

FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WAL-MART PARCEL MAP AND EXPANSION PROJECT

(PM 03-17; 2044 FOREST AVENUE)



STATE CLEARINGHOUSE #2004012077

JULY 2009

Prepared by:

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ENVIRONMENTAL IMPACT REPORT
FOR THE
WAL-MART PARCEL MAP AND EXPANSION PROJECT
(PM 03-17; 2044 FOREST AVENUE)**

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JULY 2009

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This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines (Section 15132). The City of Chico is the lead agency for the environmental review of the Wal-Mart Parcel Map and Expansion project (project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval of project and associated impacts from subsequent development of the project, as well as responds to comments received on the Draft EIR and the Revised Draft EIR.

1.1 BACKGROUND AND PURPOSE OF THE EIR

OVERVIEW OF CEQA REQUIREMENTS FOR PREPARATION OF AN EIR

The City of Chico, acting as the Lead Agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed Wal-Mart Parcel Map and Expansion Project. The Wal-Mart Parcel Map and Expansion Project Draft EIR was published in December 2006. The Wal-Mart Expansion EIR has not yet been certified by the City. Since the time of the publication date, new significant information has become known to the City regarding the transportation and circulation system of the City. The relationship between the proposed project's impacts to surrounding roadways and the ability for these impacts to be reduced by the payment of the City's Nexus fees was not correct as some of the roadways and intersections originally thought to be covered in the Nexus Study were not. As a result, a revision of the traffic study was necessary, which consequently resulted in a need for a revision of Section 4.2 *Traffic and Circulation* of the Draft EIR. This revision is presented in Section 2.3 of the Revised Draft EIR.

CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

CEQA requires the preparation of an environmental impact report prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the Wal-Mart Parcel Map and Expansion project, the City has determined that the proposed development is a "project" within the definition of CEQA.

In addition, since the publication of the 2006 Draft EIR, the concern for global warming and climate change has been brought to the forefront of public awareness. At the present time, CEQA does not specifically require a greenhouse gas analysis for all projects in the State of California. However, CEQA Guidelines Section 21083.05 does require that the Governor's Office of Planning and Research "prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of greenhouse gas emissions ...". Currently, the consensus is that it appears to be just a matter of time before some level of greenhouse gas analysis will be required of projects subject to environmental review. As a result of these and other factors, an analysis of the proposed project's global warming and climate change impacts as well as energy use is included in the Revised Draft EIR.

1.0 INTRODUCTION

Several key ideas regarding the purpose of the EIR are provided in the CEQA Guidelines Section 15121(a), which states that an EIR is an informational document for the decision-makers and the general public that discusses the significant environmental effects of a project, identifies possible ways to minimize the significant effects, and describes reasonable alternatives to the project that both meet the basic objectives of the applicant and serve to reduce or eliminate any significant environmental effects of the project. Public agencies with discretionary authority are required to consider the information in the EIR regarding the environmental effects of the project, along with any other relevant information when making decisions on the project. Thus, the focus of the original 2006 Draft EIR and Revised Draft EIR was to provide additional information regarding the *environmental* consequences of implementation of the project and ways to lessen the environmental effects.

BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS OF THE PROJECT

The following is an overview of the environmental review process for the Wal-Mart Parcel Map and Expansion project that has led to the preparation of this Final EIR:

Notice of Preparation

In accordance with Section 15082 of the CEQA Guidelines, the City of Chico prepared a Notice of Preparation (NOP) of an EIR in June 2004. The City was identified as the lead agency for the proposed project. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the scope of the EIR. The June 2004 NOP is presented in Appendix A of the original 2006 Draft EIR. Concerns raised in response to the NOP were considered during preparation of the 2006 Draft EIR and are also presented in Appendix A of the 2006 Draft EIR.

Draft EIR

The Draft EIR (DEIR) was released in December 2006 and the review period for public and agency review began on January 2, 2007 and ended on February 15, 2007. The 2006 DEIR contains a description of the project, description of the environmental setting, identification of project impacts and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives.

Revised Draft EIR

The Wal-Mart Expansion EIR has not yet been certified by the City. Since the time of the publication date, new significant information has become known to the City regarding the transportation and circulation system of the City. The relationship between the proposed project's impacts to surrounding roadways and the ability for these impacts to be reduced by the payment of the City's Nexus fees was not correct as some of the some of the roadways and intersections originally thought to be covered in the Nexus Study were not. As a result, a complete revision of the traffic study was necessary, which consequently resulted in a need for a revision of the Traffic and Circulation Section of the Draft EIR.

Final EIR

During the public review and comment period for the 2006 Draft EIR, the City received 80 individual comment letters from agencies, interest groups and the public regarding the Draft EIR. Responses to these written comments were prepared in January 2008. These written comments

as well as responses to these comments are included in Section 2.0 of this document. Edits to the 2006 Draft EIR are included in Section 3.0 (Errata).

During the public review and comment period for the 2009 Revised Draft EIR, the City received 23 individual comment letters from agencies, interest groups and the public regarding the Revised Draft EIR. This Final EIR (FEIR) document responds to the written comments received as required by CEQA. The FEIR also contains minor edits to the Revised Draft EIR, which are included in Section 3.0 (Errata). This document constitutes the FEIR.

Certification of the Final EIR/Project Consideration

The City of Chico will review and consider the EIR. If the City finds that the EIR is "adequate and complete", the City may certify the EIR, at a public meeting. The rule of adequacy generally holds that the EIR can be certified if: 1) it shows a good faith effort at full disclosure of environmental information; and 2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the EIR, the City may take action to approve, revise, or reject the project. A decision to approve the project would be accompanied by written findings in accordance with CEQA Guidelines Section 15091 and Section 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a mitigation monitoring and reporting program to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The final mitigation monitoring and reporting program for the project is published as a separate document and is also available at the City.

1.2 TYPE OF DOCUMENT

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Project EIR pursuant to CEQA Guidelines Section 15161. This type of analysis focuses primarily on the changes in the environment that would occur as a result of project implementation, and examines all phases of development of the site (i.e., planning, construction, and operation). The project-level analysis addresses on-site and off-site environmental impacts resulting from the construction and operation of site development. Please refer to Section 3.0 Project Description of the original 2006 Draft EIR for a complete description of project characteristics.

The Revised Draft EIR only pertains to the subject areas of energy consumption, global warming/climate change and traffic and circulation and contains a description of the environmental setting, identification of project impacts and mitigation measures for impacts found to be significant for the subject areas. For information regarding other environmental subject areas, the reader is referred to the original 2006 Draft EIR.

1.3 INTENDED USES OF THE EIR

The EIR is intended to evaluate the environmental impacts of the project to the greatest extent possible and to be used to modify, approve, or deny approval of the proposed project based on the analysis in the EIR. In accordance with CEQA Guidelines Section 15126, this EIR should be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the project. Subsequent actions that may be associated with the project are identified in Section 3.0 (Project Description) of the 2006 Draft EIR and 2009 Revised Draft EIR.

1.0 INTRODUCTION

1.4 ORGANIZATION AND SCOPE OF THE FINAL EIR

This Final EIR contains individual responses to each written comment received during the public review period for the 2009 Revised Draft EIR as well as the 2006 Draft EIR. The Final EIR also contains a summary of all changes, corrections, and additions made to the EIR text between the draft and final stages. Deletions are shown in ~~strike through~~, and additions are indicated by underlining. This summary, or errata, is an important reference tool used to identify specific text modifications.

This document is organized in the following manner:

SECTION 1.0—INTRODUCTION

Section 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

SECTION 2.0—COMMENTS AND RESPONSES TO COMMENTS ON THE 2009 REVISED DRAFT EIR AND 2006 DRAFT EIR

Section 2.0 provides a list of commentors, copies of written comments (coded for reference) and the responses to those written comments made on the 2009 Revised Draft EIR as well as the 2006 Draft EIR.

SECTION 3.0—ERRATA

Section 3.0 consists of the 2009 Revised Draft EIR and 2006 Draft EIR revisions that are a result of responses to comments, as well as minor staff edits that do not change the intent or content of the analysis or mitigation measures.

2.0 RESPONSE TO COMMENTS TO THE 2009 REVISED DRAFT EIR

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR and the Revised Draft EIR for the Wal-Mart Parcel Map and Expansion project, were raised during the comment period, and the City of Chico, acting as lead agency, directed that responses to the 2009 Revised Draft EIR and 2006 Draft EIR comments be prepared. Responses to comments received during the comment period do not include any new significant impacts or significant new information that would require recirculation of the Revised Draft EIR or Draft EIR pursuant to CEQA Guidelines Section 15088.5.

The following section contains comment letters on the Revised Draft EIR as well as the original 2006 Draft EIR and written responses to those comments. As stated in Section 1.0 of this document, the Wal-Mart Parcel Map and Expansion Project Draft EIR was published in December 2006 but has not yet been certified by the City. Since the time of the publication date, new significant information has become known to the City regarding the transportation and circulation system of the City. The relationship between the proposed project's impacts to surrounding roadways and the ability for these impacts to be reduced by the payment of the City's Nexus fees was not correct as some of the roadways and intersections originally thought to be covered in the Nexus Study were not. As a result, a revision of the traffic study was necessary, which consequently resulted in a need for a revision of Section 4.2 *Traffic and Circulation* of the Draft EIR. This revision is presented in Section 2.3 of the Revised Draft EIR.

During the public review and comment period for the 2006 Draft EIR, the City received 80 individual comment letters from agencies, interest groups and the public regarding the Draft EIR. Responses to these written comments received were prepared in January 2008. These written comments as well as responses to these comments are included as part of this Final EIR (FEIR). Edits to the 2006 Draft EIR are included in Section 3.0 (Errata).

During the public review and comment period for the 2009 Revised Draft EIR, the City received 23 individual public comment letters from agencies, interest groups and the public regarding the Revised Draft EIR. This document responds to the written comments received as required by CEQA. Regarding these 23 comment letters, CEQA requires that responses only be prepared to those comments that are specific to the Revised Draft EIR. However, every attempt has been made to respond to comments that address the proposed project in general, in an effort to provide the most complete information possible. The FEIR also contains minor edits to the Revised Draft EIR, which are included in Section 3.0 (Errata).

This document constitutes the FEIR.

2.2 LIST OF COMMENTERS

Table 2.0-1 lists those persons and public agencies that provided written and verbal comments on the 2009 Revised Draft EIR. The table lists the assigned comment number, author, affiliation, if provided, and date.

On January 30, 2007, an administrative hearing was conducted regarding the release of the original 2006 Draft EIR as well as an EIR prepared for a proposed Wal-Mart Supercenter store in the north Chico region. A public comment period was held, first for the proposed Wal-Mart Supercenter store EIR in the north Chico region. At the time in which public participants had finished commenting on this project, another public comment period was held for the proposed

2.0 RESPONSE TO COMMENTS

Wal-Mart Expansion project, the subject of the proposed project. These comments and subsequent responses can be located in subsection 2.6 below.

However, upon review of the January 30, 2007 administrative hearing, six commenters used the public comment period reserved for the Wal-Mart Supercenter store proposed for the north Chico region to speak about the proposed south Chico Wal-Mart Expansion project. These comments are provided here.

**TABLE 2.0-1
PUBLIC AGENCIES AND PERSONS COMMENTING ON THE 2009 REVISED DRAFT EIR**

Letter No.	Signature	Affiliation	Date
R A	Sukhvinder Takhar, Chief	Caltrans office of Transportation Planning, North	June 1, 2009
R 1	Curtis A. Baney	President of Oxford Hotel Group	May 30, 2009
R 2	Nancy Park	Resident	May 31, 2009
R 3	Benjamin Hills	Resident	May 30, 2009
R 4	Tamara Yates	Resident	May 29, 2009
R 5	Lori Phorsich	Resident	May 29, 2009
R 6	Ben Phorsich	Resident	May 29, 2009
R 7	Elizabeth Tice	Resident	May 29, 2009
R 8	Nina Widlund	Resident	May 22, 2009
R 9	Mitch Cox	Resident	May 29, 2009
R 10	Beverly Robertson	Resident	May 24, 2009
R 11	Eric Nielsen	Resident	May 28, 2009
R 12	Heather Schlaff ¹	Chico Advocates for a Responsible Economy (CARE)	May 28, 2009
R 13	Alex Light	Resident	May 28, 2009
R 14	Allison Ivie	Resident	May 28, 2009

¹ Note: Appendix B to this FEIR includes the attachment provided by the commenter.

Letter No.	Signature	Affiliation	Date
R 15	Carolyn Dorn	Resident	May 27, 2009
R 16	Tiffany Wilhelm	Resident	May 27, 2009
R 17	Elizabeth J. Colleran, DVM, MS	Chico Hospital for Cats	May 26, 2009
R 18	William Sheridan	Resident	May 16, 2009
R 19	B.T. Chapman	Resident	May 18, 2009
R 20	Robin Huffman	Paradise Resident	April 18, 2009
R 21	Steve Kasprzyk	Century 21, Jefferies Lydon Real Estate, Chico	April 23, 2009
R 22	A. Miller	Resident	April 27, 2009
Verbal Comments Made at January 30, 2007 Public Meeting (Attachment B to this FEIR)			
R 23	Tymra Yeates	Resident	Jan. 30, 2007
R 24	Ed McLaughlin	Downtown Chico Business Association	Jan. 30, 2007
R 25	Tammy Ritter	Resident	Jan. 30, 2007
R 26	Nancy Park	Resident	Jan. 30, 2007
R 27	Casey Merrill	Resident	Jan. 30, 2007
R 28	Unknown Female Speaker	Resident	Jan. 30, 2007

Table 2.0-2 lists those persons and public agencies that provided written comments on the 2006 Draft EIR.

