	-2.5
Yreka	Siskiyou	7,832	2012	248	304	22.6

4

[3] *Retail Business Permit* data from California Board of Equalization: http://boe.ca.gov/news/tsalescont.htm, downloaded on July 1, 2016.

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Lon Hatamiya (The Hatamiya Group) (HATAMIYA)

Response to HATAMIYA-1
The author provided background about his qualifications and explained that he had been retained by Walmart to prepare an analysis of taxable retail sales and retail business permits in Northern California cities with Walmart stores. The analysis evaluated Chico, Anderson, Crescent City, Folsom, Marysville, Willows, and Yreka and found that taxable retail sales and retail business permits had increased in all cities during the time period evaluated.

Note that this study does not dispute any of the Draft EIR's analysis or conclusions and, therefore, no response is necessary.

Response to HATAMIYA-2
This comment consist of bar graphs showing the change in taxable retail sales and retail business permits in Chico between 1997 and 2013. No response is necessary.

Response to HATAMIYA-3
This comment consist of bar graphs showing the change in taxable retail sales in Anderson, Crescent City, Folsom, Marysville, Willows, and Yreka in years after a Walmart store with grocery component opened. No response is necessary.

Response to HATAMIYA-4
This comment consist of bar graphs showing the change in retail business permits in Anderson, Crescent City, Folsom, Marysville, Willows, and Yreka in years after a Walmart store with grocery component opened. No response is necessary.

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Mike Sawley

From: Bill Helmer <amargosa23@gmail.com>
Sent: Monday, July 25, 2016 2:22 PM
To: Mike Sawley
Subject: Re: Request for past CEQA documents relating to Walmart expansion proposals from 2003 to the present

Thank you, Mike.

Bill

On Mon, Jul 25, 2016 at 2:13 PM, Mike Sawley <mike.sawley@chicoca.gov> wrote:

> Bill: Done. Thank You, Mike
>
> **From:** Bill Helmer [mailto:amargosa23@gmail.com]
> **Sent:** Monday, July 25, 2016 8:54 AM
> **To:** Mike Sawley
> **Subject:** Re: Request for past CEQA documents relating to Walmart expansion proposals from 2003 to the present
>
> Hello Mike,
>
> Please post the Final 2006 EIR which I think was released in January 2008.
>
> Thank you,
>
> Bill Helmer
>
> On Fri, Jul 22, 2016 at 4:16 PM, Mike Sawley <mike.sawley@chicoca.gov> wrote:
>
> > Mr. Helmer, please see the documents at the bottom of this web page:
> >
> > http://ci.chico.ca.us/planning_services/documents/Wal-MartDraftEnvironmentalImpactlReport.asp

1

Thank You,

On Fri, Jul 22, 2016 at 4:12 PM -0700, "Bill Helmer" <amargosa23@gmail.com> wrote:

Hello Mike,

For the benefit of the public in reviewing and commenting on the current Walmart expansion proposal, please make available online at the Chico Planning Services website all CEQA documents relating to past proposed Walmart expansions from 2003 to the present. This was requested last night at the public hearing, but this way you have the request in writing. Please let me know if these will be available by Monday. 2

Thank you for your help,

Bill Helmer

Bill Helmer (July 22, 2016 and July 25, 2016) (HELMER.1)

Response to HELMER.1-1
The author requested that the City of Chico post the Final EIR from the previous Chico Walmart Expansion Project.

The City of Chico posted the CEQA documents associated with the previous Walmart application on its website in July 2016. Refer to Master Response 6 for further discussion of this topic.

Response to HELMER.1-2
The author requested that the City of Chico post all of the CEQA documents relating to past proposed expansions of the Chico Walmart dating to 2003.

The City of Chico posted the CEQA documents associated with the previous Walmart application on its website in July 2016. Refer to Master Response 6 for further discussion of this topic.

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August 1, 2016

Attn: Associate Planner Mike Sawley
City of Chico Planning Department,
PO Box 3420, Chico, CA 95927

RE: Comments on the *Draft Environmental Impact Report (DEIR) Chico Walmart Expansion Project City of Chico, Butte County, California*

Thank you for the opportunity to provide comments on the *DEIR for the Chico Walmart Expansion Project*. 1

1. The draft EIR should reference the previous attempts by Walmart to expand its existing store to create a Supercenter (defined by Walmart as being "around 182,000 square feet employing about 300 associates" (http://corporate.walmart.com/our-story/our-business) going back to 2002.
The Draft EIR for the Wal-Mart Parcel Map and Expansion Project (December 2006) provides this necessary background information. Since that time, there was another Revised EIR for the project and the Chico City Council's rejection of the Project in 2009. This information is required according to CEQA Guidelines Section 15123.(2) which states that an EIR *shall* identify "(2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public;" 2

The expansion of Walmart itself has been an area of controversy in Chico since 2002 and it is disingenuous to ignore this, especially when the proposed project does nothing to correct the defects of the past project rejected by the Chico City Council in 2009.

The current proposed project is even larger than the previous one, with no alternative which does not have an unavoidable significant impact related to traffic impacts.

Here is a comparison of the past and present projects:

2006 proposal:	existing Walmart (in sq. ft.) :	125, 889	2016 proposal:	existing Walmart:	131,302
	proposed expansion:	97,556		proposed expansion:	66,500
	total:	223,445		total:	197,802
			Reduction of 25,643 sq. ft.		
fuel station		1,500		fuel station	1,500
commercial (2 parcels)		5,000		commercial (2 parcels)	52,000
	grand total:	104,056		grand total:	120,000
			15,944 *more* commercial square feet for the proposed project.		

3

A comparison of past and present proposals needs to be analyzed in the DEIR, and all past, relevant draft and final EIRs should be posted on the City of Chico's Planning Services website along with the current DEIR.

2. Besides the No Project Alternative, there should be at least one Alternative which reduces all impacts, including transportation, to a less than significant level. Except for the No Project Alternative, all the current alternatives have unavoidable significant impacts under the transportation category. There could feasibly be a Commercial Only Alternative, which doesn't include the fuel station or Walmart Expansion, but which would still fulfill most of the objectives for this commercially-zoned property. 4

3. The transportation analysis needs to be greatly improved. It currently understates potential traffic impacts, doesn't analyze key intersections, and doesn't visually depict current roads before and after proposed mitigations.

The DEIR needs to include the following intersections in its traffic study (see Attachment 1): 5

--Business Land and Baney Lane.
--Business Lane and the road to the Toys-R-Us Parking Lot
--Toys-R-Us Parking Lot and street to E. 20th St.

As anyone who has driven in this area knows, these intersections as well as East 20th St. between Highway 99 and Forest Ave., and Forest Ave. and East 20th St. are usually congested. There is no reasonable conclusion that the very minor and/or unfeasible mitigations proposed for Baney Ave. and Forest Ave. will alleviate the congestion in this area. Where are the road improvements for E. 20th St. in order to mitigate the impacts of the proposed project? What if a person wanted to go to one of the businesses on Business Land from Walmart? According to the proposed mitigation, that person would have to go to the intersection of Baney and Forest Ave. and then perform a U-turn to travel west on Baney Lane. This is not a feasible mitigation. 6

The area of the proposed Project is probably the most congested area in Chico. Since the first Walmart expansion proposals between 2003 and 2009, nothing has been done to improve this very inadequate road system for increased regional retail expansion. That is why one of the Alternatives must include a relatively small commercial development in the proposed project area which will not result in significant unavoidable traffic impacts. In addition, Business Land and Baney Lane are private roads that were never meant as an artery for traffic between E. 20th St. and a Walmart Superstore, as is proposed. There are structural limitations to regional commercial expansion in the Walmart area, and this needs to be analyzed. 7

4. Under the Air Quality/Greenhouse Gas Emissions section of the DEIR, it is stated that the proposed project will produce reactive organic gases and nitrogen oxides which can't be reduced to a less than significant level with on-site mitigation. Off-site mitigation is recommended, even though the Butte County Air Quality Management District's CEQA Handbook states: "On-site mitigation measures are preferred over off-site mitigation measures" (p. C-8). There should be an alternative included in the DEIR which includes on-site mitigation which will not decrease air quality and increase greenhouse gas emissions. 8

Thank you,

Bill Helmer

Bill Helmer (August 1, 2016) (HELMER.2)

Response to HELMER.2-1
The author provided introductory remarks to open the letter. No response is required.

Response to HELMER.2-2
The author stated that the Draft EIR should reference the previous attempts by Walmart to expand its existing store that date back to 2002. The author referenced the previous CEQA documents associated with that application and asserted that this information should be included in the Draft EIR pursuant to CEQA Guidelines Section 15123. The author asserted that the Walmart expansion has been an area of controversy since 2002 and it is disingenuous to ignore this, especially when the project does nothing to correct the defects of the past project.

The previous Walmart project and CEQA analysis is addressed in Master Response 6.

Response to HELMER.2-3
The author stated that the current project is larger than the previous one and the EIR does not have an alternative that would avoid a significant unavoidable traffic impact. The author provided a comparison of the previous project with the proposed project and stated that the Draft EIR needs to compare past and present proposals. The author stated that all past CEQA documents from the previous project should be posted on the City's website.

The author's comments about alternatives are addressed in Response to HELMER.2-4.

The previous Walmart project and CEQA analysis is addressed in Master Response 6.

Lastly, as noted in Response to HELMER.1-1, the City of Chico has posted the CEQA documents associated with the previously proposed project on its website.

Response to HELMER.2-4
The author stated that there should be at least one alternative besides the No Project Alternative that reduces all impacts, including transportation, to a less than significant level. The author claimed that there could be a Commercial Only Alternative which does not include the fuel station or Walmart expansion, but which would still fulfill most of the project objectives.

CEQA Guidelines Section 15126.6 requires EIRs to consider a range of reasonable alternatives that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. The CEQA Guidelines do not require EIRs to consider at least one project alternative that reduces all impacts to a level less than significant.

Draft EIR Section 5, Alternatives to the Proposed Project includes detailed analyses of three alternatives to the proposed project, and the section provides explanations as to why three additional alternatives were rejected from detailed analysis. The alternatives analysis compares various levels of development intensity and illustrates the tradeoffs between impact-reducing alternatives and meeting project objectives. Therefore, the alternatives contained in the Draft EIR constitute a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Response to HELMER.2-5
The author claimed that the transportation analysis understates potential traffic impacts, does not analyze key intersections, and does not visually depict current roads before and after proposed mitigations. The author stated that the following intersections and road segments should be evaluated:

- Business Lane/Baney Lane
- Business Lane and the "road" to the Toys-R-Us parking lot
- Toys R Us parking lot and street to E. 20th Avenue

The City of Chico traffic engineering staff and W-Trans (a private transportation consulting firm under contract to the City) developed the scope of the traffic analysis, including study facilities, types of analysis, and scenarios to be evaluated. The City also consulted with Caltrans District 3 regarding what state facilities should be evaluated in the traffic analysis. Study facilities consist of public roadways and intersections and were selected based on the volume of project-related traffic they would carry during peak hours.

Baney Lane and Business Lane (as well as the Toy R Us parking lot driveway that connects Business Lane to E. 20th Avenue) are addressed in Master Response 1.

Lastly, the Draft EIR includes 17 color exhibits showing the locations of study facilities, lane configurations, and traffic volumes for all scenarios evaluated. Only one traffic approach would be changed (northbound Forest Avenue at E. 20th Street), and that modification would involve converting an existing through lane to a shared left-through lane and signal operation adjustment. As such, no major intersection reconfigurations are proposed and, thus, no "before and after" graphics were provided in the Draft EIR.

Response to HELMER.2-6
The author stated that the aforementioned streets are usually congested and disputed the conclusion that the "very minor and/or unfeasible mitigations proposed for Baney Lane and Forest Avenue will alleviate congestion." The author inquired about mitigation measures for E. 20th Street and inquired how a motorist would travel to from the Walmart site to a business on Business Lane with the driveway restrictions in place on the Baney Lane driveways that prevent left-out movements.

As discussed on Draft EIR page 2-24, the middle and eastern Baney Lane driveways would be modified with a raised island to prevent left-out turning movements. (The western Baney Lane driveway currently has this restriction in place.) The intent is to direct outbound traffic to Forest Avenue and avoid sending outbound movements down Business Lane and through the Toys R Us driveway. It should be noted that this is a project design feature, not a mitigation measure. Furthermore, given that this restriction is currently in place at the western Baney Lane driveway, it is in fact a feasible improvement. Additionally, the intersection of Forest Avenue/Baney Lane would operate at acceptable levels under all scenarios and thus does not warrant mitigation.

Regarding the author's hypothetical scenario of a motorist leaving the Walmart site and attempting to travel to a business on Business Lane, this could be accomplished via several routes. The first would be to travel through the Walmart loading area to the Business Lane cul-de-sac. The second would be to exit the site via Wittmeier Drive, turn left at Forest Avenue, and turn left at Baney Lane. The third would be to exit on Baney Lane, turn left at Forest Avenue, turn left at E. 20th Street, and turn left at the Toys R Us driveway. However, the most practical option would be for the motorist to stop first at the desired business on Business Lane and then continue to Walmart.

Finally, standard signal timing adjustments and the improvements contemplated by Mitigation Measure TRANS-3a (such as restriping and altering the signal operation to split phasing) are proposed at the intersection of E. 20th Street/Forest Avenue to maintain acceptable intersection operations.

Response to HELMER.2-7
The author claimed that the project vicinity is one of the most congested areas in Chico and nothing has been done since the previous Walmart proposal to improve the local roadway network. The author reiterated his previous comment about the Draft EIR evaluating a small commercial alternative that would not result in significant unavoidable impacts. The author stated that Business Lane and Baney Lane are private roadways that were never meant to serve as arteries between E. 20th Street and the Walmart store, and asserted that there are structural limitations to regional commercial expansion that need to be analyzed.

Baney Lane and Business Lane are addressed in Master Response 1.

Refer to Response to HELMER.2-4 for discussion of the author's proposed commercial alternative.

Response to HELMER.2-8
The author noted that the Draft EIR indicates that project emissions of reactive organic gases (ROG) and nitrogen oxides cannot be reduced to a level of less than significant with on-site mitigation and, thus, off-site mitigation is necessary to reduce to a level of less than significant. The author noted that the Butte County Air Quality Management District CEQA Handbook states that on-site mitigation measures are preferred over off-site mitigation measures. The author stated that the Draft EIR should include an alternative that includes on-site mitigation that "will not decrease air quality and increase greenhouse gas emissions."

The Draft EIR identifies 10 on-site mitigation measures (AIR-2a through AIR-2j) that reduce emissions of criteria pollutants in accordance with BCAQMD guidance. However, even after implementation of these measures, additional reductions are required, which is why participation in the BCAQMD's Off-site Mitigation Program is required by Mitigation Measure AIR-2k.