**TABLE 2.0-2
PUBLIC AGENCIES AND PERSONS COMMENTING ON THE 2006 DRAFT EIR**

Letter No.	Signature	Affiliation	Date
A	Sukhvinder Takhar, Chief	Caltrans office of Transportation Planning, North	Feb. 2, 2007
B	Rick Kuyper, Fish and Wildlife Biologist	U.S. Fish and Wildlife Service	Jan. 8, 2007

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Letter No.	Signature	Affiliation	Date
C	Scott A. Zaitz	Regional Water Quality Control Board, Central Valley Region	March 5, 2007
D	Gail Williams, Air Quality Planner	Butte County Air Quality Management District	Feb. 27, 2007
1	Nancy Henry	Resident	Feb. 1, 2007
2	Jim and Donna Williams	Resident	Jan. 22, 2007
3	Meera Y. Celestria	Resident	Feb. 14, 2007
4	Kasey Merrill	Resident	Feb. 1, 2007
5	John and Lori Hunter	Resident	Jan. 31, 2007
6	Steven Leman	Resident	Jan. 31, 2007
7	Michael Worley	Resident	Jan. 30, 2007
8	Lea McCleary	Resident	Jan. 31, 2007
9	Mary Aichholz	Resident	Feb. 2, 2007
10	Tim Kiziriam	Resident	Feb. 2, 2007
11	Elizabeth Daniels	Resident	Jan. 30, 2007
12	Elizabeth Daniels	Resident	Jan. 30, 2007
13	Carol Bingman	Resident	Feb. 14, 2007
14	Carol J. Hunt	Resident	Feb. 20, 2007
15	Howard Miller	Resident	Feb. 17, 2007
16	Walter and Rose Luff	Resident	Jan. 13, 2007
17	Sylvia Haselton	Resident	Jan. 25, 2007
18	Linda Lee Bassett	Resident	Jan. 11, 2007
19	Leah Christie	Resident	Jan. 11, 2007
20	Rex Stromness	Resident	Jan. 9, 2007

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Letter No.	Signature	Affiliation	Date
21	Jennifer Long, Development Director	Big Brothers and Sisters of Butte County	Jan. 10, 2007
22	Gail Beterbide	Resident	Jan. 10, 2007
23	John Alexander	Resident	Jan. 9, 2007
24	Judy Petrucelli	Resident	Jan. 12, 2007
25	Harold D. Jergentz	Resident	Jan. 12, 2007
26	Sharon Jensen	Resident	Jan. 12, 2007
27	Nita Jergentz	Resident	Jan. 13, 2007
28	A. Miller	Resident	Jan. 15, 2007
29	Janice Haugh	Resident	Jan 15, 2007
30	Janice Haugh	Resident	Jan 15, 2007
31	Daniel and Heidi Gonzales	Resident	Jan. 16, 2007
32	Elizabeth J. Colleran	Resident	Jan. 22, 2007
33	David Smith	Resident	Jan. 30, 2007
34	Michael Perelman	Economics Department, California State University	Jan. 31, 2007
35	Colleen Peace	Resident	Jan. 31, 2007
36	Sandra Atteberry	Resident	Jan. 31, 2007
37	Kitty Ichelson	Resident	Jan. 31, 2007
38	Tony Shafer	Resident	Jan. 31, 2007
39	Joseph Abbott	Resident	Jan. 31, 2007
40	Kaitlyn Laczko	Resident	Jan. 31, 2007
41	Greg Shea	Resident	Feb. 4, 2007
42	Marilyn Porter	Resident	Jan. 30, 2007

2.0 RESPONSE TO COMMENTS

Letter No.	Signature	Affiliation	Date
43	Marilyn Porter	Resident	Jan. 30, 2007
44	Lisa O'Keeley	Resident	Jan. 26, 2007
45	Doug McLendon	Resident	Feb. 12, 2007
46	Bernadette Maloney	Resident	Feb. 11, 2007
47	Jerry Reiblein	Resident	Feb. 9, 2007
48	Barbara Vlamis, Exec. Director	Butte Environmental Council	Jan. 10, 2007
49	Emily Clark	Chico State Student	Feb. 14, 2007
50	David R. Tidwell	Resident	Jan. 21, 2007
51	John Shannon	Resident	Feb. 14, 2007
52	Mitch Cox	Resident	Feb. 10, 2007
53	Kirk C. Casey, M.D.	Resident	Jan. 31, 2007
54	Jackie Willis	Resident	Jan. 17, 2007
55	Alberta Glen	Resident	Feb. 1, 2007
56	Mark Lana	Resident	Jan. 12, 2007
57	Debra Abbott	Resident	No date
58	Dorothy Hanson-Hein	Resident	Feb. 1, 2007
59	Harriett McDougal	Resident	Feb. 2, 2007
60	Betsy Parrott	Resident	Feb. 3, 2007
61	Chet Torres	Resident	Feb. 3, 2007
62	Terry Contreras	Resident	Feb. 5, 2007
63	Carrie Contreras	Resident	Feb. 5, 2007
64	Nina R. Widlund	Resident	Feb. 15, 2007

Letter No.	Signature	Affiliation	Date
65	Carolyn Dorn	Resident	Feb. 20, 2007
Verbal Comments Made at January 30, 2007 Public Meeting (Attachment B to this FEIR)			
66	Josh Cook	Resident	Jan. 30, 2007
67	Mitch Cox	Resident	Jan. 30, 2007
68	Melinda Fornier	Resident	Jan. 30, 2007
69	Alan Gair	Resident	Jan. 30, 2007
70	Johnny Loff	Resident	Jan. 30, 2007
71	Kathleen (no last name given)	Resident	Jan. 30, 2007
72	Emerald Behrens	Resident	Jan. 30, 2007
73	Nancy Park	Resident	Jan. 30, 2007
74	Benn Davenport	Resident	Jan. 30, 2007
75	Walter Ballin	Resident	Jan. 30, 2007
76	Allison Stoddard	Resident	Jan. 30, 2007

2.3 COMMENTS AND RESPONSES

2.3.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the 2009 Revised Draft EIR and 2006 Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only respond to significant environmental issues associated with the proposed project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommend that commenters provide detailed comments that focus on the sufficiency of the 2009 Revised Draft EIR and 2006 Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant

2.0 RESPONSE TO COMMENTS

to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that where response to comments results in revisions to the Revised Draft EIR or the original 2006 Draft EIR, that those revisions be presented in a separate section of the Final EIR. Revisions to the 2009 Revised Draft EIR and 2006 Draft EIR are presented in Section 3.0 Errata.

2.3.2 RESPONSES TO COMMENT LETTERS

Written comments on the 2009 Revised Draft EIR and 2006 Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is numbered (i.e., Letter 1, Letter 2) and each comment within each letter is numbered (i.e., comment 1-1, comment 1-2).

Where changes to the 2009 Revised Draft EIR and 2006 Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revisions marks (underlined for new text, ~~strike-out~~ for deleted text).

2.4 MASTER RESPONSES

Several comments were received as a result of the 2009 Revised Draft EIR and 2006 Draft EIR which included common themes associated with the proposed project. In order to streamline the Final EIR, master responses have been prepared for these common comments and are addressed under the following issue area. It should be noted that all comments are responded to in this Final EIR.

- Advisability of Approving the Proposed Project
- Section 2.3 of the 2009 Revised Draft EIR completely replaces Section 4.2 of the 2006 Draft EIR.

MASTER RESPONSE 2.4.1 – ADVISABILITY OF APPROVING THE PROPOSED PROJECT

A number of commenters expressed opinions regarding the advisability of approving the Wal-Mart Expansion Project. Comments on this topic are noted and will be conveyed to the decision-makers; however, they do not address the adequacy of the Revised Draft EIR. By definition, Environmental Impact Reports are required to contain an objective evaluation of the ecological consequences of an action, and they are specifically prohibited from making recommendations regarding the advisability of the project. Economic or social consequences of a project are not to be treated as significant effects on the environment, although they may lead to a physical change that may be regarded as a significant effect on the environment (CEQA Guidelines §15064[e]).

Please note that although the public review and comment period of the Revised Draft EIR is specifically for the purpose of addressing the adequacy and completeness of the analysis of the environmental consequences of the proposed project, the public has a number of opportunities to present information and/or recommendations regarding other issues to the Planning Commission. Public hearing(s) before the Planning Commission to consider the Wal-Mart

Expansion Project are anticipated to be scheduled in July 2009. These hearings will be formally noticed. If the decision of the Planning Commission is appealed, the City Council will render the final decision on the requested entitlements and certification of the EIR.

MASTER RESPONSE 2.4.2 – SECTION 2.3 OF THE 2009 REVISED DRAFT EIR COMPLETELY REPLACES SECTION 4.2 OF THE 2006 DRAFT EIR.

Following the close of the public review and comment period for the 2006 Draft EIR on February 15, 2007, the City received 80 individual comment letters from agencies, interest groups and the public regarding the Draft EIR. Many of these letters included comments regarding Section 4.2 *Traffic and Circulation* of the 2006 Draft EIR. Responses to these written comments received were prepared in January 2008 and these written comments as well as responses to these comments are included as part of this Final EIR.

However, since January 2008, new significant information has become known to the City regarding the transportation and circulation system of the City. The relationship between the proposed project's impacts to surrounding roadways and the ability for these impacts to be reduced by the payment of the City's Nexus fees was not correct as some of the roadways and intersections originally thought to be covered in the Nexus Study were not. As a result, a revision of the traffic study was necessary, which consequently resulted in a need for a revision of Section 4.2 *Traffic and Circulation* of the Draft EIR. This revision is presented in Section 2.3 of the Revised Draft EIR. Section 2.3 of the Revised Draft EIR completely replaces Section 4.2 of the 2006 Draft EIR.

As Section 2.3 of the Revised Draft EIR completely replaces Section 4.2 of the 2006 Draft EIR, the initial comment letters pertaining to the traffic-related issues of Section 4.2 of the 2006 Draft EIR are referred to Section 2.3 of the Revised Draft EIR.

2.5 2009 REVISED DRAFT EIR COMMENTS

During the public review and comment period for the 2009 Revised Draft EIR, the City received 23 individual comment letters from agencies, interest groups and the public regarding the Revised Draft EIR. The following pages contain responses to these 23 written comments received as required by CEQA. The FEIR also contains minor edits to the Revised Draft EIR, which are included in Section 3.0 (Errata).

The responses to the 80 individual comments received regarding the original 2006 Draft EIR are identified and included under subsection 2.6.

LETTER R A

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4025
FAX (530) 741-4825
TTY (530) 741-4309



*Flex your power!
Be energy efficient!*

June 01, 2009

032009BUT0012
03-BUT-099, PM 03-17; 2044 Forest Avenue
South Chico Wal-Mart Parcel Map and Expansion Project
Revised DEIR, SCH # 2004012077

Mr. Zachary Thomas, Senior Planner
City of Chico
Planning Department
411 Main Street
Chico, CA 95927

Dear Mr. Thomas:

Thank you for the opportunity to review and comment on the Revised Draft Environmental Impact Report for the South Chico Wal-Mart Parcel Map and Expansion Project, which is comprised of 27.11 acres of property located at 2044 Forest Avenue. The site is bound on the north by Baney Lane, on the east by Forest Avenue, on the south by Wittmeier Drive and Business Lane and State Route (SR) 99 on the west side.

Following our review of the Traffic Impact Analysis, we have found the expansion of the Walmart will have little impact to the State Highway System. We are concerned however with the quality of the Traffic Impact Analysis. There are discrepancies throughout the Traffic Impact Analysis that should be addressed. The City should work with the consultant to correct the Traffic Impact Analysis. Our technical comments are as follows:

General

Page 2.3-9:

- The footnote references Warrant 3, which is the peak hour warrant, not the minimum pedestrian volume warrant.
- The California Manual on Uniform Traffic Control Devices 2006 (CA MUTCD) should be referenced, not the Caltrans Traffic Manual.

R A-1

"Caltrans improves mobility across California"

LETTER R A CONT.

Mr. Zachary Thomas
 June 1, 2009
 Page 2 of 5

Page 2.3-25:

The CA MUTCD 2006 should be referenced here, not the MUTCD and 2003 California Supplement

Traffic and Circulation**State Highway System Technical Comments**

Our traffic engineers performed a ramp balance on the following figures; several discrepancies were found.

Figure 2.3-4 Existing Freeway Mainline and Ramp Volumes
 Figure 2.3-9 Year 2010 No Project Freeway Mainline and Ramp Volumes
 Figure 2.3-11 Year 2010 Plus Project Freeway Mainline and Ramp Volumes
 Figure 2.3-14 Year 2020 No Project Freeway Mainline and Ramp Volumes
 Figure 2.3-16 Year 2020 Plus Project Freeway Mainline and Ramp Volumes

Figure 2.3-4

There are many instances where the volumes do not add up accurately. For the most part, the volumes are over or under the ramp balance by 250 trips or less. In some cases however, the discrepancy is much larger. For example, mainline northbound between East 20th Street and SR 32 interchanges should add up to 3524 in the Weekday PM; it is short by 1162 vehicles. Southbound between East 20th Street and Skyway interchanges the weekday AM and PM are over by 776 and 1311 respectively. In this case it is suspected the error is elsewhere. After the volumes are subtracted at the southbound Skyway off ramp, the mainline is at a negative volume for the weekday PM and the Saturday peak.

Figure 2.3-9

- This figure has similar general imbalances to figure 2.3-4. Mainline northbound, downstream of the Skyway loop onramp, is over by 1000 vehicles in the Saturday peak.
- Southbound Mainline, again between East 20th and Skyway, the Weekday PM and Saturday Peak are over by 832 and 665 vehicles, respectively. There are no volumes available to review for the Skyway onramp southbound, or for southbound mainline after the southbound skyway off ramp.

R A-1 cont.

R A-2

"Caltrans improves mobility across California"

LETTER R A CONT.

Mr. Zachary Thomas
June 1, 2009
Page 3 of 5

Figure 2.3-11

Generally, this figure has the same errors as figure 2.3-5. The 1000 vehicle difference noted above has been corrected in this figure. The mainline volumes between the northbound off ramp at East 20th and the East 20th onramp have changed, though the new volumes still do not add up to the ramp balance. There are no project trips upstream of the location to account for the difference. The southbound onramp from Skyway and the southbound mainline in this area do not have any volumes shown. They should as 16% of the Wal-Mart and 3% of the Fast Food/Restaurant Trip distribution are to the south of Skyway. Additionally, Link-Diverted trips from SR 99 southbound would likely use Skyway to continue their journey. Taking the difference between Figure 2.3-11 and 2.3-5 infers the project trips that are assigned to the freeway, which are largely only present to the north of East 20th. However, there are weekday PM and Saturday Peak trips southbound that do not exit at East 20th street and do not appear on the mainline south of East 20th. These trips are unaccounted for, and would likely be shown getting off at the Skyway off ramp. The inferred trips, southbound on SR 99 north of SR 32, and at the SR 32 southbound on-ramp, do not add up to the inferred trips southbound on mainline south of SR 32.

Figure 2.3-14

This figure has similar general imbalances as the previous figures. Southbound Mainline, between East 20th and Skyway, the Weekday PM and Saturday Peak are over by 956 and 891 vehicles, respectively. There are no volumes shown to review for the Skyway onramp southbound, or for southbound mainline after the southbound skyway off ramp.

R A-2 cont.

Figure 2.3-16

This figure has most of the same errors as figure 2.3-14. The mainline volumes between the northbound onramp at Skyway and the East 20th loop onramp have changed, though the new volumes do not add up to the ramp balance. There are no project trips upstream of the location to account for the difference. The southbound onramp from Skyway and the southbound mainline in this area do not show volumes, but should as 16% of the Wal-Mart and 3% of the Fast Food/Restaurant Trip distribution are to the south of Skyway. Additionally, Link-Diverted trips from SR 99 southbound would likely use Skyway to continue their journey. Taking the difference between Figure 2.3-11 and 2.3-5 infers the project trips that are assigned to the freeway, which are largely only present to the north of East 20th. For the most part, the inferred trips mostly add up; the largest difference is a 10 project trip discrepancy from the East 20th northbound onramp Saturday Peak, to the mainline downstream. Ten new trips appear on mainline that did not come from any ramps.

"Caltrans Improves mobility across California"

LETTER R A CONT.

Mr. Zachary Thomas
 June 1, 2009
 Page 4 of 5

Figure 2.3-10 / Figure 2.3-6 / Figure 2.3-15

- Figure 2.3-10 should be revised to include plus project volumes to the southbound on ramp. Figure 2.3-10, Year 2010 Plus Project Traffic Volumes, location 17 does not have plus project volumes added to the southbound on ramp for SR 99. However Figure 2.3-6, project Only Traffic Volumes includes project volumes for the southbound on ramp for Loc 17.
- Figure 2.3-15 should be revised to include plus project volumes to the southbound on-ramp. Figure 2.3-15, Year 2020 Plus Project Traffic Volumes, location 17 does not have plus project volumes added to the southbound on ramp for SR 99. However, Figure 2.3-6, Project Only Traffic Volumes includes project volumes for the southbound on ramp for Loc 17.

R A-3

R A-4

City Circulation Technical Comments

Our traffic engineers examined the Trip generation and compared it with the volume diagrams. We found that traffic moving in and out of the Project site has not been properly represented; this questions the validity of the study in regard to traffic reaching our highway system. The entering and exiting volumes have been calculated at the following Wal-Mart Driveways:

R A-5

- 9) West Driveway
- 10) Center Driveway
- 11) East Driveway
- 13) Forest Ave Driveway

Table 2.3-8 (Existing Wal-Mart Trip Generation) Page 88

According to note 3, these are "Existing Wal-Mart Trips based on actual counts conducted at the Wal-Mart driveways". We would expect these to match Driveway Volumes on either Figure 2-3.3 (pg 73) "Existing Peak Hour Traffic Volumes" or Figure 2-3.8 (pg 109) "Year 2010 No Project Traffic Volumes" but they don't always match correctly. On the Existing Volumes diagram, this is mostly an issue with volumes entering the property, which are under assigned {not enough volume entering the driveways} by 34(72) [97] using the AM (PM) [Sat] peak hour. This is an under assignment of about 16-18%. The exiting volumes compare fairly well.

R A-6

Assuming the 2010 No-Build volume diagram represents the existing trip generation, the comparison is much worse. While the error on the entering volumes are nearly identical, the error on the Exiting Volume is an under assignment of 70(190) [259] trips, a difference of 24%-31%.

R A-7

"Caltrans improves mobility across California"

LETTER R A CONT.

Mr. Zachary Thomas
June 1, 2009
Page 5 of 5

Figure 2.3-6 (pg 97) The Project-Only Volume diagram comparison

This diagram compares well to the "Unadjusted External Trip Generation (with Diverted Trips)" numbers in Table 2.3-8 (pg 89), except for the Weekday AM entering volume, which is over assigned {too much volume entering the driveways} by nearly 100 trips, or about 35%.

R A-8

The 2010 Plus Project Comparison is under assigned as well. Driveways 9, 10, 11 and 13, the project only volume to the south in 8, and Wittmier 14 Figure 2.3-10 (pg 119) were added but the Wittmeir No-Project Volumes were subtracted. The difference is nearly identical to the under assignment in the 2010 No-Build Volumes.

R A-9

Please contact Sarah (Sadie) Smith, Butte County IGR Coordinator, at (530) 741-4004 or e-mail at sarah_smith@dot.ca.gov to discuss any other questions or concerns regarding this project.

Sincerely,



SUKHVINDER (SUE) TAKHAR, Chief
Office of Transportation Planning – North

"Caltrans improves mobility across California"

Letter R A**Sukhvinder Takhar, Chief, California Department of Transportation,
District 3**

Note to readers: On June 1, 2009, the City received a letter from the California Department of Transportation (Caltrans) which provided comments on portions of the City's Revised Draft EIR. Upon receipt of the Caltrans comment letter dated June 1, 2009, the City prepared and transmitted a letter of response intended to assist Caltrans in understanding the results of the traffic impact analysis and providing clarification to Caltrans on various issues raised in the June 1, 2009 letter. A copy of the City's response letter is attached and has been provided as part of the response to comments (refer to Attachment R A-1 on pages 2.0-19 - 2.0-23) herein. Upon receipt of the City's letter, Caltrans subsequently agreed with the traffic analysis based upon the additional information provided by the City. That letter has been included as part of this process as Attachment R A-2 on Page 2.0-24. The following responses (below) address the Caltrans letter dated June 1, 2009.

Response R A-1

The commenter states that there are some technical comments that should be addressed in the Traffic Impact Analysis and provides a summary of these. In response, please see the requested revisions on page 2.3-9 to the Footnote as shown as follows (also in the attached Section 3.0 Errata of this Final EIR):

- **Footnote: ¹ Warrant 3 - ~~Minimum Pedestrian Volume~~ Peak Hour Warrant.** A traffic signal may be warranted where the pedestrian volume crossing the major street at an intersection or mid-block location during an average day is: 100 or more for each of any four hours; or 190 or more during any one hour. The pedestrian volume crossing the major street may be reduced as much as 50% of the values given above when the predominant pedestrian crossing speed is below 1 m/s. In addition to a minimum pedestrian volume of that stated above, there shall be less than 60 gaps per hour in the traffic stream of adequate length for pedestrians to cross during the same period when the pedestrian volume criterion is satisfied. Where there is a divided street having a median of sufficient width for the pedestrian(s) to wait, the requirement applies separately to each direction of vehicular traffic. Where coordinated traffic signals on each side of the study location provide for platooned traffic which result in fewer than 60 gaps per hour of adequate length for the pedestrians to cross the street, a traffic signal may not be warranted. This warrant applies only to those locations where the nearest traffic signal along the major street is greater than 90 m and where a new traffic signal at the study location would not unduly restrict platooned flow of traffic. Curbside parking at nonintersection locations should be prohibited for 30 m in advance of and 6 m beyond the crosswalk. A signal installed under this warrant should be of the traffic-actuated type with push buttons for pedestrians crossing the main street. If such a signal is installed within a signal system, it shall be coordinated if the signal system is coordinated. Signals installed according to this warrant shall be equipped with pedestrian indications conforming to requirements set forth in other sections of ~~this Manual (Caltrans, November 2002)~~. California Manual on uniform Traffic Control Devices 2006 (CA MUTCD).

As a result of the revised Chico Wal-Mart Store Expansion Traffic Impact Study Final Report completed in March 2009, the requested revisions on page 2.3-25, paragraph 2, are shown as follows (also in the attached Section 3.0 Errata of this Final EIR):

Traffic Signal Warrant Analysis Criteria

To determine whether "significance" should be associated with unsignalized intersection operations, a supplemental traffic signal "warrant" analysis was also completed. The term "signal warrants" refers

2.0 RESPONSE TO COMMENTS

to the list of established criteria used by Caltrans and other public agencies to quantitatively justify or ascertain the need for installation of a traffic signal at an otherwise unsignalized intersection location. This analysis employed the signal warrant criteria presented in the latest edition of the ~~Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD), as amended by the MUTCD 2003 California Supplement~~, California Manual on Uniform Traffic Control Devices 2006 (CA MUTCD), for all study intersections. The signal warrant criteria are based upon several factors including the volume of vehicular and pedestrian traffic, frequency of accidents, location of school areas, etc. ~~Both the FHWA's MUTCD and the MUTCD 2003 California Supplement~~ The CA MUTCD indicates that the installation of a traffic signal should be considered if one or more of the signal warrants are met. Specifically, this analysis utilized the Peak Hour Volume based Warrant 3. ~~Warrant 3 criteria are basically identical for both the FHWA's MUTCD and the MUTCD 2003 California Supplement.~~

These technical changes are acknowledged and don't change the findings of the traffic study.

Response R A-2

The commenter states that there are discrepancies found on the ramp balances on Figures 2.3-4, Figure 2.3-9, Figure 2.3-11, Figure 2.3-14 and Figure 2.3-16. There were several factors which played into the variances noted by Caltrans in their examination of the ramp and mainline traffic volumes. 1) Horizon years for the ramps and mainline were slightly different, 2) Traffic volumes for the mainline and ramps were obtained from difference sources and 3) Original intersection counts at the East 20th Street/SR 99 ramps included some variances. Since the volumes used for the ramps and mainline were the most recent and only available sources, some variances in volumes should be expected. The report still provides an accurate comparative analysis of the Wal-Mart expansion affects on the ramp and mainline systems. Following is an expanded discussion of the factors involved in the variances.

- 1) Horizon years for the ramps and mainline were slightly different – The traffic section contained two explanations of different horizon years for the study area. The mainline volumes were based on a horizon year of 2018 while the ramp volumes were obtained from the 2020 projections for the East 20th Street ramp intersections. With different horizon years, some variances should be expected. Following are excerpts from the report.

Pages 2.3-1: It is important to note that cumulative operations were also obtained from the two sources, Chico 2005-2006 Update of Development Impact Fees Analysis and Recommendations, Nexus Study (City of Chico, October 2005) and the Meriam Park Phasing Analysis (W-Trans, May 2, 2007). The Nexus Study included a future horizon year of 2018 to coincide with its General Plan horizon while the Meriam Park land use plan included an ultimate building phase for the Year 2020 conditions. Data for both Year 2018 and 2020 conditions were used at the study locations as applicable and additional discussion on the projections and varying horizon years are available within this Section.

Pages 2.3-73 to 2.3-74: Cumulative traffic volumes for the study area were obtained from two sources, Chico 2005-2006 Update of Development Impact Fees Analysis and

Recommendations, Nexus Study (City of Chico, October 2005) and the Meriam Park Phasing Analysis (W-Trans, May 2, 2007). The Nexus Study included a future horizon year of 2018 to coincide with its General Plan horizon and included traffic projections for most of the facilities in the study area. The Meriam Park Phasing Analysis was completed following completion of the DEIR for the Meriam Park project to assist with determining phasing of City street improvements. Since the Meriam Park land use plan included a building phase for the Year 2020, previous traffic projections from the Nexus Study were updated using straight line growth factors to obtain Year 2020 projections. These projections were only completed for specific street facilities including East 20th Street from SR 99 to Bruce Road. Therefore, only those study intersections in this Wal-Mart analysis on East 20th Street from SR 99 to Forest Avenue had Year 2020 traffic projections available. All other study intersections and roads including SR 99 ramps and mainline volumes were based on the original Year 2018 Nexus Study traffic projections. Although a mix of Year 2018 and 2020 horizons were used, all base and future traffic volumes used in this analysis were based on the latest City traffic projections available. For ease of reference, within this section, the Cumulative (future) year will be referred to as Year 2020.

- 2) Traffic volumes for the mainline and ramps were obtained from difference sources – Mainline volumes and projections were based on Caltrans published traffic volumes for mainline SR-99 with projections developed during the Nexus Study process. Ramp volumes were acquired from the East 20th Street ramp intersection volumes and projections from the Meriam Park phasing analysis. Since these two sets of volumes were acquired from the only available source for each, some variances should be expected.
- 3) Intersection counts at the East 20th Street/SR 99 ramps included some variances – The original traffic counts for the East 20th Street/SR 99 Ramps included traffic counts which resulted in some imbalances between the southbound ramps, northbound ramps and Business Lane. In order to balance these counts, some of the turning movements at the northbound ramp intersection would have had to have been lowered. In discussions with City staff, the decision was made to maintain the traffic counts as collected. The future horizon years also include this variance since the projections built upon the original counts.

Response R A-3

The commenter states that Figure 2.3-10 should be revised to include project volumes for the southbound on ramp for Location 17, however, Figure 2.3-6 includes project volumes for the southbound on ramp for Location 17. Upon further analysis of 2010 Plus Project traffic volumes; the westbound right-turn movement at Location 17 on Figure 2.3-10 is correct. However, the project only volume was not backed out for the westbound right turn within the 2010 No Project Figure (Figure 2.3-8). Therefore, the westbound right-turn in the 2010 No Project Figure (Figure 2.3-8) has a typo. The 2010 No Project Traffic Volume Figure has been modified with the correct volumes and is in the attached Section 3.0 Errata of this Final EIR. Note that this will not impact the results and conclusions within the traffic study.

Response R A-4

The commenter states that Figure 2.3-15 should be revised to include project volumes for the southbound on ramp for Location 17, however, Figure 2.3-6 includes project volumes for the southbound on ramp for Location 17. Upon further analysis of 2010 Plus Project traffic volumes; the

2.0 RESPONSE TO COMMENTS

westbound right-turn movement at Location 17 on Figure 2.3-15 is therefore correct. However, the project only volume was not backed out for the westbound right turn within the 2020 No Project Figure (Figure 2.3-13). Therefore, the westbound right-turn in the 2020 No Project Figure (Figure 2.3-13) has a typo. The 2020 No Project Traffic Volume Figure has been modified with the correct volumes and is in the attached Section 3.0 Errata of this Final EIR. Note that this will not impact the results and conclusions within the traffic study.