The BCAQMD provided written comments to the City of Chico indicating concurrence with the Draft EIR's conclusions and mitigation measures; refer to Response to BCAQMD-5. Thus, the agency has no objection to the air quality mitigation measures.

Lastly, because all air quality impacts can be reduced to a level of less than significant, there is no basis to evaluate additional alternatives that further alleviate impacts on air quality and greenhouse gas emissions.

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Mike Sawley

From: Laslo Karen <karenlaslo@gmail.com>
Sent: Sunday, July 17, 2016 3:43 PM
To: Mike Sawley
Subject: WalMart EIR comments

Dear Mr. Sawley,

My conclusion after reading much of the WalMart EIR is that: WalMart should not be allowed to expand, add new landscaping and a bigger parking lot until they take care of the landscaping and parking lot trees they now have. The trees in WalMart's existing parking lot are dying and are not providing adequate shade (see attached photos). People jam their cars under the puny little trees trying to get what little shade they provide. Big black-top parking lots that don't have shade coverage soak up the hot sun during the day and then release the heat at night into the air. WalMart has totally failed the requirement of 50% Shade in 15 Years with its existing parking lot. 1

Also, California is still in a severe drought. We cannot afford more water for more trees and landscaping for big-box commercial buildings, even if the landscaping is drought tolerant. To me, it appears that WalMart has just stopped watering its parking lot trees. So what we now have is this huge black-top parking lot that is out in the blazing hot summer sun with no shade cover. I doubt WalMart will do any better with the bigger parking lot required for its expansion. And, of course, the bigger store will require a lot more water inside the building for restrooms, etc. 2

Lastly, WalMart's present bicycle infrastructure is abysmal. As you can see from the attached photo the present store has not provided "secure and safe parking" for bikes. Again, I don't trust WalMart to provide adequate parking and infrastructure for bicyclists even though the EIR calls for them to do so (*all* parking for bikes should be covered, not just 20). The present bike rack is located just to the right of the main entrance (see attached photo). Who will monitor the bicycle parking to make sure bikes aren't stolen or vandalized? No one would stand for such vandalism against cars in any parking lot. How can we trust WalMart to do better when they haven't taken care of their present responsibilities? 3

Nothing has changed (except the City Council) from the last time WalMart tried to expand: The majority of people who spoke against the expansion last time still don't want it. It'll still put other stores out of business. It won't provide enough revenue to pay for the new infrastructure needed for the expansion. It'll still produce more noise, traffic and pollution. 4

Thank you for considering my comments.

Sincerely,

Karen Laslo

5

6

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Karen Laslo (LASLO)

Response to LASLO-1
The author stated that Walmart should not be allowed to expand or increase the size of the existing parking lot until the existing parking lot landscaping is improved to provide additional shade coverage. The author stated that the trees in the Walmart parking lot do not meet the City's requirement of 50 percent shade coverage within 15 years of project completion.

Landscaping is addressed in Master Response 3.

Response to LASLO-2
The author stated that California is in a severe drought and asserted that "we cannot afford more water for more trees and landscaping for big box commercial buildings even if the landscaping is drought tolerant." The author stated that it appears that Walmart stopped watering trees in the parking lot, which has contributed to the inadequate shade coverage. The author asserted that an expanded Walmart will require more water for domestic purposes.

Water supply was evaluated in Draft EIR Section 3.10, Public Services and Utilities. The analysis found that California Water Service Company (Cal Water) had adequate supplies to serve the proposed project with potable water for both domestic and irrigation purposes. Additionally, Cal Water provided written confirmation that it could serve the proposed project; refer to Draft EIR Appendix H. The author did not provide any specific comments on this analysis or conclusions and, therefore, no further response can be provided.

Response to LASLO-3
The author claimed that Walmart's existing bicycle infrastructure is abysmal and referenced a photo showing the existing bike rack (Comment LASLO-7). The author stated that all bicycle parking should be covered, not just the 20 covered spaces identified in the Draft EIR. The author inquired about who will monitor the bicycle parking to ensure that bikes are not stolen or vandalized.

Bicycle parking is addressed in Master Response 4 and Response to VELO-4.

Response to LASLO-4
The author stated that nothing has changed from the last time Walmart applied to expand its store. The author stated it will put other stores out of business and will not provide enough revenue to pay for the new infrastructure needed for the expansion. The author also stated that it will cause noise, traffic, and pollution.

The Draft EIR indicates that Walmart will be responsible for the full cost of the following infrastructure improvements:

- New signal at Forest Avenue/Wittmeier Drive
- Restriping the existing through lane at the northbound Forest Avenue approach with E. 20th Street to provide a left-through lane and associated signal operation adjustments
- Extending two left-turn pockets in the center median of Forest Avenue

- New traffic control restrictions at the Baney Lane driveways to prevent left-out turning movement
- Safety and operational improvements to Wittmeier Drive (new turn lanes, center two-way left turn lane, roundabout, etc.)
- Relocation of existing Class I bicycle/pedestrian path
- New water, sewer, storm drainage, electrical and natural gas connections

As such, there is no evidence to support the author's claims that Walmart would not pay for the new infrastructure needed for the expansion.

Finally, the Draft EIR addressed air pollution in Section 3.2, Air Quality/Greenhouse Gas Emissions; noise in Section 3.9, Noise; traffic in Section 3.11, Transportation, and closure of competing stores in Section 3.12, Urban Decay. The author did not provide any specific comments on the analysis of these topics and, therefore, no further response can be provided.

Response to LASLO-5
The comment consists of a photo of a tree in the Walmart parking lot. No response is necessary.

Response to LASLO-6
The comment consists of a photo of a tree in the Walmart parking lot. Landscaping is addressed in Mater Response 3.

Response to LASLO-7
The comment consists of a photo of a bike rack in front of the Walmart store. Bicycle parking is addressed in Master Response 4.

Comment Form
Chico Wal-Mart Expansion EIR
Draft Environmental Impact Report
(State Clearinghouse # 2015102017)

Name: David Lupton
Address: 1395 ARLINGTON DR.
CHICO CA 95926
E-mail:

Comments:

THE PROPERTY IN QUESTION IS ZONED FOR THE USE & PERMITTED FOR THE EXPANSION. IF YOU BAN THIS EXPANSION DUE TO TRAFFIC THEN YOU ARE BANNING THIS USE COMPLETELY REGARDLESS OF THE APPLICANT. THIS MEANS THE LOTS TO THE SOUTH BETWEEN WALMART & WITTMIER AND THE LOT TO THE NORTH BETWEEN WALMART & TARGET CAN NEVER BE DEVELOPED NOT EVEN FOR A PARK. THIS THEN WOULD BRING IN TO QUESTION DEVELOPEMENT OF MIRIAM PARK. 1

- PEOPLE STOP YOUR WINNING
- CITY STOP HIDING BEHIND THE PEOPLE WINNING
- DONT LIKE THE CODE OR LAWS - CHANGE THEM! 2

Return Comments No Later Than 5:00 p.m., Monday, August 1, 2016, To Mike Sawley
City of Chico Community Development Department, P.O. Box 3420, Chico, CA 95927
or to mike.sawley@chicoca.gov

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David Lupton (LUPTON)

Response to LUPTON-1

The author noted that the project site is zoned for commercial use and stated that denying the Walmart expansion due to traffic would effectively ban any type of commercial use on the project site regardless of applicant. The author stated that would also mean that the vacant lot near Target could not be developed and called into question the development of Meriam Park.

The author's claims that denying the proposed project based on traffic impacts would effectively ban any commercial development at the site is speculative and is not supported by substantial evidence. Regardless, this comment does not raise any concerns with the adequacy of the Draft EIR and no further response is necessary.

Response to LUPTON-2

The author stated that the City should "stop hiding behind the people whining" and those who object to the project should change the "code or laws." No response is necessary.

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Mike Sawley

From: Chris Nelson <chris4pax@gmail.com>
Sent: Thursday, July 21, 2016 3:27 PM
To: Zoning; Mike Sawley
Subject: Walmart 2008 and 2016-- Please share with P.C.

Mr. Wolf and Planning Commissioners, Please make sure the Commissioners have access to comments from the previous attempt to create a Walmart expansion: 1

http://www.chico.ca.us/government/minutes_agendas/documents/Agendawithreports7-16-09PartB.pdf

Issues have not changed except now we know more than ever about the risks of climate change. The LOS D and E created by this enlargement along with the increase in use of fossil fuels at the pump are reason enough not to have the enlargement:

I quote from the 2016 EIR: 2
"Moreover, as demonstrated in the analysis, new market area demand for gasoline sales will more than exceed the anticipated Walmart fuel station gasoline sales. Thus any potential for sales diversions throughout the market area will be more than offset by additional new demand generated by the time the Project achieves its first full year of operations."

Also, Please read this article! Support Local Business! Thank you: 3

https://ilsr.org/key-studies-why-local-matters/

Sincerely, Chris Nelson, Chico

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Chris Nelson (NELSON)

Response to NELSON-1
The author requested that the Planning Commissioners have access to comments on the previous Walmart application and provided a link to a 2009 staff report.

The City of Chico has posted the CEQA documents associated with the previous Walmart expansion applications on its website.

The previously proposed Walmart expansion project is addressed in Master Response 6.

Response to NELSON-2
The author stated that "we know more than ever about the risks of climate change" and the "LOS D and E created by this enlargement along with the increase in use of fossil fuels at the pump are reason enough not to have the enlargement." The author provided an excerpt from the urban decay analysis that noted that market area demand for gasoline sales will more than exceed the anticipated Walmart fuel station gasoline sales.

To clarify, the City of Chico General Plan Policy CIRC-1.4 identifies LOS D as the minimum acceptable performance standard for city streets, with certain exceptions where LOS E is acceptable (i.e., E. 20th Street/Forest Avenue). The proposed project achieves the minimum acceptable LOS standard at all city street intersections after implementation of mitigation. Moreover, 10 of the 14 study intersections operate at LOS C or better under all scenarios evaluated. 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 author's opinion that traffic impacts are reason enough to deny the project does not dispute any of the methodology or analysis contained in the Draft EIR and no further response is necessary.

Regarding gasoline sales, the excerpt in question concerned the extent to which project fuel sales would be absorbed by market demand; it does not provide any insight into project-related emissions of greenhouse gas emissions or fuel consumption. Instead, those subjects are addressed in Section 3.2, Air Quality/Greenhouse Gas Emissions and Section 6.3, Energy Conservation.

Response to NELSON-3
The author provided a link to an article about local business. The article does not address the proposed project and, thus, no further response is necessary.

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OXFORD
Hotel Group

July 21, 2016

Mr. Mike Sawley
Associate Planner
City of Chico
Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95927

Re: Adequacy of the Draft EIR for Chico Wal-Mart Expansion Project (SCH# 2015102017)

Greetings:

Please consider this letter as Baney Corporation DBA Oxford Corporate's formal response to the request for public comment regarding the adequacy of the Draft EIR for Chico Wal-Mart Expansion Project (SCH# 2015102017). For clarification purposes, the terms "Wal-Mart", "Walmart" and "Chico Walmart" refer to the Chico Wal-Mart Expansion Project (SCH# 2015102017) which is also referred to as "the Project". 1

We would like to emphasize to the City of Chico that Oxford's primary concern continues to be long term maintenance of the private roadways Business Lane and Baney Lane. These two roads are used as public streets and are lined with businesses that serve the public. Business Lane and Baney Lane operate no differently than other public streets. Citizens logically expect that Business Lane and Baney Lane will be maintained. New increases in trips resulting from the Walmart expansion will necessitate mitigation of the public and private street systems. Proper conditions of approval are needed to make certain Business Lane and Baney Lane are properly maintained for public use. There is no question that the increased traffic of heavily loaded trucks, traveling the full length of the private road Business Lane, will further expedite the degradation of the road's structure. 2

Our comments will focus on six areas of concern with the adequacy of the report. We have outlined the first two on this document, with the additional items of adequacy concern outlined by Kittelson & Associates, Inc. on Attachment One.

Areas of concern:

1. Findings reported in Section 3.9 – Noise 3
    a. Short Term Noise Measurement
2. Impact NOI- 1 (ES-23)
3. Over-Reliance on the private street Business Lane for Wal-Mart Access
4. Maintenance of Private Roadways
5. Truck Deliveries and Routing
6. Trip Generation and Assignment

<u>Findings reported in Section 3.9 – Noise</u>

On page 3.9-3 the report states: 4
Because of the logarithmic nature of traffic noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the FHWA

475 NE Bellevue Drive, Suite 210 Bend, Oregon 97701 p 541.382.2188 f 541.382.9461 oxfordhotelgroup.com

community noise assessment criteria, this change is "barely perceptible. For reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase"

Review of the traffic study supporting this finding indicate that actual traffic count worksheets showing the current number of trucks using Business Lane were not provided, and thus time of day traffic is not adequately reported, which serves as a basis for this finding. This data would be critical for a hotel, whereby noise generated from additional truck traffic between 8:00pm to 8:00am would dramatically and negatively impact the performance of the business. In addition, there is no documentation provided by Wal-Mart that this truck traffic would be limited to "double" of the current volume, what impact a more than double increase of truck traffic volume would have on sound generation particularly from 10:00pm to 7:00am, nor what actions would be taken to keep truck traffic to no greater than double the current truck traffic. 4 CONT

In addition, the parties responsible for collecting the sound data did not request nor receive Oxford Corporate's permission to place sound recording devices at our hotel. In addition, permission was not requested or received from any Oxford manager at the Oxford Suites Chico. Oxford Corporate was not made aware of what, exactly, was being recorded or measured and we immediately had the device removed when we became aware of its placement on our property. The device was placed, for a very short period of time, on our pool deck, whereby sound is buffered by the structure of our hotel. Therefore, any reliance on the data collected at ST-3 is highly suspect (3.9-4) and it calls into question methods used at other stations. 5

Noise Measurement Timing and Climate (3.9-7) indicates the short term recording was made on Wednesday, January 20, 2016. This single date of sound collection is not adequate as a basis for future projections. Please note that January in Chico is should not be considered a "high demand" time period, or even a "typical" traffic time period, and thus would not be representative of annual average daily noise generation. It is typically a lower month for retailers and does not describe typical conditions from the existing Wal-Mart. 6

<u>Impact NOI-1</u>

MM NOI-1 (ES-22)

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 report states:
Section 9.38.060 of the Municipal Code exempts construction noise from the City's noise performance standards if construction activities are restricted to between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 9:00 p.m. on other days, provided such activities comply with one of the following limitations: 7

- *No individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to 25 feet from the equipment.*
- *The noise level at any point outside of the property plane of the project shall not exceed 86 dB*

Construction-related noise impacts are generally not considered significant, due to the short-term nature of the noise, the intermittent frequency of the noise, and the requirement to be in compliance with the City's noise standards.

Please review this report for documentation indicating how measurement of the two complying limitation options was conducted, or how compliance is to be monitored over the course of construction. 7 CONT

Thank you for your consideration of our concerns. Please keep us informed of any upcoming meetings or discussions; we will continue to participate in the land use process and the issue of road maintenance for Business Lane and Baney Lane. 8

Sincerely,

Robin Baney
Chief Operating Officer
Oxford Corporate

Enclosure:
Attachment One – Review from Kittelson & Associates Dated July 21, 2016

KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING

Chico Walmart Expansion Project DEIR Review

Date: July 21, 2016 Project #: 20427
To: Roz Stelk, Oxford Corporate
From: Joe Bessman and Matt Braughton, Kittelson & Associates, Inc.

As requested, the purpose of this memorandum is to provide formal transportation review comments related to the proposed Walmart expansion project in Chico, California. These comments were prepared based on the transportation analysis completed by Fehr & Peers within the Draft Environmental Impact Report (DEIR) prepared by FirstCarbon Solutions.

Based on our review of the City materials, our understanding is that the proposed Walmart expansion includes a new fuel center, expansion of the retail area, and relocation of truck loading facilities and trash compactors from the south side of the existing building adjacent to an extension of Business Lane. The site plan shows a new truck turn-around at the terminus of Business Lane, which changes the current truck patterns. Proposed access modifications along Baney Lane will convert the driveways to a right-out only configuration directing more customer traffic toward Forest Lane. A new connection is planned onto Wittmeier Drive, and the new intersection will be signalized. 1

REVIEW COMMENTS

The following summarizes our review of the specific concerns requested.

Comment #1: Over-Reliance on the private street *Business Lane* for Walmart access.

As noted within the transportation analysis, Baney Lane and Business Lane are private roads that serve several commercial uses within the business park. The Walmart is located at the southeast corner of the intersection of Baney Lane and Business Lane, and Business Lane provides the most direct connection from the Golden State Highway (SR-99). The connection of Business Lane to SR-99 occurs via a right-in, right-out connection to E 20th Street. Access to the Chico Mall and Toys "R" Us traffic signal on E 20th Street is provided through the private parking lot. 2

Table 3.9-9 in the DEIR provides existing traffic volumes on area roadways. This indicates that Baney Lane carries up to 6,860 vehicles per day near its connection to Forest Avenue, and Business Lane carries 5,470 vehicles per day near its connection to E 20th Street. These volumes are projected to reach 9,190 vehicles and 6,100 vehicles under cumulative with project conditions per Table 3.9-13 of the Noise Analysis section.

Exhibit 3.11-2 of the Transportation section provides peak hour turning movements during the weekday a.m., p.m., and Saturday midday peak hours. This shows that hourly volumes on Business Lane are currently 514 southbound vehicles during the weekday p.m. peak hour and 627 during the

Saturday midday peak hour. Northbound volumes are combined between the Toys "R" Us/Chico mall signalized access and Business Lane, and include approximately 400 northbound trips. As stated within page 3.11-13 of the DEIR:

> *Currently, Business Lane is utilized for access between E. 20th Street and Walmart, particularly for trips to/from SR-99. Inbound trips turn right from E. 20th Street directly onto Business Lane, eventually accessing the Walmart parking lot via Baney Lane. Outbound trips destined for westbound E. 20th Street depart Walmart via Baney Lane and Business Lane, but then utilize the Toys R Us parking lot and E. 20th Street/Chico Mall Access intersection to access E. 20th Street.*

2 CONT

While the transportation analysis adequately addresses intersection operations, roadway adequacy is not addressed. The adequacy of Business Lane to accommodate 9,000 vehicles per day (levels commensurate with *Collector* roadways), satisfy its modal designation as a Class II bicycle facility and provide an adequate multimodal level of service (MMLOS), and contain an adequate pavement section to accommodate the current and projected levels of passenger vehicles and trucks should be addressed. If Business Lane is inadequate to serve the traffic demands then additional mitigation should be provided to route inbound Walmart traffic along the higher-order roadway network (E 20th Street and Forest Avenue).

Comment #2: Maintenance of Private Roadways.

As noted within the DEIR, both Business Lane and Baney Lane are private roadways with maintenance provided by adjacent businesses. As Walmart is located at the end of Business Lane its patrons using this route impact the entire length of the roadway. Baney Lane serves as the primary (but not the only) access for Walmart patrons. Further, with more truck traffic than other users, and plans to increase its current truck traffic, and plans to modify its freight delivery routes and consolidate all freight traffic along Business Lane, its impacts are expected to more than double with the proposed project, increasing concerns from Oxford Suites about the already inadequate pavement condition and roadway section.

3

We understand from the February 17, 2016 letter from Walmart that "each lot owner was notified that it now bears sole responsibility for the maintenance of Business Lane immediately fronting its property" due to failure to reach agreement on maintenance responsibilities, and that Walmart has no maintenance responsibility. While this position leaves Walmart with some shared responsibility for Baney Lane it indicates that they have no responsibility for maintaining Business Lane where the truck impacts will be located.

As discussed within the prior comment, existing and projected traffic using Business Lane is higher than typical of a local street, and the adequacy of Business Lane is not addressed within the DEIR. Per the City's General Plan Goals CIRC-1, CIRC-1.1, and CIRC-1.2, the applicant is responsible for providing a comprehensive multimodal circulation system providing for the safe and effective movement of people and goods, financing and constructing improvements as necessary to mitigate project impacts. As

roadway maintenance directly impacts multimodal safety and effectiveness we believe that adequately addressing maintenance responsibilities is required to meet City of Chico Circulation goals. 3 CONT

Comment #3: Truck Deliveries and Routing

The proposed plans for the site include reconfiguring the loading docks so that the Walmart would be served by deliveries along Business Lane. The traffic study notes that the primary truck route for deliveries is from Business Lane, and these trucks would then "exit the site via Business Lane, Baney Lane, or Wittmeier Drive to return to SR-99 or travel to other stops in the area.[1]" However, the curb channelization shown within the Walmart parking area makes it very unlikely that any route other than Baney Lane would be used even by small single unit delivery trucks. Based on the required turning radius, it is expected that all tractor trailers will use the proposed onsite truck turnaround located at the southwest corner of the Walmart site to travel back north, either to make a right-turn onto 20th Street or a left-turn at the Chico Mall traffic signal toward SR-99 (after traversing through the Toys "R" Us parking area). 4

Within the Noise section, Table 3.9-12 indicates the proposed daily truck deliveries and the time of day that these will occur. This notes that approximately 20 trucks per day will access the Walmart site and an additional 3 trucks will access the proposed fueling facility. The noise study notes that 15 percent of all truck deliveries will occur between 10:00 p.m. and 7:00 a.m. The Transportation section (3-11.29) indicates that the expansion alone will only generate 10 additional trucks per day. It is unclear from the narrative if the 23 trucks cited include only current freight or new trucks associated with the proposed expansion; this should be clarified or addressed. 5

Review of the traffic study noted that simplifying assumptions were applied in the analysis related to heavy vehicles. Actual traffic count worksheets showing the current number of peak hour trucks were not provided to assess whether the actual truck usage of area roadways is consistent with the narrative and analysis. 6

Based on review of the site plan and the location of the Walmart loading docks it is unclear why trucks are not routed to and from Forest Avenue via the proposed connection to Wittmeier Drive. This routing would maintain Walmart trucks on their own facility, would avoid the truck U-turn/backing maneuvers, and is a road that could be appropriately designed for freight traffic (both pavement depth and cross-section). The signalized connection back to Forest Avenue would provide a more protected movement for freight to enter the public transportation system. 7

The City's Circulation Policy 1.2 and 1.7 provide clear direction that development is responsible for constructing appropriate mitigation(s) to serve the internal movement of goods and services, and to 8

[1] DEIR 3.11-29

provide clear routes for goods deliveries. Reliance on a private road that requires trucks to traverse through privately owned parking areas does not appear to comply with these policies, despite notes within Table 3.8-2 of the DEIR that inappropriately state the adequacy and/or designation of Business Lane as a truck route. 8 CONT

Site plan modifications should be made to route inbound and outbound freight deliveries and trucks directly to Forest Avenue to comply with City Circulation Policies. 9

Comment #4: Trip Generation and Assignment

The traffic study provides a detailed review of trip generation from the existing Walmart and notes that the current trip generation rates for the Walmart are higher than national averages summarized within the ITE Trip Generation manuals. The report also provides conservative assumptions related to trip internalization and pass-by trip rates. The report describes how the proposed expansion and site modifications will increase traffic volumes from the Walmart by 761 gross weekday p.m. peak hour trips (with approximately 5 percent of these new trips occurring between uses) based on projecting the existing driveway counts, resulting in approximately 720 new trips along the access routes. 10

The transportation analysis does not provide figures showing the site-generated trips and how these are being routed to the destinations provided within the trip distribution figures. Comparison of "Existing" (Exhibit 3.11-2) and "Existing Plus Project" (Exhibit 3.11-9) conditions in the Transportation section were used to review the specific trip routing applied. 11

Based on our review, we agree that the right-out only reconfiguration of the accesses helps to encourage traffic to more appropriately rely on Forest Avenue for outbound trips, but the expansion will continue to increase volumes on Business Lane for inbound patrons (likely more than shown). 12

With the location of the western exit from Walmart we are also concerned that patrons could access Business Lane through the Oxford Suites parking area. The westernmost access to Baney Lane is the most minor of the entrances as it serves the least amount of parking stalls, and we note that some traffic calming is already in place within the Oxford Suites site. Walmart should work with Oxford Suites to prepare a revised design that avoids cut-through parking impacts. 13

Accordingly, we recommend the application consider additional cut-through traffic mitigation or monitoring, and we support the proposed right-out only configuration of the accesses onto Baney Lane.

NEXT STEPS

As noted in the responses above, our primary concerns are as follows: 14

- Over-reliance on Business Lane and inadequacy of the roadway to serve the projected multimodal demands including goods movement;

- Development of maintenance agreements for Business Lane to comply with City General Plan goals related to Circulation and development responsibilities (or annexation of the private road into the City of Chico);
- Truck routing appears to unnecessarily impact private roads and property when viable alternatives through the Walmart site are available and can be constructed to better serve these needs; and,
- We support the recommendation to restrict Baney Lane accesses to the proposed right-out configurations but recommend that Walmart's application and design be coordinated with Oxford Suites to consider potential cut-through or U-turn impacts.

14 CONT

Please let us know if you have any questions or comments related to this review of the proposed Walmart expansion.

Robin Baney (Oxford Hotel Group; July 21, 2016) (OXFORD.1)

Note to Reader: This letter included an attachment from Kittelson & Associates, Inc. In the interests of presenting this letter in context, Oxford Hotel Group's comments are addressed first, followed by Kittelson & Associates' comments.

Response to OXFORD.1-1
The author provided introductory remarks to open the letter. No response is necessary.

Response to OXFORD.1-2
The author stated that Oxford Hotel Group's primary concern is long-term maintenance of Business Lane and Baney Lane, which are private roadways. The author noted that these private roadways are used as public streets, and the additional traffic generated by the Walmart project (including trucks) will expedite the degradation of the roadway.

Business Lane and Baney Lane are addressed in Master Response 1.

Response to OXFORD.1-3
The author stated outlined the topics of concern mentioned in his letter and referenced the Kittelson & Associates' comments.

The author's specific comments are addressed in Responses to OXFORD.1-4 through OXFORD.1-7. The Kittelson & Associates' comments are addressed in Responses to KITTELSON-1 through KITTELSON-8.

Response to OXFORD.1-4
The author referenced a statement from Draft EIR page 3.9-3 about the properties of noise as it applies to traffic and noted that the traffic study does not identify the number of existing trucks that use Business Lane. The author stated that this information is critical in terms of assessing truck noise impacts, particularly during the nighttime and early morning hours when it could adversely impact a hotel's business. The author also stated that there is no documentation provided by Walmart to demonstrate that this truck traffic would be limited to double the current volume; to explain what impact a more than double increase in truck traffic volume would have on noise levels between 10 p.m. and 7 a.m.; and what actions can be taken to limit truck traffic to no greater than double the current levels.

As discussed in detail in Master Response 1, Business Lane carries an estimated 5,470 to 5,920 average daily trips including 110 to 120 medium trucks and 55 to 60 daily heavy truck trips. The proposed project would result in three additional 2-axle trucks (medium trucks) and one additional 4+ axle truck (heavy truck) on a daily basis. All inbound truck movements would travel on Business Lane; outbound movements would travel on either Business Lane to Baney Lane to Forest Avenue or Wittmeier Drive to Forest Avenue.

Using the aforementioned traffic volumes and vehicle mix percentages, the Draft EIR's noise analysis modeled noise levels at Oxford Suites. As shown in Table 3-1, Oxford Suites is exposed to very low ambient noise levels under existing conditions (less than 65 dBA CNEL), including during the evening and nighttime hours. After adding in project-related noise (including Walmart trucks traveling on

Business Lane and Baney Lane), Oxford Suites would experience a less than 1 dB increase for all modeled scenarios. The human ear can only perceive changes in noise levels than are 3 dB or greater; thus, the change in noise levels shown in Table 3-1 would not be significant enough to be noticed by guests or employees.

Table 3-1: Noise Levels at Oxford Suites

Noise Descriptor	Existing	Existing Plus Project
dBA CNEL	57.9	58.2
dBA L_{eq} Day (7 a.m. to 7 p.m.)	51.8	52.6
dBA L_{eq} Evening (7 p.m. to 10 p.m.)	51.7	52.1
dBA L_{eq} Night (10 p.m. to 7 a.m.)	51.1	51.3

Notes:
Noise values from Draft EIR Table 3.9-3 and Table 3.9-17
CNEL = Community Noise Equivalent Level; the 24-hour average noise level with penalties applies to noise that occurs between 7 p.m. and 10 p.m. and between 10 p.m. and 7 a.m.
L_{eq} = Sound equivalent noise level: the actual average noise level observed during this time period
The City of Chico General Plan Noise Element does not establish an exterior noise standard for transportation noise sources for commercial uses including transient lodging or offices. However, if one were to use the residential standard of 65 dBA L_{dn} as a reference point, the Oxford Suites exterior noise level of 58.2 dBA CNEL would be well below that standard.
Source: FCS, 2016.

Regarding the passage about the properties of noise on page 3.9-3 cited by the author, it is reproduced as follows:

> The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. ***Because of the logarithmic nature of traffic noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA***. Based on the FHWA community noise assessment criteria, this change is "barely perceptible." For reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase. [Emphasis added]

In summary, total roadway volumes (not just the number of truck trips associated with a single business) must double in order for there to be a 3 dBA increase in roadway noise. As previously discussed, Walmart-related truck trips would increase truck traffic volumes on Business Lane by 3 percent for medium trucks and 2 percent for heavy trucks relative to existing conditions. In contrast, a doubling in traffic volumes on Business Lane would require a net increase of 5,470 to 5,920 daily

trips. Thus, no doubling of truck volumes or truck traffic would occur. Furthermore, as shown in Table 3-1, Oxford Suites would experience a less than 1 dBA increase in ambient noise levels, which serves to confirm that the small increase in daily truck trips attributable to the proposed project would not create significant noise impacts.