Response R A-5

The commenter states that an analysis of the entering and exiting volumes for the project trip generation and volume diagrams is not properly represented. These include the Wal-Mart Driveways, 9) West Driveway, 10) Center Driveway, 11) East Driveway, and 13) Forest Ave Driveway. Omni-Means verified information contained within the Project Only Figure and the Trip Generation Table and found that the information within the Project Only Figure compares well (within $\pm 2-3$ Peak Hour Trips) with the project trip generation. This difference in trips is insignificant and will not have an impact in the conclusions/recommendations contained within the EIR. Note too that the comment does not reference 14) Wittmeier Drive, which may account for the discrepancy in the commenter's review of the volume diagrams.

Response R A-6

The commenter states that there is a discrepancy between the traffic volume counts between the tables and figures for volumes entering the property, which are under assignment of about 16-18%. A portion of the existing Wal-Mart traffic utilizes Business Lane and the back alley to access the existing Wal-Mart store. This Wal-Mart traffic, plus traffic from the other existing development is represented by the southbound through movement at Intersection 8. The Existing inbound Wal-Mart trip generation is derived by adding inbound trips from the four existing Wal-Mart driveways plus the Wal-Mart traffic using Business Lane and the back alley to access the existing Wal-Mart store.

Response R A-7

The commenter states that there is a similar discrepancy between the traffic volume counts, however; in this case for volumes exiting the property represents a difference of 24-31%. The 2010 No Project Traffic Volume Figure has been modified with the correct volumes and is in the attached Section 3.0 Errata of this Final EIR. Note that this will not impact the results and conclusions within the traffic study.

Response R A-8

The commenter states that there is a discrepancy with the Weekend AM entering volume, which is over assigned by about 35%. Please refer to Response R A-5.

Response R A-9

The commenter states that there is a discrepancy with the 2010 Plus Project Comparison and represents a difference of 24-31%. Please refer to Responses R A-6 and R A-7.

Attachment R A-1 Zach Thomas, Senior Planner, City of Chico, June 11, 2009 Letter to California Department of Transportation, District 3



PLANNING SERVICES
DEPARTMENT

411 Main Street - 2nd Floor (530) 879-6800
P.O. Box 2420 Fax (530) 695-4726
Chico, CA 95927 <http://www.ci.chico.ca.us>

June 11, 2009

Sukhvinder (Sue) Takhar, Chief
Office of Transportation Planning - North
Department of Transportation
District 3
703 B Street
P.O. Box 911
Marysville, CA 95901

Re: **Comment Letter for Wal-Mart Parcel Map and Expansion Project Revised DEIR, SCH # 2004012077**

Dear Ms. Takhar:

Thank you for your comments on the Revised Draft Environmental Impact Report for the above referenced project. We have reviewed your comments and prepared additional information addressing all technical comments provided in your letter. You will find the additional information in the attached memo from Fritz McKinley, City of Chico Building and Development Services Director.

Please forward this letter and the attached memo to your Operations Department to initiate the review of our response to your comments. It is my belief that you will find this information adequately addresses all concerns previously included in your letter.

Should you have any further questions or concerns, please contact me at (530) 879-6804 or zthomas@ci.chico.ca.us. Additionally, should there be any questions regarding the attached technical information, please do not hesitate to contact Fritz McKinley directly at (530) 879-6901 or FMCKINLE@ci.chico.ca.us.

Sincerely,

Zach Thomas
Senior Planner

Attachments: City of Chico Memo, June 10, 2009, Subject: Response to CalTrans Comments

cc: File: PM 03-17
Fritz McKinley, Building and Development Services Director
Mark Wolfe, Principal Planner

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Attachment R A-1
(cont.)



CITY OF CHICO MEMORANDUM

TO: ZACHARY THOMAS DATE: June 10, 2009
FROM: BDS DIRECTOR (877-6901) FILE: / Chrono
SUBJECT: RESPONSE TO CALTRANS COMMENTS

Based on input from Omni-Means, following are responses to the Caltrans comments:

Comment 1: General (pages 1 and 2)

Response: These are all acknowledged and don't change the findings of the traffic study.

Comment 2: Traffic and Circulation (pages 2 and 3)

Response: There were several factors which played into the variances noted by Caltrans in their examination of the ramp and mainline traffic volumes. 1) Horizon years for the ramps and mainline were slightly different, 2) Traffic volumes for the mainline and ramps were obtained from different sources and 3) Original intersection counts at the East 20th Street/SR 99 ramps included some variances. Since the volumes used for the ramps and mainline were the most recent and only available sources, some variances in volumes should be expected. The report still provides an accurate comparative analysis of the Walmart expansion effects on the ramp and mainline systems. Following is an expanded discussion of the factors involved in the variances.

1) Horizon years for the ramps and mainline were slightly different – The traffic section contained two explanations of different horizon years for the study area. The mainline volumes were based on a horizon year of 2018 while the ramp volumes were obtained from the 2020 projections for the East 20th Street ramp intersections. With different horizon years, some variances should be expected. Following are excerpts from the report.

Pages 2.3-1: It is important to note that cumulative operations were also obtained from the two sources, Chico 2005-2006 Update of Development Impact Fees Analysis and Recommendations, Nexus Study (City of Chico, October 2005) and the Meriam Park Phasing Analysis (W-Trans, May 2, 2007). The Nexus Study included a future horizon year of 2018 to coincide with its General Plan horizon while the Meriam Park land use plan included an ultimate building phase for the Year 2020 conditions. Data for both Year 2018 and 2020 conditions were used at the study locations as applicable and additional discussion on the projections and varying horizon years are available within this Section.

Pages 2.3-73 to 2.3-74: Cumulative traffic volumes for the study area were obtained from two sources, Chico 2005-2006 Update of Development Impact Fees Analysis and Recommendations, Nexus Study (City of Chico, October 2005) and the Meriam Park Phasing Analysis (W-Trans, May 2, 2007). The Nexus Study included a future horizon year of 2018 to coincide with its General Plan horizon and included traffic projections for most of the facilities in the study area. The Meriam Park Phasing Analysis was completed following completion of the DEIR for the Meriam Park project to assist with determining phasing of City street improvements. Since the Meriam Park land use plan included a building phase for the Year 2020, previous traffic projections from the Nexus Study were updated using straight line growth factors to obtain Year 2020 projections. These projections were only completed for specific street facilities including East 20th Street from SR 99 to Bruce Road. Therefore, only those study intersections in this Wal-Mart analysis on East 20th Street from SR 99 to Forest Avenue had Year 2020 traffic projections available. All other study intersections and roads including SR 99 ramps and mainline volumes were based on the original Year 2018 Nexus Study traffic projections. Although a mix of Year 2018 and 2020 horizons were used, all base and future traffic volumes used in this analysis were based on the latest City traffic projections available. For ease of

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Attachment R A-1 (cont.)

MEMORANDUM
PAGE 2

reference, within this section, the Cumulative (future) year will be referred to as Year 2020.

2) Traffic volumes for the mainline and ramps were obtained from different sources – Mainline volumes and projections were based on Caltrans published traffic volumes for mainline SR-99 with projections developed during the Nexus Study process. Ramp volumes were acquired from the East 20th Street ramp intersection volumes and projections from the Meriam Park phasing analysis. Since these two sets of volumes were acquired from the only available source for each, some variances should be expected.

3) Intersection counts at the East 20th Street/SR 99 ramps included some variances – The original traffic counts for the East 20th Street/SR 99 Ramps included traffic counts which resulted in some imbalances between the southbound ramps, northbound ramps and Business Lane. In order to balance these counts, some of the turning movements at the northbound ramp intersection would have had to have been lowered. In discussions with City staff, the decision was made to maintain the traffic counts as collected. The future horizon years also include this variance since the projections built upon the original counts.

Comment 3: Page 4 - comment reads "Figure 2.3-10 should be.....for Loc 17"

Response: The westbound right turn movement at Location 17 on Figure 2.3-10 is a typo. The figure will be modified with the right volumes.

Comment 4:Page 4 - comment reads "Figure 2.3-15 should be.....for Loc 17"

Response: The westbound right turn movement at Location 17 on Figure 2.3-15 is a typo. The figure will be modified with the right volumes.

Comment 5:Page 4 - comment reads "Our traffic engineers examined.....following Wal-Mart Driveways"

Response: Omni-Means verified information contained within the Project Only Figure and the Trip Generation Table and found that the information within the Project Only Figure compares well (within +2-3 Peak Hour Trips) with the project trip generation. This difference in trips insignificant and will not have an impact in the conclusions/recommendations contained within the EIR. (Caltrans neglected to take into account all of the project access points including Whitmeier Drive.)

Comment 6:Page 4 - comment reads "According to note 3.....existing volumes compare fairly well"

Response: A portion of the existing Wal-mart traffic utilize Business Lane and the back alley to access the existing Wal-mart store. This Wal-mart traffic plus traffic from the other existing development is represented by the southbound through movement at Intersection 8. The Existing inbound Wal-Mart trip generation is derived by adding inbound trips from the four existing Wal-mart driveways plus the Wal-mart traffic using Business Lane and the back alley to access the existing Wal-mart store.

Comment 7: Page 4 - comment reads "Assuming the 2010 No-Builda difference of 24%-31%"

Response: The northbound left movements at Wal-mart center driveway and east driveway in the 2010 No Project Volumes are typo's. The figure will be modified with the right volumes.

Comment 8: Page 5 - comment reads "This diagram compares.....or about 35%"

Response: Please refer to response to comment 5.

Comment 9:Page 5 - comment reads " The 2010 Plus Project....2010 No Build Volumes"

Response: Please refer to response to comments 6 and 7.

Summary

In general, none of the comments provided by Caltrans indicate that the findings of the report are invalid or are in error.

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2.0 RESPONSE TO COMMENTS

Attachment R A-1 (cont.)

MEMORANDUM
PAGE 3

FM:cw

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Attachment R A-1 Zach Thomas, Senior Planner, City of Chico, June 12, 2009 Letter to California Department of Transportation, District 3



PLANNING SERVICES
DEPARTMENT

411 Main Street - 2nd Floor (530) 879-6600
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June 12, 2009

Sukhvinder (Sue) Takhar, Chief
Office of Transportation Planning - North
Department of Transportation
District 3
703 B Street
P.O. Box 911
Marysville, CA 95901

Re: Comment Letter for Wal-Mart Parcel Map and Expansion Project Revised DEIR, SCH.# 2004012077

Dear Ms Takhar:

This letter will serve as a follow-up to my letter dated June 11, 2009. As an attachment to that letter, I included a memo containing additional information addressing your comments regarding the above referenced project. It is my understanding that my previous letter and attached memo has been forwarded to the Traffic Operations and Forecasting Department for review.

The information sent to you yesterday should adequately address all concerns expressed in your initial comment letter. After you have had a chance to review that information and confirm that it addresses your concerns, we would appreciate if you could acknowledge that fact in a follow-up letter to the City stating that, upon your review of the additional information, Caltrans is no longer concerned with the quality of the Traffic Impact Analysis, that all discrepancies previously noted in the original comment letter dated June 1, 2009 have been adequately addressed, and that Caltrans no longer suspects that errors occur elsewhere in the Traffic Impact Analysis.

Should you have any further questions or concerns, please contact me at (530) 879-6804 or zthomas@ci.chico.ca.us. Additionally, should there be any questions regarding the previously included technical information, please do not hesitate to contact Fritz McKinley directly at (530) 879-6901 or FMCKINLE@ci.chico.ca.us.

Sincerely,

Zach Thomas
Senior Planner

cc: File: PM 03-17
Fritz McKinley, Building and Development Services Director
Mark Wolfe, Principal Planner

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2.0 RESPONSE TO COMMENTS

Attachment R A-2 Sukhvinder Takhar, Chief, California Department of Transportation, District 3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
P. O. BOX 911
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PHONE (530) 741-4025
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TTY (530) 741-4509



*Flex your power!
Be energy efficient!*

June 17, 2009

032009BUT0012
03-BUT-099, PM 03-17; 2044 Forest Avenue
South Chico Wal-Mart Parcel Map and Expansion Project
Revised DEIR, SCH # 2004012077

Mr. Zachary Thomas, Senior Planner
City of Chico
Planning Department
411 Main Street
Chico, CA 95927

Dear Mr. Thomas:

Thank you for the opportunity to review and comment on the Revised Draft Environmental Impact Report for the South Chico Wal-Mart Parcel Map and Expansion Project, which is comprised of 27.11 acres of property located at 2044 Forest Avenue. The site is bound on the north by Baney Lane, on the east by Forest Avenue, on the south by Wittmeier Drive and Business Lane and State Route (SR) 99 on the west side.

This letter supersedes our comment letter on this project dated June 1, 2009. The City of Chico provided additional information regarding the Traffic Impact Study. Upon our review of this information, Caltrans concludes the Wal-Mart expansion should have no significant impact to the State highways in this area and has no further comments on the Traffic Impact Study.

Please contact Rupinder Jawanda, Butte County IGR Coordinator, at (530) 740-4989 or e-mail at rupinder_jawanda@dot.ca.gov to discuss any other questions or concerns regarding this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sukhvinder Takhar".

SUKHVINDER (SUE) TAKHAR, Chief
Office of Transportation Planning – North

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LETTER R 1



Email Copy - Hard copy via USPS

May 30, 2009

Mr. Zach Thomas, Senior Planner
City of Chico Planning Services Department
411 Main Street, POB 3420
Chico, California 95927
zthomas@ci.chico.ca.us

Re: PM 03-17, Wal-Mart South Draft Revised RDIER, 2044 Forest Avenue

Dear Mr. Thomas:

Please consider this letter as Oxford Hotel Group's formal response comments to the Wal-Mart project known as PM 03-17 and Wal-Mart South Draft Revised RDIER concerning the Wal-Mart site at 2044 Forest Avenue, Chico, California.