Response to OXFORD.1-5
The author stated that the parties responsible for collecting sound data did not request or receive permission from Oxford Corporate or an Oxford manager at the Oxford Suites Chico to place sound record devices at the hotel. The author stated that Oxford Corporate was not made aware of what was being measured and immediately had the device removed when it became aware of its placement on the hotel property. The author noted that the device had been placed on the pool deck, where sound is buffered by the structure and asserted that reliance on the short-term measurement at this location (ST-3) is highly suspect and calls into question methods used at other stations.

A FCS staff member trained in noise measurements took two measurements at the Oxford Suites Chico property in January 2016:

- The first measurement occurred on Wednesday, January 20, 2016 and occurred for 17 minutes at the pool deck. Prior to taking the measurement, the FCS staff member received verbal permission from an Oxford staff member at the front desk. The pool deck was selected because this is an outdoor activity area where users could be adversely impacted by high noise levels. This measurement was successfully completed and is the ST-3 measurement reported in Draft EIR Table 3.9-1.
- The second measurement occurred on Thursday, January 21, 2016 and occurred in a landscaped area near Baney Lane. The intent was to take a long-term measurement at this location in order to capture existing ambient noise levels. After Oxford representatives learned of the presence of this recording device, they requested that it be immediately removed. FCS staff complied with this request and did not use any data from this measurement in the Draft EIR's noise analysis. FCS was able to take two other long-term measurements in the project vicinity and thus had sufficient data to adequately represent existing noise environment in the Draft EIR.

As noted on Draft EIR page 3.9-7, the noise measurement sites were selected to provide a representative sampling of the noise levels created by nearby noise sources, as well as those experienced by nearby sensitive receptors. That the pool deck is shielded from major noise sources in the area reflects best site planning practices at the hotel and does not mean that measurements at that location fail to be representative of noise levels experienced by users of this outdoor recreation area. The noise impact analysis and conclusions in the Draft EIR are based on SoundPLAN modeling software results and on existing physical conditions, average traffic counts, and model calibration using long-term measurements that include nighttime noise data.

In summary, all noise measurements (including the short-term measurement at the pool deck) reported in the Draft EIR are considered valid for the purposes for which they were used. The author

has not presented any evidence that the ST-3 noise measurement does not accurately reflect the ambient noise environment at this location.

Response to OXFORD.1-6
The author noted that Draft EIR page 3.9-7 indicates that the short-term measure was made on Wednesday, January 20, 2016 and asserted that "this single date of sound collection is not adequate as a basis for future projections." The author advised that January in Chico is not considered a "high demand" time period, or even a "typical" traffic time period, and thus would not be representative of annual average daily noise generation. The author claimed that it is typically a lower month for retailers and does not describe typical conditions from the existing Walmart.

For an urban setting such as the project vicinity, taking short-term measurements during the midday period on a Tuesday, Wednesday, or Thursday when local schools and colleges are in session is appropriate and consistent with Caltrans's Technical Noise Supplement methodology.

Moreover, because the short-term noise measurement yielded a value of 56.2 dBA L_{eq}, this serves to establish that Oxford Suites is exposed to low ambient noise levels, which allows for a more conservative evaluation of project impacts because a project-related noise increase would be more pronounced than if the baseline ambient noise level were higher (i.e., greater than 65 dBA L_{eq}).

In summary, the short-term measurement at the pool deck was performed in accordance with proper methodology. Aside from general disagreement with the methods, the author has not presented any evidence that the ST-3 noise measurement does not accurately reflect the ambient noise environment at this location.

Response to OXFORD.1-7
The author cited the text of Municipal Code Section 9.38.060, which establishes limits on hours of construction activities and includes two limits for construction noise (no more than 83 dB at a distance of 25 feet from any piece of equipment and no more than 86 dB at any point outside of the property line). The author inquired how the construction noise analysis accounted for the two limitations and how compliance is to be monitored over the course of construction.

As discussed on Draft EIR pages 3.9-25 and 3.9-26, construction noise impacts were modeled using the Roadway Noise Construction Model. The model accounts for average and maximum noise produced by various pieces of construction equipment, which are listed in Table 3.9-14, and based on field measurements of noise levels. As shown in the table, the pieces of equipment that would be expected to used on-site for project-related construction activities have actual noise levels of less than 86 dB (tractors, loaders, backhoes, graders, cranes, forklifts, pavers, dump trucks, etc.). Thus, the model accounted for the limitations in this manner. As shown in Table 3.9-16, construction noise levels at Oxford Suites were modeled to range from 55.4 dB L_{max} and 68.9 dB L_{max} and, thus, the Municipal Code limits would be achieved at this property.

In accordance with CEQA Guidelines Section 15097, compliance with all mitigation measures (including Mitigation Measure NOI-1) would be accomplished through the Mitigation Monitoring and Reporting Program (MMRP). The MMRP lists the full text of each mitigation measure, the timing of when each measure will be implemented, the responsible party for verification, and the method of

verification. For Mitigation Measure NOI-1, the timing would be during construction; the responsible party for verification would be the City of Chico; and the methods of verification would be notes on construction plans (to advise construction crews of the limits) and site inspection by city staff (as appropriate).

Response to OXFORD.1-8
The author provided closing remarks to concluding the letter. No response is necessary.

Response to KITTELSON-1
The author provided introductory remarks and summarized the project characteristics. No response is necessary.

Response to KITTELSON-2
The author stated that the proposed project would contribute to an over-reliance on Business Lane for access. The author noted that Business Lane and Baney Lanes are private streets and the proposed project would increase traffic volumes on both roadways. The author cited Table 3.9-13 of the Draft EIR, which shows future roadway volumes of 9,190 on Baney Lane and 6,100 on Business Lane under cumulative plus project conditions. The author stated that the transportation analysis adequately addresses intersection operations, but does not address roadway adequacy. The author stated that Business Lane should be evaluated in terms of whether it can accommodate 9,000 vehicles per day, satisfy its model designation as a Class II bicycle facility, and provide an adequate pavement section to accommodate existing and future traffic volumes (including trucks). The author stated that if Business Lane is found to be inadequate to serve the higher volumes of traffic, a mitigation measure requiring inbound Walmart truck movements to use Forest Avenue should be required.

The author appears to have interchanged projected volumes on Baney Lane and Business Lane. There is no basis whatsoever to assess whether Business Lane can accommodate 9,000 vehicles per day when the projected daily volume on Business Lane is 6,100 under cumulative plus project conditions. No substantial evidence has been provided to suggest that future volumes on Business Lane would exceed 6,100 vehicles per day under cumulative plus project conditions. It is therefore assumed that the author intended to mean 6,000 vehicles per day when referencing 9,000 vehicles per day on Business Lane.

Regarding bicycle facilities, Business Lane was constructed with a 12-foot vehicle lane and a 5-foot bicycle lane on each side of the street. The project would not affect the existing roadway configuration on Business Lane; therefore, no further response is necessary regarding the project's impact on Class II bicycle facilities on Business Lane.

Regarding multimodal level of service, the City currently has no such standards that apply to the project. Pursuant to General Plan Policy 1.4, the City's conventional LOS standards do not apply to private roadways such as Business Lane.

Regarding the pavement section, it is not agreed, as asserted by the author, that Business Lane should have been evaluated in the context of a CEQA review for the proposed project to determine if the private street contains an "adequate pavement section" to accommodate current and projected

levels of vehicle trips. The author's use of the word "adequate" is ambiguous in that several assumptions must be made to determine if a roadway performs to the roadway owner's satisfaction. These assumptions include determining a certain desired initial life span for the roadway (such as 20 years) and a desired frequency of rehabilitation projects (such as re-surfacing every 5 years after the initial life span). Business Lane was built to applicable standards in effect at the time of construction (1992); following construction, the City has no role in assessing whether new uses with legal rights to use the street result in traffic volumes that exceed estimated future traffic volumes used for the initial street design. One ramification of being responsible for a private street (or a City street) is that the frequency of need to re-surface the street fluctuates over time as traffic volumes associated with the users fluctuate over time. Changes in traffic volumes on Business Lane as a result of the proposed project may affect the applicant's proportional responsibility for ongoing roadway maintenance, but, as noted in Master Response 1, the breakdown of maintenance responsibilities among owners/beneficiaries of a private roadway facility is not for the City to decide and is not considered a potential environmental impact.

However, even if there was a basis to assess the roadway "adequacy" of Business Lane in the Draft EIR, only an effect attributable to the proposed project may be used as a basis for requiring mitigation. 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. Refer to Master Response 1 for further discussion of Business Lane and Baney Lane.

Response to KITTELSON-3

The author noted that maintenance for Business Lane and Baney Lane is provided by the adjacent businesses; however, Walmart does not have a maintenance responsibility even though it is the single largest generator of truck traffic on the roadway. The author referenced a letter from Walmart dated February 16, 2016 indicating that each lot owner was notified that it bears sole responsibility for maintenance of Business Lane due to failure to reach an agreement on maintenance responsibilities. The author referenced General Plan Goal CIRC-1, Policy CIRC-1.1, and Policy CIRC-1.2 and stated that pursuant to the goal and policies, the applicant is responsible for providing safe and effective movement of people and goods, financing and constructing improvements as necessary to mitigate project impacts.

Project consistency with General Plan Goal CIRC-1, Policy CIRC-1.1, and Policy CIRC-1.2 is evaluated in Draft EIR Table 3.8-2. As indicated in the table, the project was found to be consistent with the goal and policies. (Refer to Response to KITTELSON-8 for further discussion of project consistency with Policy CIRC-1.2.)

Furthermore, pursuant to General Plan Policy CIRC-1.4, the City's LOS standards do not apply to private roadways such as Business Lane and Baney Lane, and, therefore, the City of Chico does not have the legal ability to require private parties to implement improvements to these facilities as suggested by the author. Refer to Master Response 1 for further discussion of Business Lane and Baney Lane.

Response to KITTELSON-4
The author referenced the Draft EIR's discussion of truck routing and stated that it is unlikely that outbound trucks (including small-unit delivery trucks) would use Wittmeier Drive because of the curb channelization within the Walmart parking area. The author stated it is likely that outbound tractor-trailers would travel via Business Lane to reach E. 20th Street, with some traveling through the Toys R Us parking lot to access the signal.

The Draft EIR clearly states on page 2-29 that outbound Walmart trucks exit the site via Baney Lane and Forest Avenue. The author has not presented any evidence indicating that outbound Walmart trucks currently use Business Lane (and the Toys R Us parking lot) to reach E. 20th Street and, therefore, this claim is speculative.

Regarding the author's statement that the curb channelization within the Walmart parking area makes it unlikely that even small unit trucks would use Wittmeier Drive, the site plan shows a drive aisle connecting the Walmart loading docks with the westernmost Wittmeier Drive access point. As shown in Draft EIR Exhibit 2-5, this drive aisle and the Wittmeier Drive access point would both be 24 feet in width and, thus, wide enough to accommodate a 2-axle delivery truck. Additionally, the "curb channelization" referenced by the author appears to pertain to a gentle curve in the drive aisle. The width of the drive aisle would be maintained at 24 feet for the entire length of the facility and would not diminish through this curve; refer to Exhibit 2-5. Thus, a standard 2-axle delivery truck would be able to negotiate the gentle curve without difficulty. Refer to Master Response 1 for further discussion of Business Lane and Baney Lane.

Response to KITTELSON-5
The author referenced Draft EIR Table 3.9-12, which summarizes truck deliveries, and noted that approximately 20 trucks would serve the Walmart store and three trucks would serve the fuel station. The author stated that the noise analysis indicates that 15 percent of the deliveries would occur between the hours of 10 p.m. and 7 a.m. The author noted that page 3.11-29 of the Draft EIR indicates that the Walmart expansion would only generate 10 additional trucks per day and requested clarification of the truck numbers.

Draft EIR Table 3.9-12 summarizes total truck deliveries (23) that would occur post-project, including existing and new truck deliveries. Draft EIR Table 2-4 summarizes the net increase in truck deliveries that would occur as a result of the proposed project (7). It should be emphasized that both tables report "worst-case" single-day truck deliveries; the actual number of truck deliveries may be lower on many days since certain types of deliveries would occur on a less-than-daily basis.

The text on Draft EIR page 3.11-29 has been revised for consistency with the higher numbers presented in Table 3.9-12 and the change is noted in Section 5, Errata.

Response to KITTELSON-6
The author stated that the traffic study noted that simplifying assumptions were applied in the analysis of heavy vehicles. The author stated that the traffic study did not provide actual traffic count worksheets showing the current number of peak-hour trucks to determine whether the actual truck usage of area roadways is consistent with the narrative and analysis.

The Transportation Study provided Synchro Intersection Reports for all scenarios in its appendices. This data substantiates the analysis and conclusions of the Draft EIR's traffic analysis. Although the author would prefer that data be presented in a different format, this is simply a difference of opinion and does not render the Transportation Study incomplete or inadequate.

Response to KITTELSON-7
The author stated that it is unclear why trucks are not routed from Forest Avenue via the future Wittmeier Drive access points and noted that this routing would avoid Business Lane and Baney Lane and the requisite U-turn and backing maneuvers that must occur when using these two streets. The author noted that the signalized intersection at Forest Avenue/Wittmeier Drive allows for protected movements for freight to enter the public transportation system.

As noted on Draft EIR page 2-29, trucks serving the fuel station and Parcels 2 and 3 would be expected to use Forest Avenue and Wittmeier Drive for ingress and egress. Additionally, as previously discussed, 2-axle vendor trucks serving the Walmart store may use Wittmeier Drive for ingress or egress.

Regarding the continued use of Business Lane and Baney Lane by Walmart trucks instead of Forest Avenue and Wittmeier Drive, the use of the Business Lane access point allows for heavy truck traffic to be segregated from customer traffic. This is considered preferable from a safety and operations standpoint. Refer to Master Response 1 for further discussion of truck trips on Business Lane and Baney Lane.

Response to KITTELSON-8
The author referenced General Plan Policies CIRC-1.2 and CIRC-1.7 and stated that the proposed project's reliance on private roads for goods deliveries does not appear to comply with these policies. The author stated that the Draft EIR inappropriately stated in Table 3.8-2 that Business Lane was adequate or designated as a truck route.

The Draft EIR evaluated consistency with both Policy CIRC-1.2 and CIRC-1.7 in Table 3.8-2, which 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.	**Consistent:** As part of the proposed project, the intersection of Forrest Avenue/Wittmeier Drive would be improved with a signal. Additionally, this EIR identifies mitigation measures consisting of improvements to the E. 20th Street/Forest Avenue intersection. The project applicant would provide the full cost of the Forrest Avenue/Wittmeier Drive

		improvements and fair share cost of the E. 20th Street/Forest Avenue improvements. Refer to Section 3.11, Transportation for further discussion.
Policy CIRC-1.7 (Goods Movement)	Provide clear routes for goods delivery.	**Consistent:** Walmart delivery trucks currently use E. 20th Street, Business Lane, Forest Avenue, Notre Dame Boulevard, and Skyway Road to travel to and from the project site. All of these roadways are designated truck routes or suitable for truck travel. As such, the proposed project is consistent with the policy of providing clear routes for goods delivery.

Regarding Policy CIRC-1.2, this applies to improvements necessary to mitigate project impacts. In order for mitigation to be required, a nexus must be established that a project has caused a significant impact, such as a deterioration of LOS to unacceptable levels at a study intersection. In the case of Business Lane and Baney Lane, these are private roadways that are not subject to the General Plan's LOS standards pursuant to General Plan Policy CIRC-1.4. Therefore, there is no legal basis for identifying a significant impact, much less requiring mitigation.

As for Policy CIRC-1.7, the consistency statement notes that the various named roadways are "designated truck routes or suitable for truck travel." As discussed in Master Response 1, Business Lane carries an estimated 55 to 60 heavy trucks and an estimated 110 to 120 medium trucks on a daily basis. Thus, this roadway is used on a regular basis by trucks and can be presumed to be suitable for truck travel.

Finally, neither Policy CIRC-1.2 nor Policy CIRC-1.7 states that the use of private roadways for truck deliveries is prohibited or otherwise discouraged. Thus, the author's claims are not supported by the plain language of these policies.

Response to KITTELSON-9
The author stated that site plan modifications should be made to route inbound and outbound truck deliveries directly to Forest Avenue to comply with city circulation policies.

As indicated in Response to KITTELSON-8, there are no conflicts with any General Plan Circulation Element policies. Furthermore, as discussed in Master Response 1, there is no basis to require Walmart trucks to use Forest Avenue in lieu of Business Lane or Baney Lane. Refer to Master Response 1 for further discussion.

Response to KITTELSON-10
The author summarized the trip generation methodology and noted that it provides "conservative assumptions" related to trip internalization and pass-by rates. No response is necessary.

Response to KITTELSON-11
The author stated that the transportation analysis does not provide figures to show the site-generated trips and how they are being routed to the destinations provided within the trip distribution figures. The author noted that comparison of Exhibits 3.11-2 and 3.11-9 were used to review the specific trip routing.

It is expected that the Walmart expansion would add trips only to the central and eastern driveways on Baney Lane. The western driveway on Baney Lane serves the Tire and Lube auto services of the Walmart. This part of the store would remain unchanged with the proposed project; therefore, no outbound trips are expected to be added through this driveway with the project.

Response to KITTELSON-12
The author expressed agreement with the proposed right-out-only configuration of the Baney Lane driveways and its intent of directing outbound traffic to Forest Avenue. The author stated that the proposed project would continue to increase volumes on Business Lane for inbound trips, likely more than shown.

The Draft EIR's inbound trip distribution pattern (Exhibit 3.11-7a) identifies Business Lane as an inbound route for the proposed project. Because Business Lane (1) has a public access easement that allows any motorist to travel on it, (2) is currently used for Walmart-related trips (customers, employees, and deliveries), and (3) would continue to connect to the Walmart service driveway and Baney Lane, it is reasonable to assume that it will continue to be used for inbound trips to the proposed project.

As noted by the author in Comment KITTELSON-10, future traffic projections reported by the traffic study are based on conservative assumptions. Thus, when choosing among valid options to use as inputs for a forecasting model, the choice that would possibly overstate the impact is used instead of an alternative that may be more likely to understate the impact. It is agreed that the traffic model employed for the Draft EIR used conservative assumptions that may overstate future traffic from the project. Therefore, the author's claim that Business Lane would likely experience more increase in inbound trips than reported in the Draft EIR is not supported by any substantial evidence. Refer to Master Response 1 and Response to KITTELSON-2 for further discussion of Business Lane.

Refer to Master Response 1 for further discussion of Business Lane.

Response to KITTELSON-13
The author indicated that there is the possibility that the project could create a new cut-through route, whereby vehicles exit the Walmart site at the western-most Baney Lane driveway, turn left into the Oxford Suites parking lot, exit onto Business Lane, and continue through the Toys R Us parking lot to reach the signal at E. 20th Street. The author acknowledged that the westernmost Baney Lane driveway is the most minor of entrances and that the Oxford Suites parking lot has existing traffic calming devices. The author recommended that Walmart work with Oxford Suites to prepare a revised design that avoids this cut-through route.

The cut-through route is addressed in Master Response 1.

Response to KITTELSON-14

The author summarized the points in the letter. Refer to Responses to KITTELSON-2 through KITTELSON-13.

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OXFORD
Hotel Group

July 29, 2016

Mr. Mike Sawley
Associate Planner
City of Chico
Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95927

Re: Adequacy of the Draft EIR for Chico Wal-Mart Expansion Project (SCH# 2015102017)

Dear Mr. Sawley:

Even though Baney Corporation DBA Oxford Corporate has presented its concerns to the Planning Commission about the EIR, I would like to emphasize the following: 1

1. The EIR does not deal adequately with the expansion and realignment of Baney Lane. Walmart should bring its trucks from Forest Avenue to its project site. An alternative, which is partially discussed in the EIR, is to use Baney Lane with a higher level of use. Baney Lane needs to become either a two lane road with a median or a four lane road to handle the public traffic as well as the truck traffic. 2

2. No discussion or recognition was made in the EIR that the public has made a left-hand turn off of Business Lane onto Baney Lane a regular thoroughfare. No traffic study was made of what is a practical use of Baney Lane from Business Lane. 3

3. Business Lane is a private street which was not designed or intended for heavy truck or car traffic. The EIR indicates Walmart intends on utilizing Business Lane for both incoming and outgoing truck traffic. Due to the previous concerns outlined in the Oxford and Kittleson's letters addressing the adequacy of the EIR, Oxford objects to any new traffic on Business Lane generated by Walmart's expansion plans. 4

Sincerely,

Curt Baney
President / CEO
Oxford Corporate

475 NE Bellevue Drive, Suite 210 Bend, Oregon 97701 p 541.382.2188 f 541.382.9461 oxfordhotelgroup.com

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Curt Baney (Oxford Hotel Group; July 29, 2016) (OXFORD.2)

Response to OXFORD.2-1
The author provided introductory remarks to open the letter. No response is necessary.

Response to OXFORD.2-2
The author stated that the Draft EIR does not adequately deal with the expansion and realignment of Baney Lane. The author stated that Walmart should route inbound truck movements via Forest Avenue to its driveway or, alternately, route them via Forest Avenue and Baney Lane. Under this latter option, the author stated that Baney Lane would need to be improved to a two-lane road with a median or a four-lane road to handle truck traffic.

Business Lane and Baney Lane are addressed in Master Response 1.

Response to OXFORD.2-3
The author stated that the Draft EIR provides no discussion or recognition that the public makes left turns from Business Lane to Baney Lane as a regular thoroughfare. The author stated that "No traffic study was made of what is a practical use of Baney Lane from Business Lane."

Business Lane and Baney Lane are addressed in Master Response 1.

Response to OXFORD.2-4
The author stated that Business Lane is a private street that was not designed or intended for heavy truck or car traffic. The author noted that the Draft EIR indicates that Walmart intends on continuing to use Business Lane for truck movements and stated that Oxford objects to any new traffic on Business Lane generated by the proposed project.

Business Lane and Baney Lane are addressed in Master Response 1.

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Mike Sawley

From: Dave Smith <therealdavesmith@gmail.com>
Sent: Wednesday, July 20, 2016 3:19 PM
To: Mike Sawley
Subject: Re: WalMart proposal questions

Dear Mr Sawley,

Thanks for your reply. As long as the Planning Commission sees it's earlier report that should be enough. Chico ER and CNR will likely be looking at it, and especially if the recommendation now is different it will be important that the Commission is clear on what has changed in the last 6 years. 1

Best regards,

Dave Smith

On Wed, Jul 20, 2016 at 12:58 PM, Mike Sawley <mike.sawley@chicoca.gov> wrote:

> Mr. Smith:
>
> I am the City planner assigned to process the Chico Walmart expansion project applications. The brief answer is no, I do not plan to post any of the 2003 application materials or analysis to the web as so many things have changed since the previous proposal at 2044 Forest Avenue. Just to highlight a few of those changes, the current proposal includes different number of lots, a gas station, different square footages for the expansion, different proposed improvements, and the site is under a different zoning district and an entirely different Chico General Plan. The background baseline conditions and future projections have also changed. 2
>
> I'd be happy to discuss this matter with you if you want to call me at the number below or schedule a time to meet at the City offices downtown (411 Main Street, 2nd floor). There are many digital files from the old project that I can share with you (it's public information), though some are too large for email. Please feel free to give me a call so I can better understand what files you may be interested in reviewing, and we can figure out a way to get them in your hands.
>
> Best Regards,
>
> **Mike Sawley, AICP**
>
> **Associate Planner**
>
> **City of Chico Community Development Dept.**
>
> **P.O. Box 3420, Chico, CA 95927**

(530) 879-6812

http://www.ci.chico.ca.us/

http://chico.facilitiesmap.com/

From: Stina Cooley
Sent: Tuesday, July 19, 2016 8:12 AM
To: Mike Sawley
Subject: FW: WalMart proposal questions

From: Dave Smith [mailto:therealdavesmith@gmail.com]
Sent: Friday, July 15, 2016 6:59 PM
To: Stina Cooley <stina.cooley@Chicoca.gov>
Subject: WalMart proposal questions

Dear Ms.Cooley:

Can you ask the Planning Commission to put the old Walmart expansion proposal from 6+ years ago on the website, and with it the Planning Commission's report? Without those, it is impossible to know if anything has changed in the last 6 years that would change our minds about the project. 3

Thank you.

Cordially,

David P. Smith

321 Mesa Verde Ct.

Chico CA 95973

530 343-0321

therealdavesmith@gmail.co

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David Smith (July 15, 2016 and July 20, 2016) (SMITH.D.1)

Response to SMITH.D.1-1
The author expressed approval with the City posting the CEQA documents associated with the previously proposed project on its website. No response is necessary.

The City of Chico has posted the CEQA documents associated with the previously proposed project on its website.

Response to SMITH.D.1-2
The comment consists of an email reply from a City of Chico staff member to the author's request to post the CEQA documents associated with the previously proposed project on its website.

The City of Chico has posted the CEQA documents associated with the previously proposed project on its website.

Response to SMITH.D.1-3
The author inquired if the CEQA documents associated with the previously proposed project could be posted on the City's website.

The City of Chico has posted the CEQA documents associated with the previously proposed project on its website.

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Mike Sawley

From: Dave Smith <therealdavesmith@gmail.com>
Sent: Monday, July 25, 2016 9:21 AM
To: Mike Sawley
Subject: My comments on the Wal-Mart EIR

Dear Mr. Sawley

Here is my assessment for the Planning Commission on the Wal-Mart EIR:

First, the expanded store will almost certainly increase Wal-Mart's market share: there is no other reason they would expand here. Chico's population has grown very little since their earlier EIR, and with the range of stores already present in the same area, not much new traffic will be coming from Gridley, Hamilton/Orland or Los Molinos. Wal-Mart will thus be pulling nearly all of the new customers it expects from existing competitors.

That makes it unlikely all of them will remain in business. Despite Wal-Mart's perennial claims, made again in the current EIR, come competing stores will close. In groceries, there are currently 5 providers in the area: Costco, Food Max, Raley's, Target and Winco. Most at risk are Food Max and Winco, because they sell groceries almost exclusively, and with deep pockets Wal-Mart can afford to undersell them as long as it takes to put them out of business. When that happens, we will be losing jobs probably in excess of the new jobs Wal-Mart foresees and consumers will see prices moving back up. If Food Max fails, the picture becomes worse: it is the anchor for a strip mall and likely to remain empty for some time. That adds a derelict look to the shopping area around it, and will cost neighboring stores part of the traffic they now count on. 1

Why we would accept an EIR from Wal-Mart that does not foresee this outcome is beyond me. But then, the EIR was written in Walnut Creek, probably with occasional staff forays into our area. Why wouldn't it be rosy?

Second, I see no problem with Wal-Mart selling gasoline. Since Chevron bought the gas stations at Tower, there is now less price competition in Chico than we had in past years. This is markedly different than the situation in grocery sales. 2

Third, there is a serious but solvable traffic issue. Oxford Suites is right that there will be more traffic on the two back streets that come into it. The city should keep Business Lane closed to heavy trucks, because the street begins at a tight intersection off East 20th, and it will need to add a stoplight or flashing red lights at the Business and Baney lane intersection to accommodate shoppers. Driver behavior there is careless. That will make Forest the only access road for deliveries, and if we do not already require it, their approach to Wal-Mart will need to be from the Skyway, not East 20th Street. Since their warehouse is near Red Bluff, and their next point south is Oroville, all of their Chico traffic should be by way of hwy. 99 and not through town. It should be easy for the city to implement these restrictions. 3

Fourth, I do not take more general traffic and air quality complaints seriously, since despite their claims Wal-Mart will be taking nearly all of its business from other area stores, not bringing more shoppers into south Chico. 4

I don't see anything else in the EIR that is a real problem. The issue is that other grocery stores will likely be put out of business. There will be better prices for shoppers when Wal-Mart expands, but those will go away after it gets the competition thinned out. 5

Therefore I think Wal-Mart should not be permitted to expand by adding a major grocery department. It will not be of any benefit to Chico. A gas station is more defensible. 6

David P. Smith

321 Mesa Verde Ct.

Chico CA 95973

530-3430321 therealdavesmith@gmail.com

David Smith (July 25, 2016) (SMITH.D.2)

Response to SMITH.D.2-1

The author asserted that the expanded Walmart store would increase Walmart's market share and, thus, result in more sales diversions from existing competing outlets. The author stated that FoodMaxx and WinCo are at the greatest risk of lost sales, particularly since Walmart "can afford to undersell them as long as it takes to put them out of business." The author claimed that the closure of FoodMaxx would likely result in a prolonged vacancy and result in adverse economic impacts to the shopping center it is located in.

The EIR includes demographic projections for Chico and the market area, primarily prepared by the Butte County Association of Governments. The market area includes all of the City of Chico, the Town of Paradise, and unincorporated areas of Butte County. While Chico is a large portion of the market area, the population base of Chico is estimated to comprise just over half the market area population in 2015 and through at least 2020 (see Exhibit 9 in EIR Appendix J). Thus, what happens in Chico is not the sole determinant of future demand in the market area or for the Walmart expansion project.