Our comments will focus on four key items of concern:

- 1) Traffic Impacts
2) Mitigation of Traffic Impacts
3) Transportation Safety
4) Conditions of Project Approval

Traffic Impacts

The RDIER and other trip generation data show that Wal-Mart will create a significant number of new trips upon the private road system that serves not only Wal-Mart, but also the existing Oxford Suites Hotel located at 2035 Business Lane. The Oxford Suites Hotel utilizes access from Business Lane and Baney Lane; both private streets will be significantly impacted by the proposed Wal-Mart expansion. The current Wal-Mart operation primarily uses Business Lane for large semi-trailer tractor truck access to its loading docks. Increasing the number of these trips in addition to additional shoppers, etc. will overload the ability of the private roads to accommodate the new trips. The current physical condition of the private access roads is poor. In addition, because these roads are privately held, the city of Chico cannot assure the public that the roads are adequate to accommodate increases in traffic. If potential hotel guests avoid the street system because of additional trips and/or lack of street improvements to support the increase in trips, the Oxford Suites Hotel could suffer business losses as a result.

R 1-1

In addition, the construction machinery and equipment trips should be required to be studied in order to ensure little or no impact to the Oxford Suites Hotel operations.

R 1-2

LETTER R 1 CONT.

Thus, mobilization and construction traffic should be evaluated for its impact as well as the impact of proposed new vehicle trips resulting from delivery trucks and shoppers.

R 1-2 cont.

Mitigation of Traffic Impacts

The purpose and nature of seeking public comment and staff review of the project includes making sure that new development mitigates its impact upon the various infrastructure systems necessary to support the use. In this case, new increases in trips will necessitate mitigation of the public and private street systems. However, the RDIER does not reflect how this will occur. It then must be assumed that the upcoming staff report will examine the type of conditions of approval to ensure proper impact mitigation. For purposes of these comments to the RDIER, it is still essential to identify the need for mitigation of the private streets to accommodate the projected increase in vehicle trips. To that end, we do not see how the RDIER effectively reviews the actual impact of the projected new trips upon the public and private street systems, nor does it review the capacity of the road surface and other road elements, which are integral to evaluating the full impacts of the new vehicle trips.

R 1-3

Transportation Safety

The RDIER data does not adequately assess the physical quality and life of the private street system that will receive impacts from the proposed Wal-Mart vehicle trip increases. Increase in numbers of trips as well as new trips that result from increased heavy trucks will further exacerbate the poor quality of the private street system *that is being relied upon to accommodate the additional Wal-Mart trips*. The RDIER does not thoroughly identify whether the components that comprise the street surface, depth of sub-base, striping, drainage facilities, curb radii, signal timing, etc. are adequate to accommodate the increase in trips overall or if adequate to accommodate heavy trucks. It is our opinion that the current state of the private road system requires, at a minimum, full reconstruction, etc.

R 1-4

It is essential to evaluate the ability for pedestrians to safely cross the private streets and increases in truck and other vehicle traffic will make this more difficult. It is also essential to verify that the street curb radii are adequate and in proper condition to deal with additional usage by large trucks, etc. Likewise, any intersection signalization programs may need to be adjusted to not only accommodate slower turning movements from the large trucks, but also be coordinated so pedestrians and hotel guests driving to the hotel access driveway can do so in a safe and efficient manner. Additional trips resulting from the proposed Wal-Mart expansion have not been evaluated to reflect the impact upon the operation of existing local trips (pedestrian and vehicular) that use the private road systems. *Without this analysis and commensurate mitigation measures employed, the community and local businesses near the Wal-Mart site will be negatively impacted by the proposal.*

R 1-5

Conditions of Project Approval

As discussed above, the Wal-Mart proposal relies upon a private street system to gain access to the Wal-Mart site. It appears that the increased numbers of truck traffic and

R 1-6

LETTER R 1 CONT.

vehicle trips will negatively impact the operation of the Oxford Suites Hotel. Therefore, consistent with the City of Chico's policy for mitigation of impacts we believe it is necessary for Wal-Mart to do the following:

- A. Wal-Mart (via a supplemental RDEIR or other study) should be required to evaluate the physical quality and life expectancy of the private street system. The results of the study should include what measures are necessary to improve the street system to a standard that will accommodate the proposed increase in Wal-Mart's vehicle and truck trips, including construction equipment trips.
- B. It is critical that the reconstruction, other improvements, and ongoing maintenance of the private road system that is being relied upon by Wal-Mart be identified before any development approval. Any needed street improvements etc. *must be improved by Wal-Mart before the expansion and new trips (including construction equipment trips) occur.* This should also include the necessary mitigation for dealing with construction noise, dust, and hours of construction operation.
- C. Evidence of private road operation and maintenance agreements must be examined to assure compliance with mitigation of traffic impacts before any approvals are granted. If none exists, or if existing agreements are inadequate, then approval of the Wal-Mart project is premature because the public cannot be assured that the impacts of the proposal will be properly mitigated. The public will be using the private road system and the public as well as the adjacent businesses must be assured of a safe and convenient transportation system regardless of road ownership.

R 1-6 cont.

R 1-7

R 1-8

Thank you for your consideration of our comments and upcoming response. Please keep us informed of any upcoming meetings or discussions; we will continue to participate in the land use process.

Sincerely,


Curtis A. Baney, President
Oxford Hotel Group

Cc: Roz Stelk

Letter R 1

Curtis A. Baney, Oxford Hotel Group

Response R 1-1

The commenter states that, "the proposed project will create a significant number of new trips upon the private road system..." in the vicinity of the project site and that the current Wal-Mart operation primarily uses Business Lane for large semi-trailer tractor truck access to its loading docks. The commenter states that increasing the number of trips on the private road system in the vicinity of the project site will overload the ability of the private roads to accommodate the new trips. The commenter is concerned that due to the fact that these impacted roads are privately held, the Revised Draft EIR cannot assure the public that the roads are adequate to accommodate increases in traffic. As stated on page 2.3-69 of the Revised Draft EIR, the project is designed to direct customer traffic along Wittmier Drive and Baney Lane to Forest Avenue. Both physical design impediments, as well as street signage will be used to reinforce this direction as the primary exiting travel route from the project. Because of the inability to turn left from Business Lane onto 20th Avenue, the City anticipates that most customer traffic will chose to exit onto Baney Lane and Wittmeier Drive and/or Forest Avenue. See Mitigation Measure MM 2.3.2b on page 2.3-72 of the Revised Draft EIR (formally known as MM 2.3.3, the reader is referred to Section 3.0 Errata for minor edits to the Revised Draft EIR).

Nearly all of the existing businesses on Business Lane receive truck deliveries using this private roadway. As noted in Section 2.3 on page 2.3-40, the proposed project will result in eight additional 18-wheel semi trucks per week that would primarily use the Baney Lane/Business Lane intersection. The Business Lane roadway was designed to the City's engineering standards at the time that it was constructed and the design was determined to be adequate to accommodate the roadway's car and truck traffic at that time. While there are current maintenance tasks that would help improve the longevity of the current roadway, in its current state the roadway appears to be acceptable for both existing and proposed truck traffic. However, it is noted that numerous businesses located along Business Lane gain primary access for bulk delivery purposes and patronage purposes. As such, regular maintenance of Business Lane is a necessity to provide safe, continued access to the area. Business Lane was constructed to a standard approved by the City to be appropriate for the level and type of traffic on the roadway. As a private roadway, the City cannot compel the road owners to provide the regular maintenance that would ensure the roadway would continue to function. As a result, the design of the proposed project ensures that the driveway and internal access routes from Baney Lane and Wittmeier Drive can provide adequate delivery truck access.

Response R 1-2

The commenter states that that the Revised Draft EIR should analyze the construction-related trips associated with the proposed project. With the exception of a driveway relocation and roadway work on Baney Lane, the bulk of the construction activity will occur on Wittmeier Drive. As the majority of the project is already suited for and utilized in a developed condition, and the existing store will remain operational while the new construction occurs, significant grading or the need for large cut and fill

will not occur, which reduces the typical large vehicle construction traffic. Typically, prior to issuance of a building permit for large projects, the City requires preparation of a construction traffic plan that identifies planned staging areas, traffic routes, timing and similar activities that have the potential to disrupt traffic on public streets. It is noted here that the City has required the preparation of such a plan for this project. This plan will also have provisions to ensure that any damage caused by construction equipment is repaired. As noted in *Response R 1-1* above, large vehicle access to the site can occur from Forest Avenue, Baney Lane and Wittmeier Drive without the need to use Business Lane.

Response R 1-3

The commenter asserts that the Revised Draft EIR does not adequately address the need for mitigation of the private streets to accommodate the projected increase in vehicle trips. Furthermore, the commenter does not believe the Revised Draft EIR effectively reviews the actual impact of the projected new trips upon the public and private street systems, nor does it review the capacity of the road surface and other road elements. As stated in the Revised Draft EIR, page 2.3-25, the City Level of Service (LOS) standards are not applied to private roadways. Section 2.3 of the Revised Draft EIR provides extensive analysis of the public roadways and intersections affected by the project. As a result of the analysis, MM 2.3.2a (formally known as MM 2.3.2, the reader is referred to Section 3.0 Errata for minor edits to the Revised Draft EIR) discussed on page 2.3-70 and 2.3-71 of the Revised Draft EIR, project circulation improvements will be in place prior to the opening of the expanded Wal-Mart Supercenter. These include reconstruction of the Baney Lane/Wal-Mart Central Driveway and the "new" Baney Lane/Wal-Mart east Driveway, redesigned intersection of Forest Avenue/Wittmeier Drive/Talbert Drive shall be signalized and improved including a widening from 40 feet to 64 feet to accommodate 4, 12-foot lanes (three eastbound and one westbound lane) and 2, 8-foot parking shoulders. Traffic improvements are required to the existing traffic signal at the intersection of Forest Avenue/Baney Lane and existing traffic segment for Baney Lane between Forest Avenue and Business Lane. Additionally, as shown on the site plan, traffic exiting from the Wal-Mart parking lot will not be allowed to make left-hand turns onto Baney Lane. These traffic circulation improvements seek to direct more vehicle trips to the Baney Lane and exit on Wittmeier Drive to gain access to Forest Avenue to lessening the use of Business Lane. See also *Response R 1-1* regarding the condition of Business Lane.

Response R 1-4

The commenter states that the Revised Draft EIR does not adequately address the physical characteristics (depth of sub-base, striping, drainage facilities, etc.) of the private street system or the resulting impacts that these streets will receive from the proposed Wal-Mart expansion vehicle trip increases. See *Response R 1-1* above. Mitigation measures, and project features are designed to encourage traffic to use the Forest Avenue/Wittmeier Drive/Talbert Drive and the Forest Avenue/Baney Lane intersections to reduce traffic onto Business Lane (see MM 2.3.2 on page 2.3-70 of the Revised Draft EIR, which has been revised to MM 2.3.2a and is included in Section 3.0 Errata for minor edits to the Revised Draft EIR). As stated in the Revised Draft EIR on page 2.3-69, the proposed project site plan shows that there is adequate internal circulation to allow vehicles to

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access the westernmost driveway from the main parking lot; however, this area is located away from the main parking area, and thus experiences minimal traffic volumes. The net effect is that while there is some opportunity to make an outbound left turn toward Business Lane, the actual number of left turns will be minimal and negligible. As a private roadway, it is up to the owners of Business Lane to ensure that striping, maintenance, drainage, etc., are acceptable to the owners. There are no city standards that apply to the private roadway, including LOS standards. It is also noted that while private roadways may not be constructed to a standard equal to a public street and may deteriorate faster than if built to public road standards, based on State CEQA Guidelines (2008) Appendix G as well as applicable standards of significance policies used in the Revised Draft EIR analysis, the private roadways in their current condition do not constitute a significant impact under these standards.

Response R 1-5

The commenter states that the additional trips resulting from the proposed Wal-Mart expansion have not been evaluated to reflect the impacts upon the operation of existing local trips (pedestrian and vehicular) that use the private road systems. The commenter also states that the street curb radii should be verified to ensure that they are adequate and in proper condition to deal with usage by large trucks. In response to the commenter's statement about street curb radii, it is assumed that the existing conditions on the private roads are suitable as nearly all of the existing businesses on Business Lane receive truck deliveries using this private roadway. The commenter is referred to *Response R 1-1* and *R 1-3* regarding a discussion about additional increase in truck and other vehicle traffic.

The commenter is referred to the 2006 Draft EIR, Appendix A which includes the Initial Study. The Initial Study states that impacts to pedestrians and bicyclists is less than significant and was therefore dismissed from further analysis in the Draft EIR. In response to the commenter's concern for the safety of pedestrians, the City requires that pedestrian features be designed into all public roadways. The proposed project also has sidewalks which link the building to the sidewalks along public streets (see MM 2.3.2b, previously MM 2.3.3 in the Revised Draft EIR, the commenter is referred to Section 3.0 Errata for minor edits to the Revised Draft EIR). As a private roadway, pedestrian circulation is the responsibility of the owners of the road. The sidewalk along Business Lane is not continuous. Safety of operations was evaluated in the Revised Draft EIR in Impact 2.3.2 beginning on page 2.3-68. The discussion concludes that while there will be additional traffic, and additional delay at the intersections, the intersections will continue to operate effectively. Note too that as a result of this analysis, the City has 'established a need to channelize traffic toward Forest Avenue' (page 2.3-69 Revised Draft EIR).

Response R 1-6

The commenter states that since the proposed project will rely upon a private street system a supplemental Revised Draft EIR or other study should be completed in order to evaluate the physical quality and life expectancy of the private street system which includes the necessary mitigation to improve the private street system to a standard that will accommodate the proposed increase in vehicle and truck trips resulting

from the project. The commenter is referred to *Responses R 1-1* and *R 1-2* regarding the design parameters of the private roadway.

Response R 1-7

The commenter states that since the proposed project will rely upon a private street system the necessary mitigation to improve the private street system, as well as mitigation for dealing with construction noise, dust, and hours of construction operation, must be identified before project approval. While the proposed project has access from Business Lane, it does not 'rely' upon the access as asserted by the commenter. The project design discourages traffic from using Business Lane through physical modifications to the driveways on to Baney Lane as well as signage. As noted in the Revised Draft EIR on page 2.3-68, drivers will likely chose routes other than Business Lane because of the lack of the ability to turn left onto 20th Avenue. As noted in *Responses R 1-1* and *R 1-2* above, the private roadway appears to have been originally designed and constructed to accommodate both the existing truck traffic businesses along Business Lane, as well as the additional eight trucks identified in the Revised Draft EIR as part of the proposed project. If there are existing deficiencies in the private roadway it is incumbent upon the owners of the roadway to bring their road up to their own standards. As noted in the Revised Draft EIR, city standards do not apply to private facilities. The City has reviewed the proposed project and ensured that adequate access occurs from Baney Lane (as modified), Forest Avenue and Wittmeier Drive. It is also noted that the City has required the preparation of a construction traffic plan that identifies planned staging areas, traffic routes, timing and similar activities that have the potential to disrupt traffic on public streets. In response to the commenters concern about construction dust, the project construction would be subject to the requirements of Butte County AQMD Regulation II, Rule 205 - Fugitive Dust Emissions, which requires the implementation of all standard measures to control fugitive dust. Grading activities as a result of the project will also be subject to the requirements of Chapter 16R.22 Grading Standards of the Chico Municipal code and the Water Quality Control Board requirements which require site specific, detailed measures to be incorporated into construction contracts and specifications to control erosion and sedimentation, as well as to minimize impacts on existing land uses. Noise impacts are subject to the Chico Municipal Code Section 9.38.060, limiting construction activities to daytime hours (7:00 a.m. to 9:00 p.m., Monday through Fridays, 10:00 a.m. to 6:00 p.m. on weekends and holidays).

Response R 1-8

The commenter states that evidence of private road operation and maintenance agreements must be examined to assure compliance with mitigation of traffic impacts before any approvals are granted. As discussed in *Response R 1-7*, the proposed project is not compelled to utilize Business Lane for access and operation. The City has reviewed the proposed project and ensured that adequate access occurs from Baney Lane (as modified), Forest Avenue and Wittmeier Drive. The City cannot compel the proposed project to enter into an agreement with others to maintain an off site private improvement.

LETTER R 2

Zachary Thomas - Expansion of WalMart

From: "Nancy E. Park" <nballpark@sbcglobal.net>
To: <zthomas@ci.chico.ca.us>
Date: 05/31/2009 8:53 PM
Subject: Expansion of WalMart

May 31, 2009

RE: WalMart Expansion Proposal

Dear Mr. Thomas,

The WalMart expansion project has been in the planning stages for some time, and I have been following its progress. While it is helpful that global warming and energy consumption was added to the discussion, it appears that the city took a very generic look at both issues.

R 2-1

The City is able to quantify that the expanded store will create an additional 1,121,633 lbs of CO2 per year from vehicle and store site emissions – but lists no measures to specifically offset the emissions – emission by emission. Rather it lists improved store site systems that will improve emissions – but won't say by how much.

AB32 requires an overall reduction of Global Greenhouse Emissions by 2030. How then does the study conclude with the following?

"However, at this time, due to the lack of a threshold of significance, it is not possible to determine at what level of impact the increase in GHGs would occur as a result of implementation of the proposed project..."

R 2-2

It seems to me that the City should only approve projects where they can see a quantifiable reduction in global green house gas emissions. How else can you be in compliance with AB 32?

Sincerely,

Nancy Park
286 E. Third Ave.
Chico, CA 95926
nballpark@sbcglobal.net

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Letter R 2**Nancy Park, Resident***Response R 2-1*

The commenter states that the Revised Draft EIR takes a generic look at both global warming and energy consumption in regard to the proposed Wal-Mart Expansion Project. As evidence, the commenter states that the Revised Draft EIR quantifies the amount of carbon dioxide (CO₂) per year produced by the project yet does not list measures to specifically offset these emissions, emission by emission.

Legislation and executive orders on the subject of climate change in California have established a statewide context for greenhouse gas (GHG) emissions, and an enforceable statewide cap on GHG emissions. Given the nature of environmental consequences from GHG's and global climate change, CEQA requires the evaluation of the cumulative impacts of GHGs (CAPCOA, 2009, pg 28). Even relatively small (on global basis) additions need to be considered, and small contributions to this impact (from which significant effects are occurring and are expected to worsen over time) may be potentially considerable.

However, as of the writing of the Revised Draft EIR, the agencies with jurisdiction over air quality regulation and GHG emissions such as the state Air Resources Board (ARB) and the Butte County Air Quality Management District, have not established regulations, guidance, methodologies, significance thresholds, standards or analysis protocols for the assessment of GHG emissions and climate change. A standardized, statewide methodology to establish an appropriate baseline, such as a project-level (regional GHG emissions) inventory, to evaluate the significance of GHG emission changes has not yet been established. This places the burden for establishing methodology and determining significance standards on local lead agencies, such as the City of Chico.

While there is no regulatory guidance for accessing the potential for global warming impacts at a project level, tools do exist to estimate GHG emissions associated with certain activities. However, there is no methodology for understanding the relationship of a project's GHG emissions to cumulative impacts of global climate change. As stated in Section 2.1 of the Revised Draft EIR, GHG emissions associated with the Wal-Mart Expansion project were estimated using CO₂ emissions as a proxy for all GHG emissions. This is consistent with the current reporting protocol of the California Climate Action Registry (CCAR). While there are various methods for determining the potential GHG emissions of a specific project, at this time there is not an approved ARB method. For the Wal-Mart Expansion project, two different methods were used, based on the emission source (buildings or vehicles) to ascertain the potential CO₂ emissions at project buildout.

At this time, due to the lack of a threshold of significance, it is not possible to determine at what level of impact the increase in GHGs would occur as a result of implementation of the proposed project (2,569,019 pounds of CO₂ per year from building emissions and 10,068,160 pounds of CO₂ per year from vehicle emissions) (see pages 2.1-10 and 2.1-11 of the Revised Draft EIR). Assembly Bill (AB) 32 requires that statewide GHG emissions be

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reduced to 1990 levels by the year 2020. This will require an overall reduction GHGs emitted in the state. As noted, vehicle emissions result in the majority of GHG emissions. California vehicle emissions standards are regulated by the state and federal governments, the only entities which have jurisdiction over vehicle emissions in California and reduction of these vehicle emissions by the proposed project is not possible. However, the project does provide a number of actions to reduce energy use and thereby reduces the store's demand on energy and the related GHG emissions (Refer to pages 2.1-12 through 2.1-13 of the Revised Draft EIR). Furthermore, there is a Class I bicycle path located on the western and southern boundaries of the Wal-Mart store and parking lot. This existing bicycle path is a small segment of a planned Class I bicycle/pedestrian path that will run on the east side of State Route 99 from Big Chico Creek to Skyway/Norte Dame Boulevard. The project site plan also provides for a pedestrian system of sidewalks and crosswalks which will accommodate pedestrians arriving from the new sidewalk/crosswalk system along Forest Avenue to the new store.

Section 2.2 of the Revised Draft EIR describes the potential energy use of the proposed project including the consumption of electricity, natural gas, and petroleum (see pages 2.2-1 through 2.2-12 of the Revised Draft EIR). As mentioned in the Revised Draft EIR, Appendix F of the CEQA Guidelines was adopted to assist in the Energy Conservation analysis which contains a suggested approach to analyzing energy conservation.

As a point in clarification, CEQA requires that an EIR include a detailed statement setting forth "[m]itigation measures proposed to minimize the significant effects on the environment, including, but not limited to, measures to reduce wasteful, inefficient and unnecessary consumption of energy." (Public Resources Code § 21100, subd. (b)(3); Guidelines § 15126.4, subd. (a). The Guidelines clarify that "[e]nergy conservation measures shall be discussed when relevant." (§ 15126.4, subd. Appendix F (Energy Conservation) is identified for examples of energy conservation measures.

Appendix F reiterates that CEQA "requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy." As mentioned in the Revised Draft EIR, Appendix F of the CEQA Guidelines was adopted to assist in the Energy Conservation analysis which contains a suggested approach to analyzing energy conservation. The proposed project was considered to have a significant energy impact if its implementation resulted in a wasteful, inefficient, or unnecessary usage of energy, placed a significant demand on regional energy supply or required substantial additional capacity, or resulted in a need for new systems or supplies or substantial alterations to the existing power and natural gas utilities (see to page 2.2-7 of the Revised Draft EIR).

Appendix F also describes how specific sections of the EIR might address energy impact possibilities and potential conservation measures. For example, the Project Description may include descriptions of energy consuming equipment or processes, total energy requirements of the

project, energy conservation equipment and design features, initial and life-cycle energy costs and supplies, and total estimated daily trips generated by the project. The Environmental Impacts discussion may include a discussion of the effects of the project on local and regional energy supplies and on requirements for additional capacity. Mitigation measures may include items such as "potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during operations."

Consistent with CEQA requirements, the Revised Draft EIR assessed the energy impacts associated with the proposed project (refer to pages 2.2-7 through 2.2-11 of the Revised Draft EIR). It also established a threshold of significance consistent with CEQA Guidelines (refer to page 2.2-7 of the Revised Draft EIR).

The Revised Draft EIR contains an assessment of the proposed project's energy use during construction, during operations, and from daily vehicle trips to be generated by the project (refer to page 2.2-7 through 2.2-10 of the Revised Draft EIR). The Revised Draft EIR states that, during construction the project will consume no greater quantities of energy than is typical of similar projects (page 2.2-8 of the Revised Draft EIR).

In the assessment of impacts of store operations, the Revised Draft EIR presents current annual energy usage for the existing store, estimates the expected increase in usage for the proposed project expansion, calculates the estimated total for the expanded store, and calculates the project electricity demand and natural gas demand as a percentage of PG&E's projected total demand for the year 2008 (see pages 2.2-8 through 2.2-9). The Revised Draft EIR describes energy conservation equipment and design features incorporated into the project (page 2.2-9 of the Revised Draft EIR). The features will reduce the amount of, and increase efficiency of, energy consumption (page 2.2-9). The Revised Draft EIR also identifies the estimated amount of annual supply added by 2007 renewable energy contracts signed by PG&E (page 2.2-11).

Based on this environmental review process, the Revised Draft EIR concluded that the energy impacts associated with the proposed project were not significant and that the project's contribution to cumulative energy impacts was not cumulatively significant. The conclusions of the Revised Draft EIR regarding impact significance are based on substantial evidence.

Response R 2-2

The commenter notes that AB 32 requires an overall reduction of GHG emissions by 2030 and in light of such, asks how the Revised Draft EIR could conclude that, "it is not possible to determine at what level of impact the increase in GHGs would occur," due to the lack of a threshold of significance.

As a point in clarification, AB 32 requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. The reduction to 1990 levels will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. To effectively implement

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the cap, AB 32 directs ARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles (AB 1493 required that ARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty truck and other vehicles determined by the ARB to be vehicles whose primary use is noncommercial personal transportation in the state"). However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then ARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

AB 32 requires that ARB adopt a quantified cap on GHG emissions representing 1990 emissions levels and disclose how it arrives at the cap, institute a schedule to meet the emissions cap, and develop tracking, reporting, and enforcement mechanisms to ensure that the state achieves reductions in GHG emissions necessary to meet the cap. AB 32 also includes guidance to institute emissions reductions in an economically efficient manner to ensure that businesses and consumers are not unfairly affected by the reductions.

As mentioned under *Response R 2-1*, ARB has not established regulations, guidance, methodologies, significance thresholds, or standards or analysis protocols for the assessment of GHG emissions and climate change. A standardized, statewide methodology to establish an appropriate baseline, such as a project-level (regional GHG emissions) inventory, to evaluate the significance of GHG emission changes has not yet been established. Therefore, while AB 32 requires ARB to develop thresholds of significance for GHGs, that process has not yet been completed and no air district in California, including the Butte County Air Quality Management District, has identified a significance threshold for GHG emissions or a methodology for analyzing air quality impacts related to greenhouse gas emissions at this time.

As discussed under *Response R 2-1*, the burden for establishing methodology and determining significance standards falls to the City of Chico. As stated on page 2.1-8 of the Revised Draft EIR, the Climate Change Standard of Significance as established by the City of Chico for the proposed project is as follows:

"A project's incremental contribution to global climate change will be considered significant if due to the size or nature of the project it would generate a substantial increase in GHG emissions that would impede the State's attainment of AB 32's goal of reducing GHG emissions to 1990 levels by the year 2020 when combined with the GHG emissions of other prior, current, and reasonably foreseeable projects with the State of California" (page 2.1-8 of the Revised Draft EIR).

As stated on page 2.1-14 of the Revised Draft EIR, expansion of the existing Wal-Mart store will result in an increase in CO₂ emissions of 0.006 million metric tons (MMT) annually. In comparison, the amount of CO₂ emitted in

California in 2004 was 334.9 MMT. The project includes an array of measures that will reduce GHG emissions effectively decreasing the impacts of the project to global warming and climate change as well as energy use. For these reasons, the project will not generate a substantial increase in GHG emissions that would impede the State's attainment of AB 32's goal of reducing GHG emissions to 1990 levels by the year 2020 when combined with the GHG emissions of other prior, current, and reasonably foreseeable projects with the State of California.

LETTER R 3

Page 1 of 1

Zachary Thomas - Wal-Mart

From: "benjamin hills" <buncato@lycos.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/30/2009 11:36 AM
Subject: Wal-Mart

Zach Thomas, Senior Planner
Community Services Dept,
City of Chico
P.O. Box 3420
Chico CA 95926

Dear Mr. Thomas:

I would like to comment on the expansion of the Wal-Mart in south Chico.

I believe both the energy consumption and global green house gas studies are insufficient. Case in point, Wal-Mart plans to use solar panels for its distribution center in Merced to alleviate demands on the electrical grid.

This is a sustainable design feature that Wal-mart is using throughout California. Why is this not mentioned in the Chico plan?

Is Chico not worthy of a sustainable design - such as solar panels, to reduce it carbon footprint?

Why was this feature not included in Wal-Mart's proposal for Chico?