Nevertheless, in addition to the growth projections prepared by the Butte County Association of Governments, information in Table 4-1 of the EIR demonstrates that Chico is indeed a growth community. This table includes information on nine different residential projects either approved or under construction, totaling 919 units. This includes townhomes, single-family homes, and other multi-family units and just those in the City of Chico; residential growth in other parts of the market area would be in addition to this number. If these units are all built by 2018, they will equal almost all the estimated growth for Chico housing units for this time period, which totals 1,120 units. Since there are two more years remaining before this 2018 benchmark period, it seems reasonable to anticipate this additional amount of growth. This housing growth information supports the reasonableness of the demographic growth projections and subsequent growth in demand that underlies the impact analysis for the Walmart expansion. In addition, there will be yet substantially more growth in demand for grocery store goods after 2018, estimated at an additional $10.5 million between 2018 and 2021 (e.g., Exhibit 34 in Appendix J estimates $19.9 million total demand between 2015 and 2021, and Exhibit 11 estimates $9.4 million in demand between 2015 and 2018, for a difference of $10.5 million.) This additional demand will provide support to all the market area grocery stores, offsetting all anticipated impacts, including among the stores close to the Walmart store. Further, if the Walmart expansion is not developed by 2018, as assumed in the EIR, then the additional demand generated past this timeframe will result in fewer impacts than were estimated upon completion of the expansion project.

Regarding FoodMaxx, this store is located on the west side of SR-99 while the Walmart store is located on the east side. SR-99 serves a psychological barrier in that customers who reside one side of the highway may view it as inconvenient to shop at a store on the other side of the highway. The EIR project impact analysis (Impact UD-1) found very limited impact on grocery stores resulting from the Walmart expansion project, totaling less than $500,000 in sales impacts after consideration of the retail sector's ability to absorb up to a 3 percent decline in sales. This is a very low level of impact and was not deemed sufficient to cause any existing stores to close, regardless of the store type, e.g., conventional, upscale, specialty or niche, discount, ethnic, or small local market. Although

FoodMaxx is indeed a discount food store located close to the Walmart store, it is well-positioned to serve the market area's residential base that resides on the west side of SR-99. Many shoppers close to the FoodMaxx store will likely not favor the Walmart store because of the perceived barrier of crossing SR-99. Moreover, the FoodMaxx store synergistically benefits from proximity to Costco, which is a very strong retailer in Chico. While Costco sells many food items, these are mostly in bulk; thus, the FoodMaxx is well located to capture demand from Costco shoppers seeking single items or smaller quantities than available at Costco. This is an unparalleled benefit not available to any other market area grocery store, and will likely help FoodMaxx differentiate itself from the expanded Walmart store and insulate it from store impacts.

Response to SMITH.D.2-2
The author stated that he had no objections to Walmart selling gasoline, particularly since there is less price competition in Chico than in past years. No response is necessary.

Response to SMITH.D.2-3
The author stated that Business Lane should be closed to heavy trucks and signal or flashing red stop control should be installed at the intersection of Business Lane/Baney Lane. The author also stated that the City should require Walmart delivery trucks to travel on SR-99 within Chico and use Skyway Road and Forest Avenue to reach the project site, and not use other city streets.

Baney Lane and Business Lane are addressed in Master Response 1.

Regarding the author's proposal for the City to restrict truck routing, the City can only require trucks to use public streets that are designated truck routes. In the project vicinity, E. 20th Street, Forest Avenue, Notre Dame Avenue, and Skyway Road are designated truck routes and Walmart trucks—or any other trucks—can use these roadways. Additionally, Business Lane and Baney Lane are private streets and the City cannot restrict truck travel on these roadways.

Response to SMITH.D.2-4
The author stated that he does not take more traffic and air quality complaints seriously since Walmart will be taking nearly all of its business from other area stores not attracting new customers from other areas to Chico. No response is necessary.

Response to SMITH.D.2-5
The author stated that he does not see anything else in the EIR that is a real problem and reiterated his previous comments about impacts to competing grocery stores.

Refer to Response to SMITH.D.2-1.

Response to SMITH.D.2-6
The author stated that Walmart should not be allowed to add a grocery component but did not have objections to the fuel station. No response is necessary.

Mike Sawley

From: Frank and Sue Smith <suefrank4656@sbcglobal.net>
Sent: Tuesday, July 26, 2016 12:11 AM
To: Mike Sawley
Subject: Please Certify Walmart EIR

In 2009 when Walmart applied to expand and was rejected by the City Council, I recall one of the main objections then from the Planning Commission was the additional traffic that the new store might generate. Well, not too long after the rejection, the Council APPROVED the new campus buildings of Butte College that has ultimately generated huge traffic congestions along the same street. What hypocrisy, and what a display of "political correctness" to deny the working people of this poor county the advantage of having access to reasonable food prices. Let them build it and get off your political high-horse. 1

Frank R. Smith
Chico

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Frank Smith (SMITH.F)

Response to SMITH.F-1

The author stated that traffic was one of the primary reasons the previous Walmart expansion project was rejected in 2009. The author noted that the new Butte College Chico Center campus was approved after the Walmart expansion was rejected and caused significant traffic congestion in the project vicinity. The author asserted that hypocrisy and political correctness are denying the working people access to reasonable food prices.

The Butte College Chico Center opened in 2004 and, thus, predated the City Council's consideration of the Walmart expansion in 2009. Regardless, all intersections in the project vicinity would operate at acceptable levels after mitigation under all scenarios, and, therefore, excessive traffic congestion would not be expected to be observed under typical traffic conditions. Refer to Section 3.11, Transportation for further discussion.

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Mike Sawley

From: ANE ST JAMES <chicoane@att.net>
Sent: Tuesday, July 26, 2016 2:40 PM
To: Mike Sawley
Subject: Please Certify Walmart EIR

As a seventy-six year old widow with post-stroke disabilities, finding items which are exactly the same as those found at other chain stores (Safeway, Raley's, Michael's, even Winco, etc) for less money at Walmart, is of definite benefit to my budget. With the steady increase in prices of clothing, prescription drugs, and especially utilities, every penny counts to senior citizens (of which there are many in this area). 1

There did not appear to be the same concern offered by those opposed to a full service Walmart, regarding the impact on local businesses, when Costco came to Chico or the effect that the large beauty chain now being built on MLK boulevard will have on small salon owners. It appears to many of the seniors and others struggling to get by, that those who can easily afford high prices and would never shop at Walmart are expressing concerns that may not be true. I live off of Forest Avenue and have never seen individuals strolling the sidewalks in the area between 20th and Notre Dame, so fearing the impact on pedestrians may not be justified. Of course, traffic will increase as people who do shop at Walmart find that they can satisfy all their shopping needs at one stop and thus the amount of traffic in other areas would be reduced. 2

Please consider those who are living on wages that haven't increased with rising costs or who survive on social security, not those who hold some personal negative views of WalMart. 3

Thank you.

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Ane St. James (ST. JAMES)

Response to ST. JAMES-1
The author stated that she is a 76-year old widow with disabilities and benefits from being able to buy lower priced items at Walmart. No response is necessary.

Response to ST. JAMES-2
The author noted that those who object to Walmart's impacts on small businesses appear to have had no issue with Costco's impacts on small businesses or Ulta Beauty's impacts on small salons. The author stated that she felt the concerns about impacts to pedestrians is overstated based on the low level of pedestrian activity on Forest Avenue. The author stated that she believes that the benefits of one-stop shopping would result in a reduction in traffic.

Traffic operations and pedestrian impacts were evaluated in Section 3.11, Transportation. To recap, all intersections in the project vicinity would operate at acceptable levels after mitigation, and pedestrian mobility would be enhanced with the new pedestrian facilities developed as part of the proposed project.

Response to ST. JAMES-3
The author asked that the decision makers consider those living on wages that haven't increased or those who survive on social security as opposed to those who have negative views of Walmart. No response is necessary.

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SECTION 4: RESPONSES TO PLANNING COMMISSION MEETING COMMENTS

4.1 - Introduction

The City of Chico solicited public comments on the Chico Walmart Expansion Project Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2015102017) on Thursday, July 21, 2016 at a Planning Commission Meeting held at 6:30 p.m. in the Chico City Council Chambers, 421 Main Street, Chico, California. Comments were provided in both verbal form and written form; the verbal comments were transcribed by a court reporter, while the written comments are provided herein. These written responses become part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

The City of Chico held a Planning Commission Meeting for the convenience of a variety of audiences. At the meeting, City staff and consultants provided an overview of the environmental review process, a project presentation, and an EIR conclusions presentation. Following the end of the presentations, the City provided audience members the opportunity to comment on the project and EIR.

This section is organized as follows:

- Section 4.1—Introduction: provides an overview of the section.
- Section 4.2—List of Speakers: provides the list of individuals who provided comments at the Planning Commission Meeting.
- Section 4.3—Planning Commission Meeting Transcript.
- Section 4.4—Responses to Planning Commission Comments: provides responses to all applicable verbal and written comments received at the Planning Commission Meeting.

4.2 - List of Speakers and Authors

A list of the speakers who provided verbal comments at the Planning Commission Meeting is presented below in the order that they spoke.

Ben Perle	Loretta Torres	Dave Kelley
Leonard Gundert	Seth Derish	Kathy Faith
Michael Reilly	Bill Helmer	Grant Parks
Chris Nelson	Tom Nickell	Dan Everhart

4.3 - Planning Commission Meeting Transcripts

The transcript reproduced in the following pages is from the Planning Commission Meeting.

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Chico Wal-Mart Expansion Project

Deposition of

CHICO PLANNING COMMISSION REGULAR MEETING AGEN

July 21, 2016

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CHICO PLANNING COMMISSION

REGULAR MEETING AGENDA

Thursday, July 21st, 2016

6:30 p.m.

---o0o---

Reported By:
Jillian Sumner
CSR License No.: 13619

Job No.:10025692

Thursday, July 21st, 2016, Chico, California

---o0o---

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

(Whereupon role call was taken.)

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

(Whereupon there was none.)

MS. SCOTT: Thank you.

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

MS. WORLEY: I'll move approval.

MR. EVANS: Second.

MS. SCOTT: All in favor?

COLLECTIVELY: I.

MS. SCOTT: Any opposed?

That motion is 7-0.

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

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

MR. SAWLEY: Thank you, Madam Chair.

And good evening, Planning Commission.

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

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

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

MR. GRUBER: Thank you, Mike.

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

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

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

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

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

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

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

Additionally, Wittmeier Drive is an existing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Inaudible.)

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

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

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

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

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

And again, this is really an issue of the fact

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. SCOTT: Great. Thank you.

Madam chair?

MS. SCOTT: Yes.

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

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

MS. SCOTT: Great. Thank you.

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

Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

So we have one more.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you very much.

MS. SCOTT: Thank you very much.

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

No?

We'll move on to Leonard Gundert.

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

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

MR. GUNDERT: Thanks for letting me speak.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And that's all I have. Thank you.

MS. SCOTT: Michael Riley and then Chris Nelson.

MR. RILEY: Good evening, counsel.

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

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

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

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

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

Thank you.

MS. SCOTT: Thank you.

Chris Nelson, then Loreta Torres.

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

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

let you know when --

MS. NELSON: Okay.

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

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

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

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

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

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

"Paying fair-share fees would partially mitigate the impact, 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 intersection to operate at an unacceptable level of service."

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

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

They state in there, "Moreover, as demonstrated

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

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

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

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

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

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

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

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

Thanks.

MS. SCOTT: Thank you.

Torres?

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

north."

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

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

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

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

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

MS. SCOTT: Okay. Thank you.

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

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

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

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

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

Thank you.

MS. SCOTT: Thank you.

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

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

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

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

According to the Draft EIR for the project, it

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

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

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

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

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

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

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

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

Thank you.

MS. SCOTT: Thank you.

Bill Helmer?

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

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

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

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

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

Can that be done?

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

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

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

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

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

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

MR. HELMER: Okay.

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

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

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

MR. HELMER: Okay. That's great.

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

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

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

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

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

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

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

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

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

So there were lots of things that could have been

done and that weren't.

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

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

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

So thank you very much.

MS. SCOTT: Thank you, Mr. Helmer.

Mr. Nickell?

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

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

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

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

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

Right, Brendan and Mike?

MR. SAWLEY: Affirmative.

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

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

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

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

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

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

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

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

MR. NICKELL: Okay. Sorry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

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

Kathy Faith then Dan Everhart and Grant Parks.

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

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

I did not read this document, but I have been

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

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

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

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

MS. SCOTT: Thank you.

Mr. Everhart?

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

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

In regards to the Draft EIR document, we're

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

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

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

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

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

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

MS. SCOTT: Thank you.

And Mr. Everhart?

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

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

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

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

Thank you.

MS. SCOTT: Thank you.

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

No.

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

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

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

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

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

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

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

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

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

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

MR. VIEG: I have nothing planned.

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

Thank you.

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

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
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COUNTY OF SACRAMENTO)

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

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

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

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4.4 - Responses to Planning Commission Meeting Comments

4.4.1 - Introduction

Responses to comments made at the July 21, 2016 Planning Commission Meeting are provided through both master responses and individual responses. Master responses are included in Section 2 of this document.

4.4.2 - Responses to Comments

Individual Responses

Responses have been prepared for all verbal comments received at the July 21, 2016 Chico Planning Commission Meeting that concerned the proposed Chico Walmart Expansion Project. In cases where a speaker's verbal comments were similar to his/her written comments, the reader is referred to where the responses to the corresponding written comments can be found. In cases where multiple speakers made a similar or related comment, the response is addressed in a master response provided in Section 2 of this document. In all other cases, an individualized response has been provided.

July 21, 2016 Planning Commission Meeting Verbal Comments

Ben Perle

Summary of Comments
Mr. Perle, who was representing Oxford Group, provided comments on the Draft EIR's evaluation of noise and traffic. Please note that Oxford Group submitted two letters to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments
Refer to Master Response 1, Responses to OXFORD.1-1 through OXFORD.1-8, Responses to OXFORD.2-1 through OXFORD.2-4, and Responses to KITTELSON-1 through KITTELSON-14.

Leonard Gundert

Summary of Comments
Mr. Gundert indicated that he observed that there was a significant amount of onstreet parking on Wittmeier Drive and questioned where those vehicles would go once the proposed project is developed and has driveway connections to this roadway. Mr. Gundert also expressed concern about vehicle idling associated with the Walmart merchandise pick-up area. He also questioned why construction-related greenhouse gas emissions were amortized in the Draft EIR. Finally, Mr. Gundert inquired about the health risk impacts at Butte College Chico Center and Chapman Elementary School from project-related air emissions.

Response to Comments
Onstreet parking is anticipated to be available on Wittmeier Drive after the project is completed, but would likely be reduced for safety and operational purposes. Regardless, the loss of onstreet parking

would not have significant impacts on the environment. Refer to Response to HABIB-2 for further discussion of this topic.

Vehicle idling is addressed in Master Response 2.

Construction-related greenhouse gas emissions were amortized in Table 3.2-17 in the interests of providing a conservative analysis. As noted on Draft EIR pages 3.2-52 and 3.2-53, the Butte County Air Quality Management District does not recommend including construction emissions in a greenhouse gas emissions analysis, but other air districts including Sacramento Metropolitan Air Quality Management District do recommend this approach. Thus, the Draft EIR erred on the side of inclusion and found that the impact would be less than significant after mitigation.

Regarding health risk impacts at Butte College Chico Center and Chapman Elementary School, the Draft EIR evaluated impacts at nearby sensitive receptors on pages 3.2-41 through 3.2-49. The analysis found that the nearest sensitive receptors (the residences on the east side of Forest Avenue) would not be exposed to unhealthful levels of air pollutants from project-related emissions. Because both Butte College Chico Center and Chapman Elementary School are located further away than the residences, a similar conclusion would apply.

Michael Reilly

Summary of Comments

Mr. Reilly recommended that the existing Butte Regional Transit stop on Forest Avenue be improved with a turnout to reduce traffic delays and improve air quality. He also inquired about how much local economic and fiscal benefit was foregone by the denial of the previous Walmart expansion application in 2009. Mr. Reilly noted Walmart's various local charitable endeavors.

Response to Comments

Draft EIR Mitigation Measure AIR-2h requires the existing Butte Regional Transit stop on Forest Avenue to be improved with a minimum of a shelter, seating, lighting, transit information, and a pedestrian connection to the Walmart store entrance. The mitigation measure also requires that the enhanced transit stop conform to Butte Regional Transit design standards. Should the design standards indicate a turnout is warranted, the City of Chico has the discretion to require one to be installed.

Regarding the amount of economic and fiscal benefit that was foregone, this is a hypothetical question that is outside the scope of the environmental review process.

Chris Nelson

Summary of Comments

Ms. Nelson asserted that the EIR preparer, FirstCarbon Solutions, is a "trade organization" for Walmart and "do all of their EIRs." She claimed that they have a "cookie cutter approach" and that there are inconsistencies, inadequacies, and inaccuracies in the document. Ms. Nelson requested that the Planning Commission review the comments submitted on the previous Walmart EIR from 2008. She reiterated the comments of Ben Perle (Oxford Suites) and noted that the current traffic pattern where outbound trips travel on Business Lane and then through the Toys R Us parking lot to

make a left turn onto westbound E. 20th Street is "ridiculous and ineffective." Ms. Nelson suggested the traffic study methodology was improper because existing traffic counts were taken over a short period of time and expressed objection to the applicant only being required to pay fair-share fees for traffic improvements. She referenced the City's Climate Action Plan and expressed objection to the proposed fuel station because it would result in additional sales of fossil fuels. Ms. Nelson also reiterated Mr. Gundert's comments about idling vehicles within the project site. She quoted a passage from the conclusion in the urban decay analysis about how much retail square footage could potentially experience closures and asserted that the analysis was difficult to follow and poorly done. Lastly, Ms. Nelson expressed support for local businesses and opposition to the proposed project.

Response to Comments
FirstCarbon Solutions (FCS) is the City of Chico's consultant and prepared the EIR. FCS is a privately owned corporation; it is not a "trade organization" or affiliated in anyway with Walmart Stores, Inc. FCS's was originally founded in 1982 and has prepared thousands of CEQA documents over the past four decades, including Walmart projects and other retail projects that compete with Walmart. FCS disclosed its past involvement with other Walmart projects to the City of Chico prior to entering into the contract to prepare the Chico Walmart Expansion Project EIR.

The previous Walmart project and CEQA process are addressed in Master Response 4.

Regarding the claims of inconsistencies, inadequacies, and inaccuracies in the document, Ms. Nelson did not cite any specific examples.

Traffic impacts on Baney Lane and Business Lane are discussed in Master Response 1.

As noted on Draft EIR page 3.11-5, traffic counts were conducted on Wednesday, October 7, 2015 and Saturday, October 10, 2015. The collection of traffic counts on these days was approved by the City of Chico and was performed in accordance with industry practice (i.e., the weekday counts occurred mid-week during a non-holiday week when local schools and colleges were in session). Moreover, all requisite count data was obtained on each day, and, therefore, additional days were not required.

Regarding payment of fair-share fees, Mitigation Measure TRANS-3b requires the proposed project to pay fair-share costs of off-site circulation improvements, specifically the planned roundabout at E. 20th Street/Forest Avenue. The proposed project would cause this intersection to operate at unacceptable LOS F conditions under Cumulative Plus Project conditions and thus is responsible for the full cost of the interim improvements required by Mitigation Measure TRANS-3a. Ultimately, the City of Chico plans to install a roundabout at this intersection. Because the intersection would operate at acceptable levels after implementation of the improvements contemplated by Mitigation Measure TRANS-3a, the proposed project is only required to contribute its "fair-share" cost of the roundabout.

The Draft EIR evaluated project consistency with the City's Climate Action Plan on pages 3.2-57 through 3.2-60 and found it to be consistent with all applicable provisions. It should be emphasized

that the Climate Action Plan recognizes that new growth will occur in Chico over the life of the plan. Moreover, it does not set forth any policies prohibiting or discouraging the development of new fuel stations. Thus, the proposed fuel station in no way represents a conflict with the Climate Action Plan.

Vehicle idling is addressed in Master Response 2.

As discussed on pages 3.12-45 and 3.12-46, the urban decay analysis found that 60,100 to 80,500 square feet of retail space could experience closures in 2018; however, by 2021 additional demand within the market area would create demand for new retail space that would likely result in any vacated space being re-tenanted. The urban decay analysis concludes that urban decay is not a foreseeable consequence. The methodology of the urban decay study is described on Draft EIR page 3.12-12 and the fully study is available in Appendix J.

Loretta Torres

Summary of Comments

Ms. Torres noted that the existing Walmart store attracts customers from places outside of Butte County who also spend money at other local businesses. She also noted that there plans to building 400 new homes within 2 miles of the store and those future residents will need a place to shop. Ms. Torres stated that traffic improvements should be carefully reviewed.

Response to Comments

The Market Area defined as part of the urban decay analysis recognizes that the existing Walmart store attracts customers from outside the Chico area; refer to Draft EIR pages 3.12-2 and 3.12-3.

The Draft EIR identifies several traffic improvements that would be implemented by the proposed project, including the improvements at E. 20th Street/Forest Avenue, the restrictions on outbound left turns on Baney Lane, and the safety and operational improvements on Wittmeier Drive. Refer to Section 3.11, Transportation for further discussion.

Seth Derish

Summary of Comments

Mr. Derish noted that the proposed project will generate thousands of additional trips and indicated that these trips would add to gridlock and increase hazards for bicyclists. He referenced the significant unavoidable conclusion for the southbound SR-99 segment between SR-32 and E. 20th Street. Mr. Derish alleged that the job creation benefits of the proposed project would be offset by job losses and lost taxable sales at other competing outlets. He claimed that Walmart employees earn low wages and receive government assistance, and asserted that the existing store has impacted the “overburdened” homeless assistance program in Butte County. Mr. Derish inquired about plans for solar power for the expanded Walmart store. He characterized the urban decay study as “bare minimal,” alleged it failed to account for the cumulative impact on all grocery and similar retail in the market area, and should have disclosed that FoodMaxx will likely close.

Response to Comments
As discussed in Section 3.11, Transportation all surface street intersections in the project vicinity would operate at acceptable levels of service after mitigation under all scenarios. Thus, "gridlock" or excessive traffic congestion would not be expected to be observed during a typical peak hour.

In terms of bicycle safety, the proposed project would relocate the existing Class I bike/pedestrian path to follow the southern perimeter of the site and connect to Forest Avenue. Additionally, the project would dedicate an easement for a future bikeway connection to the planned SR-99 Bikeway. These characteristics would promote safe and convenient bicycle mobility in the project vicinity.

As discussed on pages 3.12-45 and 3.12-46, the urban decay analysis found that 60,100 to 80,500 square feet of retail space could experience closures in 2018; however, by 2021 additional demand within the market area would create demand for new retail space that would likely result in any vacated space being re-tenanted by new businesses. It should be emphasized that the analysis provides both a project-only analysis and a cumulative analysis that accounted for other planned retail projects in the market area. (One of the cumulative projects was the Paradise Walmart.)

The urban decay study indicated that one existing grocery store may close under the 2018 scenario and identified the Savemart and Raley's on East Avenue as potential candidates, due to their age and appearance and the concentration of food stores in this part of Chico. In any event, there would be sufficient new demand by 2021 to offset the lost sales, which is the basis for the conclusion that urban decay is not a foreseeable consequence.

Changes in employment at local retail outlets do not have physical impacts on the environment and, thus, are outside the scope of the environmental review process.

Walmart's corporate practices are addressed in Master Response 3.

Mr. Derish did not provide any evidence of how the existing Walmart store has impacted the "overburdened" homeless assistance program in Butte County and, thus, these claims cannot be substantiated. No further response is necessary.

Regarding solar power, as noted on Draft EIR page 2-1, the existing Walmart store has a rooftop solar array. Expanding the existing rooftop solar array is not required to mitigate any project impacts and, therefore, the EIR did not require this as a mitigation measure.

Bill Helmer

Summary of Comments
Mr. Helmer indicated that the Draft EIR should have included some background about the previous Walmart expansion project given the similarities to the proposed project. He noted that this past project should have been referenced in the "Areas of Controversy" section of the EIR pursuant to CEQA Guidelines Section 15132. Mr. Helmer also requested that the CEQA documents associated with the previous project be posted on the City's website. He also stated that traffic impacts were glossed over and reiterated Mr. Perle's comments regarding traffic. Mr. Helmer said the Chico Climate Action plan recommends solar in parking lots and that is not included in the proposed

project. Finally, he stated that there should have been a commercial development alternative in the Draft EIR that avoided the significant unavoidable traffic impact.

Please note that Mr. Helmer submitted two written comments to the City of Chico that contained similar comments, and, therefore, the written comments will be used as the basis for responding to comments.

Response to Comments
Refer to Master Response 5, Responses to HELMER.1-1 through HELMER.1-2, and Responses to HELMER.2-1 through HELMER.2-8 for responses to his comments about the previous Walmart project, traffic, and alternatives.

Regarding solar, the Chico Climate Action Plan characterizes solar arrays in parking areas as an "option" in lieu of tree shading requirements. As discussed on Draft EIR page 2-1, the existing Walmart store has a rooftop solar array, and, therefore, the existing store is consistent with the Climate Action Plan's recommendations that pertain to the production and use of solar on-site. In summary, the Climate Action Plan does not require solar arrays in parking lots and, thus, no conflict would occur.

Tim Nickell

Summary of Comments
Mr. Nickell, a former City Council member, stated that the project is not different than the previous project. He stated that there is "really no economic study done" and discussed job-related research he reviewed as part of the previous Walmart project. Mr. Nickell stated that Caltrans does not have the money to make improvements to SR-99 and there are no mitigations for the segment of SR-99 from E. 20th Street to Skyway Road. He also stated that big rigs will be idling all night and reiterated the comments of Ben Perle. Mr. Nickell claimed that the EIR "finds that the Walmart expansion won't harm the economy" and expressed disagreement with this conclusion. Finally, he also stated that the Butte County Association of Governments has no money to put a transit center at the project site.

Response to Comments
The previous Walmart project is addressed in Master Response 5.

Changes in employment at local retail outlets do not have physical impacts on the environment and, thus, are outside the scope of the environmental review process.

The Draft EIR disclosed that southbound SR-99 between SR-32 and E. 20th Street would operate at unacceptable levels under Cumulative No Project conditions. The project would contribute new vehicle trips to this freeway segment and exacerbate this pre-existing deficient condition. Moreover, SR-99 is under the jurisdiction of Caltrans, and, thus, the City is relying on a third party to implement improvements to this facility, which is not assured. Hence, the Draft EIR concluded that this impact was significant and unavoidable.

Note that the northbound and southbound segments of SR-99 between Skyway Road and E. 20th Street would operate at acceptable levels of service under all scenarios; refer to Draft EIR Tables 3.11-17 through 3.11-19.

Vehicle idling is addressed in Master Response 2.

There are no statements in the Draft EIR about whether the project would "harm" the local economy, as this would be speculative to evaluate and would not be germane to the environmental review process. Instead, the urban decay analysis evaluated the more narrow subject of whether the proposed project would result in prolonged vacancies that result in physical deterioration and concluded that this was not a foreseeable consequence. Refer to Section 3.12, Urban Decay for further discussion.

Lastly, the enhancements to the Butte Regional Transit stop contemplated by Mitigation Measure AIR-2h consist of improvements to an existing bus stop intended to make transit use more convenient and comfortable for project patrons and employees. These improvements would be fully funded by the applicant. Mitigation Measure AIR-2h does not contemplate a regional transit center within the project site and does not require the use of any public funds.

Dave Kelley

Summary of Comments

Mr. Kelley, a former Planning Commissioner, described his experience on the Planning Commission when the previous Walmart project was considered. He stated that many project opponents "hate" Walmart and noted that the Planning Commission's jurisdiction is limited to land use, not moral considerations. Mr. Kelley stated that the proposed project is "just retail" and is proposed on a site designated for retail. He noted that the General Plan accounts for future retail growth, as well as its impacts on traffic, climate change, and other items. Mr. Kelley urged the Planning Commission to stay focused on the land use factor and not get wrapped up in moral reasons.

Response to Comments

Mr. Kelley did not provide any comments on the Draft EIR's analysis or conclusions; thus, no further response is provided.

Kathy Faith

Summary of Comments

Ms. Faith stated that she had not read the document but was concerned that City staff was "on board" with the project. She reiterated that she had not read the EIR and stated that the document's analysis was "disingenuous" and "duplicitous."

Response to Comments

Ms. Faith did not cite any examples of aspects of the Draft EIR that were disingenuous or duplicitous; thus, no response can be provided.

Regarding her concerns that City staff was "on board" with the project, it is accepted practice for a project application to be presented to the decision makers in manner that describes how it will be developed. This by no means suggests that City staff has endorsed a project; rather, it is to provide

the decision makers with information about what they are considering in the interests of informed decision-making.

Grant Parks

Summary of Comments

Mr. Parks noted that the proposed project would increase the size of the Walmart store by 33 percent and stated that is likely to impact local businesses. He referenced a recent Walmart project in Red Bluff that result in the development of a new, larger Walmart store and the closure of an older, smaller Walmart store. He stated that public transit ridership in Chico is low and expressed skepticism that the proposed bus stop improvements would increase transit use. He requested that the EIR be revised to reflect the concerns he raised.

Response to Comments

The Draft EIR's urban decay analysis evaluated impacts on competing businesses, including small businesses such as fuel stations, retailers, and restaurants. The analysis found that, at worst, one grocery store and some restaurants may close, but there would be sufficient market demand to re-tenant any vacant spaces within a reasonable amount of time such that physical deterioration would not occur. Refer to Section 3.12, Urban Decay for further discussion.