Sincerely, Benjamin Hills
545 W. 12th Ave.
Chico, CA 95926

R 3-1

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Letter R 3

Benjamin Hills, Resident

Response R 3-1:

The commenter states the belief that both the Energy Conservation and Climate Change sections of the Revised Draft EIR are insufficient. As evidence, the commenter states that Wal-Mart plans to use solar panels for its distribution center in Merced to alleviate demands on the electrical grid yet the proposed project does not propose the use of solar panels. The commenter asks why the proposed project design does not include the use of solar panels.

While it is noted that the use of solar panels could be an effective strategy to reduce energy consumption impacts, the proposed project is not required to employ the use of solar panels as part of project design. The presence of design features or building attributes in one location does not mandate the use of such feature in all instances. The City of Chico does not possess regulatory policies to mandate the use of solar panels for new development. Appendix F of the CEQA Guidelines states that an EIR should include a discussion of potentially significant energy impacts of the proposed project, with emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. The Revised Draft EIR provides several features that will be incorporated into the expansion of the existing Wal-Mart store resulting in reduced energy consumption and several aspects of the proposed project are aimed at the increase in efficiency of energy consumption (see page 2.2-9 of the Revised Draft EIR).

LETTER R 4

City of Chico
Planning Services Department
Attn: Senior Planner, Zach Thomas
411 Main Street, Post Office Box 3420
Chico, CA 95927
zthomas@cl.chico.ca.us



Dear Mr. Thomas:

Thank you for taking the time to read my letter about the proposal to expand the Wal-mart in Chico into a Supercenter.

I have a lot of concerns about traffic. Specifically, I've noted that there is usually a lot of traffic going in and out of Wal-marts, and not just the one in Chico. Did the city accurately study the specific traffic issues in Chico and at Wal-marts throughout the region?

R 4-1

I have attached an article about a Wal-mart in Sacramento which has terrible traffic. Is the city aware of these issues? What is being done to make sure Chico doesn't get the same traffic problems they have at the Wal-mart in Sacramento? Please don't let this happen to us.

Is the city setting aside additional funds to make sure Chico doesn't have to absorb a \$1 million cost to improve traffic after the store is built?

R 4-2

Maybe the city should. Wal-mart certainly has the funds available and we don't!

Thank you,

Tamara Yates
40 Sorenson Circle
Chico, CA 95973

Attachments

LETTER R 4 CONT.

Life. Captured daily.
The Sacramento Bee
sacbee.com

CITY

Natomas center hard to leave, some say

Edgar Sanchez Bee Staff Writer

699 words

22 March 2007

The Sacramento Bee

METRO FINAL

GI

English

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The problem: Getting into Natomas Marketplace can be difficult, but getting out can be much harder, people who shop and work at the shopping center say.

"It sucks both ways," said Sheillah Aspesi, 21, an employee of Hooters restaurant near the heart of the complex at Interstate 80 and Truxel Road.

"Getting in can be a hassle," partly because the traffic lights at the center's main entrance take "a really long time" to change to green, she said.

Once inside, Aspesi said, she drives along traffic lanes in the middle of the complex and waits for traffic to stop before she turns left into the Hooters' parking area.

"That can be very difficult," she said of the turn. "It's really hard because so many cars are trying to get out of here."

But that maneuver is a piece of cake, Aspesi said, compared with what happens when the place is crowded and hundreds of cars seem headed to the exits at the same time.

Depending on the hour, it can take her 15 minutes to drive from the Hooters parking area to the shopping center's main exit.

"I get a 30-minute break, and the other day, it took me 15 minutes just to get out of here," Aspesi said. "I met with a girlfriend (a few blocks away), and by the time I came back, I was 10 minutes late.

"This parking lot is horrible," she said.

The worst horror stories are related to sporting events, said Mike Waldron, a supervising construction inspector for the city of Sacramento's Department of Transportation. After a Kings game at nearby Arco Arena, southbound traffic on Truxel Road is extremely heavy, and "traffic just backs up," he said.

LETTER R 4 CONT.

"The Christmas holidays also are terrible out here," he said.

The solution: The city of Sacramento last week announced a \$950,000 project to help ease traffic flow in and out of Natomas Marketplace. The modification and improvement project began Monday, with completion slated for mid-June.

In May 2003, the last year for which statistics are available, an average of more than 50,000 cars a day went through the intersection of Truxel Road and Gateway Park Boulevard, the west side of which is the main entrance to the complex, according to the city's Department of Transportation Web site. The number of cars using the intersection has since skyrocketed, making it one of the city's busiest intersections, city officials said. But the number of entrances and exits to Natomas Marketplace has remained the same: Two.

A single-lane entrance at the north end of the complex allows cars traveling south on Truxel Road to turn right into the shopping center. Cars traveling north on Truxel Road are separated from that entrance by a median and cannot turn left into it. To address this situation, traffic lights will be installed by the north end of the complex, with a section of the median to be removed to allow left turns into the complex's north end, said Linda Tucker, transportation department spokeswoman. The one-lane exit will be reconfigured and a signal installed to provide for a left turn out of the Marketplace onto northbound Truxel Road, Tucker said.

Three northbound lanes on Truxel Road that turn left into the Marketplace's main entrance also will be improved. By narrowing an existing median, all three will be given a larger "left-turn pocket" or area where cars wait for green lights, Tucker said.

Natomas Marketplace, which opened in the fall of 1998, includes a Wal-Mart, a Home Depot, a Staples, a multiscreen theater complex and, since November 2005, a Hooters. Construction crews will work on the project from 8:30 a.m. to 2:30 p.m., weather permitting. Traffic in both directions of Truxel Road will be affected.

The Bee's Edgar Sanchez can be reached at (916) 321-1088 or esanchez@sacbee.com.

COMMUNITY WATCH

Sacramento Bee | Improvements are being made to the entrances and exits of Natomas Marketplace, as well as the intersection of Natomas Crossing Drive and Truxel Road.

LETTER R 4

TAMARA YATES, RESIDENT

Response R 4-1

The commenter expresses concerns about the traffic-related issues surrounding the project and asks if the specific traffic issues in Chico as well as other communities with Wal-Mart stores were accurately assessed. The commenter provided a 2007 Sacramento Bee newspaper article describing traffic-related issues surrounding an existing shopping center complex in the Sacramento region. This article is included in this document. The commenter inquires as to what measures are being implemented to ensure the Chico Wal-Mart store does not achieve a similar magnitude of traffic problems as, "they have at the Wal-Mart in Sacramento."

Section 2.3 of the Revised Draft EIR completely replaces Section 4.2 of the original 2006 Draft EIR. Section 2.3 summarizes the results of a traffic impact study performed by Omni-Means, which specializes in transportation planning and engineering, for the proposed Wal-Mart Expansion project. This study is included in Appendix A of the Revised Draft EIR. As described on page 2.3-19 of the Revised Draft EIR, traffic operations have been quantified through the determination of "Level of Service". Levels of Service have been calculated for all intersection control types using the methods documented in the Transportation Research Board Publication *Highway Capacity Manual, Fourth Edition, 2000*. The *Traffix 7.7* software program was used to implement the *Highway Capacity Manual (HCM-2000)* analysis methodologies. The Transportation Research Board (TRB) published *Highway Capacity Software 2000 (HCS-2000), Version 4.1*, was applied in the Section 2.3 analysis. Freeway mainline, ramp (merge/diverge) junction and mainline weaving operations peak hour traffic operations were analyzed using methodologies presented in *HCM 2000*. As stated on page 2.3-26 of the Revised Draft EIR, project site trip generation is typically estimated utilizing trip generation rates contained in the Institute of Transportation Engineers (ITE) Publication *Trip Generation*. However, traffic counts conducted at the existing Wal-Mart store indicate that trip generation rates and volumes are significantly higher than those calculated from the ITE *Trip Generation Manual* using the existing store square footage and ITE rates for a "Free Standing Discount Store" (land use 815). Thus, given this existing characteristic, it is also assumed that trip rates for the proposed Wal-Mart Expansion project would also be higher than ITE trip rates for a comparable "Free Standing Discount Superstore". For this reason, it was necessary to establish an alternative methodology to estimate an appropriate trip generation rate for the proposed Wal-Mart store to reflect the anticipated higher actual rate to the traffic analysis. This alternative methodology basically provides for the "factoring up" of ITE trip generation characteristics for the proposed site by blending the ITE rates for a "free standing discount superstore" and the actual observed trip rates at Wal-Mart Supercenters. The specific methodology used to calculate the final recommended trip generation for the proposed Wal-Mart Supercenter, including a detailed description of each individual step in the calculations (along with corresponding tables and graphs), are included in **Appendix C** of the original 2006 Draft EIR. Section 2.3 evaluates the projected cumulative (year 2020) peak hour operations and cumulative operations were obtained from two sources, *Chico 2005-2006 Update of Development Impact Fees Analysis and Recommendations, Nexus Study*

2.0 RESPONSE TO COMMENTS

(City of Chico, October 2005) and the *Meriam Park Phasing Analysis* (W-Trans, May 2, 2007).

The commenter is referred to Section 2.3 of the Revised Draft EIR for a description of the mitigation measures to be implemented as a result of potential traffic-related impacts.

Response R 4-2

The commenter inquires as to the possibility of the City setting aside additional funds to ensure the City does not have to absorb one million dollars to improve traffic after the store is built and implores that the City do so.

The City of Chico does not anticipate the need to set aside additional funds to ensure the funding of future traffic facility improvement needs as a result of the project. Section 2.3 of the Revised Draft EIR identifies several traffic facility improvements which will be implemented prior to the issuance of the certificate of occupancy. These traffic facility improvements, described on page 2.3-70 through 2.3-73 of the Revised Draft EIR, shall be fully implemented and funded by the project developer and ensure that traffic-related impacts resulting from the project are mitigated to a level that is less than significant. The project circulation improvements will be required to be in place before the opening of the expanded Wal-Mart Supercenter.

LETTER R 5

Page 1 of 2

Zachary Thomas - Wal Mart

From: "The Pforsichs" <thechico46@comcast.net>
To: <zthomas@ci.chico.ca.us>
Date: 05/29/2009 11:51 AM
Subject: Wal Mart

Zach Thomas, Senior Planner
 City of Chico
 Community Services Department
 P.O. Box 3420
 411 Main Street
 Chico, CA 95927

RE: Wal-mart Expansion

Dear Mr. Thomas:

I read the new Wal-mart EIR. How is it that in the global greenhouse emission section the report only talked about vehicular traffic and excluded truck deliveries? In the traffic discussion WM admitted that there will be 24 additional truck deliveries per week on large tractor trailers.

R 5-1

I read an article that said WM had a fleet of hybrid trucks in Apple Valley. Why can't the city insist that WM use only hybrid diesel trucks to make deliveries? Can the City impose rules that trucks may not idle in the parking lot? To help with traffic, can Wal-mart restrict their deliveries to non-peak traffic times?

R 5-2

How will the city enforce its no left turn rule when leaving Wal-mart on Blaney Lane? The traffic study explained clearly that the City can't apply standards of service to intersections on private roads. This is a private road – how can you restrict traffic to one way?

R 5-3

There is no consideration in this requirement for people using Wal-mart's tire and lube store off the Blaney Lane entrance. Nor is any consideration given for traffic visiting In & Out Burger or the hotel on Blaney Lane. There is a discussion of Toys R Us – but the study ignores the other businesses.

The traffic study references that two sets of traffic counts were taken – one in November 2004 and the other in April 2005. Why wasn't the data from November provided? Why is there is no explanation for why the prior data set was excluded?

R 5-4

This traffic study is insufficient. Limiting traffic on private roads as part of the mitigation; while simultaneously explaining the city has no control over private

R 5-5

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LETTER R 5 CONT.

Page 2 of 2

R 5-5 cont.

roads is unsupportable.

Sincerely,

Lori Pforsich
4239 Rancho Road
Chico, CA 95973
345-3706

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LETTER R 5**LORI PFORSICH, RESIDENT***Response R 5-1*

The commenter asks as to why the Climate Change section of the Revised Draft EIR excluded any discussion regarding the 24 additional truck deliveries per week. As stated on page 2.1-10 of the Revised Draft EIR, Omni-Means transportation engineers provided data that can be used to estimate CO₂ emissions from project-generated vehicle trips. According to Omni-Means, the proposed Wal-Mart Expansion project could potentially result in 4,883 new daily vehicle trips per day. This number includes the addition of 24 truck deliveries per week.

Response R 5-2

The commenter asks why the City of Chico cannot require the use of hybrid diesel delivery trucks as well as whether the City may impose rules that deliveries trucks may not idle in the parking lot. The commenter asks whether Wal-Mart can restrict deliveries to non-peak traffic times in order to reduce traffic.

While it is noted that the use of hybrid diesel delivery trucks could be an effective strategy to reduce GHG emissions, the proposed project is not required to employ their use. The City of Chico does not possess regulatory policies to mandate the use of hybrid diesel delivery trucks for new development. As stated in CEQA Guidelines Section 15041(a), a lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment consistent with applicable constitutional requirements. As stated on page 2.1-13 of the Revised Draft EIR, California vehicle emissions standards are regulated by the state and federal governments, the only entities which have jurisdiction over vehicle emissions in California. However, the project does provide a number of actions to reduce energy use and thereby reduces the store's demand on energy and the related GHG emissions (Refer to pages 2.1-12 through 2.1-13 of the Revised Draft EIR).

As noted in Section 2.3 on page 2.3-40, the proposed project will result in eight additional 18-wheel semi trucks per week. The City, acting as lead agency for a project, has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment consistent with applicable constitutional requirements. As identified under Impact 2.3-1 of the Revised Draft EIR, development of the project would not result in a reduction in the level of service standard of any City or Caltrans intersection (signalized or un-signalized) operating at an acceptable level of service based upon the City's and Caltrans' adopted significance threshold criteria (Refer to pages 2.3-67 through 2.3-68 of the Revised Draft EIR). Furthermore, Impact 2.3-2 of the Revised Draft EIR states that impacts associated with private roadway operation and project site safety are less than significant with mitigation incorporated (see pages 2.3-68 through 2.3-73 of the Revised Draft EIR). As nearly all of the existing businesses in the project vicinity receive truck deliveries without temporal restrictions, the measures employed by the proposed project to substantially lessen or avoid significant effects on the environment were determined to be adequate and the project is not restricted in making deliveries at non-peak traffic times.