Regarding the Red Bluff Walmart, this consisted of a store relocation, where a new Walmart store was constructed and the old store was vacated. In Chico, the existing Walmart store is proposed to be expanded. As such, the Red Bluff relocation is different from the Chico expansion. Importantly, Walmart is not vacating any buildings in the Chico market such that additional vacant square footage would be added to the inventory of commercial space. Thus, no revisions are required.

Six Butte Regional Transit B-Line bus routes (5, 14, 17, 20, 40, and 41) travel on Forest Avenue and serve the bus stop at the Walmart site. Moreover, the Walmart bus stop is a designated transfer point between the six routes. Field observations of the existing Butte Regional Transit bus stop on Forest Avenue indicate that it is regularly used by Walmart patrons and employees. Given its significance in the B-Line bus line network and the level of patronage, it was determined that the bus stop warranted improvements in the interests of making this mode of transportation more convenient and comfortable. Thus, no revisions are required.

Dan Everhart

Summary of Comments

Mr. Everhart inquired about the carbon impact of "shipping more jobs to China" and "shipping more goods from China to Chico." He noted that people will drive farther to buy items at Walmart and wanted to know if this was reflected in the EIR. Mr. Everhart requested more detail about carbon credits that are proposed for use in the EIR.

Response to Comments

The Draft EIR's evaluation of greenhouse gas emissions was performed in accordance with the Butte County Air Quality Management District guidance and is based on the direct emissions emitted by project activities (vehicle trips, electricity use, water use, etc.). Macro-economic effects (and associated greenhouse gas emissions) associated with the flow of jobs and trade are too speculative

to quantify at the project level. As such, the Draft EIR appropriately did not engage in speculation about this issue.

Greenhouse gas emissions from mobile sources (vehicles) were modeled using the CalEEMod in accordance with Butte County Air Quality Management District guidance. The model employs the use of a default trip length for each County, which is based on United States Census data. It should be noted that the trip length for Walmart delivery trucks was adjusted based on the distance from the nearest distribution centers that would serve the project. As such, the CalEEMod model accounts for the average trip length of common trips made in Butte County (including shopping trips) using authoritative information sources. Moreover, modifying the trip length to assume that Walmart customers would make longer than average trips would be speculative and is not supported by any substantial evidence.

Finally, no carbon offsets are proposed for use in the Draft EIR.

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SECTION 5: ERRATA

The following are revisions to the Draft EIR for the Chico Walmart Expansion Project. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

5.1 - Changes to Draft EIR Text

Section 1, Introduction

Page ES-10, Table ES-1, Impact AIR-4 Row

The impact statement for Impact AIR-4 has been revised to reflect the conclusion that the impact would be less than significant with no mitigation necessary.

Impact AIR-4: The project would not ~~may~~ expose sensitive receptors to substantial pollutant concentrations.	No mitigation is necessary.	Less than significant impact.

Section 1, Introduction

Page 1-6, Documents Incorporated by Reference

The Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Plan has been added to the list of documents incorporated by reference.

- Chico 2030 General Plan
- Chico Municipal Code
- City of Chico Design Guidelines Manual
- California Water Service Company 2010 Urban Water Management Plan
- Butte County Air Quality Management District 2014 CEQA Air Quality Handbook
- Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Plan
- Public Review Draft Butte County Habitat Conservation Plan/Natural Community Conservation Plan

Section 2, Project Description

Page 2-13, Loading Dock Operations

The Loading Dock Operations description has been revised to correct the meat and produce delivery hours.

> ***Loading Dock Operations***
>
> Truck deliveries would be made to six below-grade loading docks and one at-grade door. Total post-project weekly deliveries are anticipated to include 29 4+-axle heavy-duty trucks (over 7 days) and 12 2-axle vendor trucks (over 5 days). Of 29 heavy-duty truck deliveries, it

is anticipated that refrigerated trucks account for 10 deliveries per week. Meat and produce would be delivered between 6 p.m. and 6 a.m. ~~6 a.m. and 6 p.m.~~, and freezer, dairy, and deli items would be delivered between 9 a.m. and 12 a.m. (midnight). It is estimated that unrefrigerated heavy-duty trucks would make nine deliveries of grocery items and 10 deliveries of general merchandise items per week. General merchandise deliveries currently occur between 4 p.m. and 10 p.m. and would continue between these hours after the store expansion. Smaller vendor trucks would make deliveries 10 to 12 times per week, depending on sales volumes.

Page 2-30, Discretionary and Ministerial Actions

The final sentence has been revised to note that the list of discretionary approvals is not exclusive.

> Discretionary approvals and permits are required by the City of Chico for implementation of the proposed project. The project application would require the following discretionary approvals and actions, including, but not limited to:

Section 3.1, Aesthetics, Light and Glare

Page 3.1-5, Third Paragraph, First Sentence

The discussion of wall signage has been revised to note that there would be 1,200 square feet of illuminated "Walmart" signs.

> The existing wall signage on the Walmart store would be removed and replaced with 1,501.28 square feet of new signage, including ~~two~~ three illuminated "Walmart" signs totaling ~~800~~ 1,200 square feet.

Page 3.1-6, Third Paragraph, Third Sentence

The discussion of wall signage has been revised to note that there would be 1,200 square feet of illuminated "Walmart" signs.

> Illuminated signage on the expanded Walmart store would total 1,200 ~~800~~ square feet and be limited to the "Walmart" signs over the main entrance and on the rear and left elevations (400 square feet for each sign).

Section 3.2, Air Quality/Greenhouse Gas Emissions

Page 3.2-4, Table 3.2-1

The 8-hour ozone standard has been revised in Table 3.2-1 to reflect the new 0.070 ppm national standard.

Table 3.2-1: Ambient Air Monitoring Data

Air Pollutant	Averaging Time	Item	2012	2013	2014
Ozone	1 Hour	Max 1 Hour (ppm)	0.077	0.086	0.096
		Days > State Standard (0.09 ppm)	0	0	1

Table 3.2-1 (cont.): Ambient Air Monitoring Data

Air Pollutant	Averaging Time	Item	2012	2013	2014
	8 Hour	Max 8 Hour (ppm)	0.070	0.076	0.077
		Days > State Standard (0.07 ppm)	0	1	2
		Days > National Standard (0.070 ppm ~~0.075 ppm~~)	0	1	1
Nitrogen dioxide (NO_2)	Annual	Annual Average (ppb)	ND	8	7
		Days > National Standard (9 ppb)	0	0	0
	1 Hour	Max 1 Hour (ppb)	39.1	42.3	42.7
		Days > National Standard (100 ppb)	0	0	0
Inhalable coarse particles (PM_{10})	24 hour	24 Hour (µg/m^3)	55.6	59.0	40.1
		Days > State Standard (50 µg/m^3)	1	1	0
		Days > National Standard (150 µg/m^3)	0	0	0
	Annual	Annual Average (µg/m^3)	16.8	24.3	19.4
		Annual > State Standard (20 µg/m^3)	0	Yes	0
Fine particulate matter ($PM_{2.5}$)	24 Hour	24 Hour (µg/m^3)	22.5	38.8	58.6
		Days > National Standard (35 µg/m^3)	0	2	1
	Annual	Annual Average (µg/m^3)	ND	10.0	8.8
		Annual > State Standard (12 µg/m^3)	0	0	0

Notes:
> = exceed
ppm = parts per million
µg/m^3 = micrograms per cubic meter
ppb = parts per billion
ND = no data
max = maximum
State Standard = California Ambient Air Quality Standard
National Standard = National Ambient Air Quality Standard
Measurements are from the Chico-East Avenue Station
Source: ARB 2016a.

Page 3.2-21, Last Paragraph

The date of the Northern Sacramento Valley Planning Area Triennial Air Quality Plan has been revised from 2012 to 2015.

> The current applicable air quality plan for the BCAQMD is the Northern Sacramento Valley Planning Area 2015 ~~2012~~ Triennial Air Quality Plan ~~(Sacramento Valley Air Quality Engineering and Enforcement Professionals, 2013)~~.

Page 3.2-37, First Paragraph, First Sentence

A typographical error has been corrected.

For projects where the BCAQMD's standard mitigation shown in Table 3.2 9 is not adequate to reduce criteria pollutant emissions to less than significant levels, the BCAQMD ~~BAQMD~~ CEQA Handbook recommends that the project applicant either establish an off-site mitigation program within Butte County, coordinated through BCAQMD, or participate in an Off-site Mitigation Program by paying the equivalent amount of money equal to the project contribution of pollutants (ROG and NO_x) which exceed the BCAQMD's thresholds of significance.

Page 3.2-41, Impact AIR-4 Impact Statement

The impact statement for Impact AIR-4 has been revised to reflect the conclusion that the impact would be less than significant with no mitigation necessary.

Sensitive Receptors

Impact AIR-4:	**The project would not ~~may~~ expose sensitive receptors to substantial pollutant concentrations.**

Page 3.2-46, Footnote 21

A typographical error has been corrected.

[21] California Air Resources Board and California Air Pollution Control Officers Association 2015 ~~20115~~. Proposed Risk Management Guidance for Stationary Sources of Air Toxics. Website: http://www.capcoa.org/wp-content/uploads/2015/07/Proposed%20Risk%20Management%20Guidance%20for%20Stationary%20Sources%20of%20Air%20Toxics%207.13.2015.pdf.

Section 3.8, Land Use

Page 3.8-16, Policy CIRC-9.2

The consistency determination for Policy CIRC-9.2 has been revised to note that the Walmart store would accept deliveries 24 hours a day.

Policy CIRC-9.2 (Off-Peak Deliveries)	Encourage business owners to schedule deliveries during off-peak traffic periods.	**Consistent:** The expanded Walmart store would accept deliveries ~~operate~~ 24 hours a day and thus would be able to receive deliveries ~~around the clock, including~~ at non-peak times.

Page 3.8-21, Goal OS-1

The consistency determination with Goal OS-1 has been revised to note that the applicant would be required to implement mitigation to protect the seasonal wetland.

Goal OS-1	Protect and conserve native species and habitats.	**Consistent:** The project site contains a 0.02-acre seasonal wetland near the SR-99 frontage. All features of the proposed project known at this time would avoid disturbance within this area and mitigation is included that requires regulatory compliance for any future impacts to the wetland, consistent with Action OS-1.2.1 which implements Goal OS-1 for development projects with potential biological impacts. ~~The proposed project would avoid disturbance within this area and thus would be consistent with the goal of protecting native species and habitats.~~ Refer to Section 3.3, Biological Resources for further discussion.

Section 3.11, Transportation

Page 3.11-24, Second Sub-bullet After Third bullet

The description of improvements at Forest Avenue/Baney Lane has been revised to provide more details about left-turn lane storage.

- Eastbound Baney Lane at Forest Avenue—The proposed extension of the ~~dual left-turn lanes to 175 feet would facilitate turns onto Forest Avenue~~ Number 1 left-turn lane to 260 feet (with 210 feet of storage) and the Number 2 left-turn lane storage distance to 400 feet.

Page 3.11-29, Project Truck Traffic

The discussion of project truck traffic has been revised to be consistent with the numbers presented in Table 3.9-12.

Project Truck Traffic

The proposed project would receive up to 23 truck deliveries on a daily basis, including 2-axle vendor trucks and 4+ axle tractor-trailers. This figure represents a net increase of seven deliveries relative to existing conditions. These figures represent the "worst-case" single-day truck deliveries; the actual number of truck deliveries may be lower on many days since certain types of deliveries would occur on a less-than-daily basis.

~~It is anticipated that the proposed project will have an average of ten truck deliveries per day. Of these, it is anticipated that six will be large semi-trucks. The proposed project land uses are expected to generate the following additional daily truck trips:~~

- ~~Walmart Expansion~~
  - ~~Five large semi-trucks per day~~

- ~~Two small trucks per day~~

- ~~Fuel Station~~
  - ~~One large semi-truck per day~~

- ~~Commercial Parcels~~
  - ~~Two small trucks per day~~

Page 3.11-65, Last Paragraph

The last paragraph has been revised to reflect the residual significance finding of less than significant.

> This recommendation is reflected in Mitigation Measure TRANS-3b. 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. ~~Paying fair-share fees would partially mitigate the impact, 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 intersection to operate at an unacceptable level of service. As such, the residual significance of this impact would be significant and unavoidable.~~

Section 5, Alternatives to the Proposed Project

Page 5-3, Second to Last Paragraph, Second Sentence

The sentence has been revised to make the hours of operation of the Walmart Expansion Only Alternative consistent with the proposed project.

> The expanded Walmart store would operate from 6 a.m. to 12 a.m. ~~24 hours a day~~, 7 days a week, and would retail groceries and general merchandise

Page 5-4, Third Paragraph

The list of discretionary approvals for the Walmart Expansion Only Alternative has been revised to note that only one use permit would be required.

> This alternative would require the same discretionary approvals as the proposed project, including Tentative Parcel Map, Use Permit ~~Use Permits~~, Planned Development Permit, and Site Design and Architectural Review.

Section 6, Other CEQA Considerations

Page 6-5, Transportation Energy Demand

The analysis of transportation energy demand has been amended to provide an estimate of fuel consumption by project-related vehicle trips.

> ***Transportation Energy Demand***
>
> Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards.

As of December 2014, NHTSA indicated that the fuel economy of passenger vehicles averaged 34.2 miles per gallon and light trucks averaged 26.2 miles per gallon. Fuel economy for heavy trucks averages 6.5 miles per gallon, although this is not regulated by the NHTSA.

The proposed development is projected to generate a net increase of approximately 4,962 daily trips on a typical weekday and 5,499 daily trips on a Saturday. The project is anticipated to generate a net increase of approximately 194 weekday AM peak hour trips, a net increase of approximately 384 PM peak hour trips, and a net increase of approximately 477 Saturday peak hour trips relative to existing peak hour traffic volumes.

The CalEEMod air emissions model estimated that project-related vehicle trips would travel 19,391,584 miles per year. Passenger vehicles comprise 97 percent of trips on local surface streets, with trucks comprising the remaining 3 percent. Using the aforementioned fuel economy rates, passenger vehicles would consume 1,506 gallons of fuel per day and trucks would consume 245 gallons of fuel per day.

As indicated in Section 3.13, Urban Decay, the project's Market Area overlaps with Chico, Hamilton City, Paradise, Durham, Nord, Cohasset, Forest Ranch, Magalia, Butte Creek Canyon, and Butte Valley; refer to Exhibit 3.12-1. The population of this area is estimated to be 161,518 in 2015. The existing Walmart store currently serves residents living within the Market Area and would continue to do so after expansion. For this segment of the customer base, it would not be expected that they would experience a significant increase in transportation fuel consumption. New customers served by the project may experience a reduction in trip length, as the nearest markets with equivalent or greater retail offerings are Marysville/Yuba City (49 miles), Redding (73 miles), and Sacramento/Roseville (84 miles). Therefore, the diversion of these trips to the project would likely result in less fuel consumption.

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