2.0 RESPONSE TO COMMENTS

There are current State restrictions that address the idling times of commercial diesel trucks. According to Greenaction for Health and Environmental Justice (Greenaction, 2009), Commercial diesel vehicles over 10,000 lbs. such as school buses, transit buses, delivery trucks, big-rigs, school pupil activity buses, general public paratransit vehicles and other commercial motor vehicles, are subject to a five minute idling limit per the California Anti-Idling Law which was adopted January 1, 2008 to reduce the health & environmental impact of diesel exhaust emissions. Furthermore, starting with model year 2008, all heavy-duty diesel trucks sold in California must be equipped with an automatic engine shutdown device to be activated after five minutes of idling (ARB, 2009).

Response R 5-3

The commenter inquires as to how the project will be able to restrict left turns from Wal-Mart to Baney Lane considering Baney Lane is a private road and the City cannot apply standards of service to private intersections and roads. The commenter further inquires as to the reason why no consideration was given to traffic traveling to In & Out Burger or the hotel on Baney Lane.

The project will be able to restrict left turns from Wal-Mart to Baney Lane through traffic facility modifications within the boundaries of the project site. As mentioned on page 2.3-73 of the Revised Draft EIR, because of the potential sight distance issues for the outbound left turn vehicles with the westbound Baney Lane traffic at the Baney Lane/Wal-Mart Central Driveway, and the close intersection spacing between the Baney Lane/Wal-Mart East Driveway and Forest Avenue/Baney Lane intersection, the outbound left turns should be physically prohibited through the construction of intersection channelizations. The construction of these intersection channelization facilities would occur within the boundaries of the Wal-Mart project and would not encroach into the private right of way of Baney Lane.

Cumulative traffic volumes for the study area were obtained from two sources, Chico 2005-2006 Update of Development Impact Fees Analysis and Recommendations, Nexus Study (City of Chico, October 2005) and the Meriam Park Phasing Analysis (W-Trans, May 2, 2007). The Nexus Study included a future horizon year of 2018 to coincide with its General Plan horizon and included traffic projections for most of the facilities in the study area (see pages 2.3-5 through 2.3-6 of the Revised Draft EIR for a complete list of study intersections analyzed). The Meriam Park Phasing Analysis was completed following completion of the DEIR for the Meriam Park project to assist with determining phasing of City street improvements. Since the Meriam Park land use plan included a building phase for the Year 2020, previous traffic projections from the Nexus Study were updated using straight line growth factors to obtain Year 2020 projections.

Response R 5-4

The commenter notes that two set of traffic counts were taken as part of the traffic analysis of the Revised Draft EIR and inquires as to why the traffic counts taken in November 2004 needed to be updated in April 2005. The commenter is referred to Response R 5-3. As stated in Section 2.3 of the Revised Draft EIR, existing traffic volumes were provided by the City of Chico for weekday AM, weekday PM, and Saturday peak hour periods at

the critical study intersections. Traffic counts were updated in November 2004 and again in April 2005. Information gathered from the traffic counts conducted in both November 2004 and April 2005 was used in the traffic analysis of the Revised Draft EIR. The commenter is also referred to Master Response 2.4.2

Response R 5-5

The comments states that the traffic analysis completed for the Revised Draft EIR is insufficient and cites as evidence, "limiting traffic on private roads as part of the mitigation; while simultaneously explaining the City has no control over private roads is unsupportable."

The commenter is referred to *Response R 1-1* and *Response R 5-3*.

LETTER R 6

Page 1 of 1

Zachary Thomas - Wal Mart

From: "The Pforsichs" <thechico46@comcast.net>
To: <zthomas@ci.chico.ca.us>
Date: 05/29/2009 11:53 AM
Subject: Wal Mart

Zach Thomas, Senior Planner
City of Chico
Community Services Department
P.O. Box 3420
411 Main Street
Chico, CA 95927

RE: Wal-mart Expansion

Dear Mr. Thomas:

How does the city plan to enforce requirements for Wal-mart's expansion? The city has been presented with documentation that Wal-mart allows overnight parking and is unable to enforce the existing code violations.

R 6-1

The city has never presented an answer to that key question. Now Wal-mart wants to expand, so more people will come to the store and park overnight. What steps will be taken to ensure the newly expanded store will comply with existing and current code violations?

Wal-mart has not been a good neighbor. Don't let them take advantage of residential neighbors. Stop the expansion.

R 6-2

Sincerely,

Ben Pforsich
4239 Rancho Road
Chico, CA 95973
345-3706

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Letter R 6**Ben Pforsich, Resident***Response R 6-1*

The commenter states that the City has been presented with documentation that proves Wal-Mart allows overnight parking and that the City is unable to enforce these code violations. The commenter claims that the proposed project will attract more overnight parking and asks what steps the City will implement in order to cease these code violations. While such overnight camping in a store parking lot may be a code enforcement issue, it does not result in an environmental effect that is required to be analyzed in an EIR. The commenter does not raise any issues related to the adequacy of the Wal-Mart Expansion Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

As a point of interest, Chapter 9.20 of the City Municipal Code states that the streets and public areas within the City should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts the community. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the City.

Except as otherwise provided in Chapter 9.20, it is unlawful and a public nuisance for any person to camp or occupy camp facilities on any public property or any private property which is not operated and maintained as a campground in conformance with the regulations set forth in Title 19 of the City Municipal Code.

The proposed project will be required to conform to the regulations set forth in Chapter 9.20 of the City Municipal Code.

Response R 6-2

The commenter states that Wal-Mart has not been a good neighbor and urges a halting of the proposed project. This comment will be noted and conveyed to the decision-makers; however, it does not address the adequacy of the Revised Draft EIR. By definition, Environmental Impact Reports are required to contain an objective evaluation of the ecological consequences of an action, and they are specifically prohibited from making recommendations regarding the advisability of the project. Economic or social consequences of a project are not to be treated as significant effects on the environment, although they may lead to a physical change that may be regarded as a significant effect on the environment (CEQA Guidelines §15064[e] & §15131[a]).

Please note that although the public review of the Revised Draft EIR is specifically for the purpose of addressing the adequacy and completeness of the analysis of the environmental consequences of the Revised Draft EIR, the public has opportunities to present information and/or recommendations regarding other issues to both the Planning Commission and the City Council. Public hearings before the Planning Commission to consider the Wal-Mart Expansion Project are anticipated to be scheduled in July 2009. These hearings will be formally noticed.

LETTER R 7

Page 1 of 1

Zachary Thomas - Wal-Mart EIR

From: Creature Comforts <lookafterpets@yahoo.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/29/2009 10:36 AM
Subject: Wal-Mart EIR

City of Chico
Planning Services Department
Attn: Senior Planner, Zach Thomas
411 Main Street, Post Office Box 3420
Chico, CA 95927
zthomas@ci.chico.ca.us

Dear Mr. Thomas:

The Revised Draft EIR says nothing about the hours of operation at the proposed Wal-mart Supercenter expansion.

When will the store be open, 24 hours a day, 7 days a week?

When will the store accept deliveries? 24 hours a day, 7 days a week?

Why wasn't this information provided in the EIR?

Isn't that a valuable piece of information for decision-makers?

Thank you for your attention to this matter.

Elizabeth Tice
609 Vilas Road
Chico, CA 95973

R 7-1

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Letter R 7

Elizabeth Tice, Resident

Response R 7-1

The commenter states that the Revised Draft EIR fails to identify the hours of operational activities at the proposed project.

The Revised Draft EIR only pertains to the subject areas of energy conservation, climate change, and traffic and circulation and contains a description of the environmental setting, identification of project impacts and mitigation measures for impacts found to be significant for the subject areas.

For information regarding other subject areas, the commenter is referred to the original Draft EIR. For instance, page 3.0-7 of the original Draft EIR states that the existing Wal-Mart store operates 24-hours a day, seven days a week. Wal-Mart anticipates that the expanded store would also be open 24-hours a day, seven days a week.

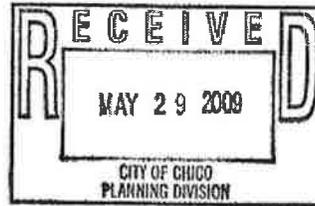
LETTER R 8

May 22, 2009

City of Chico
Planning Services Department

Attention:

Senior Planner, Zach Thomas, Planning Commissioners and City Council Members
411 Main Street, P.O. Box 3420
Chico, CA. 95927



Dear Mr. Thomas,
Planning Commissioners and
Council Members:

This submission is for your revised EIR, for the Walmart Expansion Project (PM 03-17) and how the Walmart overnight campers relate to traffic issues.

Since 2003, I have been trying to alert the City of Chico, Code Enforcement regarding Walmart's allowance of overnight campers in their parking lot. Please see a cross-section of letters, emails and photos, attached. In all these years there has been no change in Walmart acquiring the proper permit to have a campground or to remove, daily, their overnight campers.

R 8-1

These are the ways campers have a negative effect on traffic:

1. When the City evaluates traffic, for the expansion, it should take into consideration not only the obvious in-coming of shoppers. Walmart has a national-open-door policy for overnight campers. (4 page article enclosed, from SF Gate.com- titled: For many, Walmart lots feel like home Retailer lets RV owners sleep by stores—cities getting antsy.) Traffic coming in and out of their property is not just for retail. Shoppers are there for a short period of time, while campers are parked for long stays. As I have witnessed, an average camper stays 1-2 days. Many campers stay 3-4 nights or more. One extreme, I witnessed, was there short of 3 weeks.
2. Most of these vehicles are 5th-wheelers pulling large travel trailers or lavish motor homes. Often times they choose to not park in the spaces but by the curbs near the entrance/exit. These large vehicles either, in the parking spaces, or on the perimeter curbs, are a concern for traffic visibility and the flow of lanes.

R 8-2

R 8-3

Should the City require Walmart to put in place measures to finally address this issue, as a neighbor of Walmart these are my questions:

How long will their corrective measures last?

Walmart's effort to take responsibility for this infraction historically has been sporadic and short-lived. A week or two here and there and once again the campers return. If Walmart gets what they want (the expansion) I feel they will

R 8-4

LETTER R 8 CONT.

*forget any agreements made with the City and return to their delinquent behavior. I base this last statement on their track record for the past 6 years.
What will the City do to enforce Code, now and in the future for their failure to actively remove campers?
Up until now, it appears there is either no ability to enforce code or some unspoken reason why they choose to not use their full authorities, to enforce code.*

R 8-4 cont.

Also, enclosed are photos (from April 23 to May 24, 2009), with emails, to Code Enforcement, to demonstrate the validity of my statements.

Sincerely,



Nina Widlund
1 Sir Andrew Court
Chico, CA 95928
530-540-0384

Attachments enclosed- 22 pages- emails, photos, article and letter (Dec,2004)

LETTER R 8 CONT.

Print

<http://us.ng1.mail.yahoo.com/dc/launch?gx=0&.rand=0e5ofrpe09>

From: Nina Widlund ()
To: rschrein@ci.chico.ca.us; rschrein@ci.chico.ca.us
Date: Thursday, April 23, 2009 4:02:02 PM
Subject: Walmart campers

Dear Code Enforcement,
I feel it is important to notify you of the campers at Walmart.
Most mornings I walk by their lot at daybreak and will start sending you cell phone photo/
attachments,
on the days I pass by there.
Sincerely,
Nina Widlund
530-540-0384

[2 Images](#) | [View Slideshow](#) | [Download Selected](#) | [Download All](#)



Feb 22, 2009.jpg
(105KB)



Feb 22, 2009 (2).jpg
(83KB)

5/23/2009 5:12 AM

LETTER R 8 CONT.

Print

<http://us.mg1.mail.yahoo.com/dc/launch?gx=0&.rand=0o5ofrqeo9>

From: Nina Widlund ()
To: Code Enforcement
Date: Monday, April 27, 2009 7:23:09 AM
Subject: question & complaint submission

Dear Code Enforcement,

I have attached some photos of this morning's campers in the Walmart Parking lot, taken just before 7AM.

Sherry Morgado and I have talked about this issue and she said if I should see future campers to send photos on to her and code enforcement.

Please provide me with Ms. Morgado's email address so in the future I can cc her and not bother you with asking to forward these emails.

As for today, please forward this email on to her.

Please note curtains drawn closed on camper 1 and on camper 2, I tried to crop and lighten so you could see the steps put down by their back door.

Thank you,
Nina Widlund
1 Sir Andrew Ct.
Chico, 95928
home: 540-0384
cell: 591-5997

3 Images | [View Slideshow](#) | [Download Selected](#) | [Download All](#)



[Campers 1 & 2.jpg](#)
(184KB)



[Camper 1.jpg](#)
(243KB)



[Camper 2.jpg](#)
(94KB)

5/22/2009 5:15 AM

LETTER R 8 CONT.

1/1/2009

http://us.mg1.mail.yahoo.com/dc/launch?gx=0&.rand=0o5ofrqe09

From: Nina Widlund ()
To: Code Enforcement; Sherry Morgado
Date: Thursday, April 30, 2009 7:08:12 AM
Subject: Walmart Campers- complaint

This morning I was able to get both campers in one frame.
Nina Widlund
1 Sir Andrew Court
Chico, CA
530-540-0384

1 Image | [View Slideshow](#) | [Download Selected](#)



4-30-09.jpg
(196KB)

5/22/2009 5:17 AM

LETTER R 8 CONT.

Print

<http://us.mgt.mail.yahoo.com/dc/launch?yx=0&.rand=065ofrqe02s>

From: Nina Widlund ()
To: Code Enforcement; Sherry Morgado
Date: Tuesday, May 5, 2009 7:20:10 AM
Subject: Complaint- Walmart Campers

Dear Code Enforcement,
Attachments enclosed.
Photos 1 & 2 were taken Sunday morning, May 3rd.
Photo 3 was taken today, May 5th.
Please NOTE: photo 2 & 3 are the same camper for *both* mornings
RV trailer is the same attached to the white pickup with a blue tarp in the back, only difference is
first morning curtain was down, today curtain up.
Nina Widlund
1 Sir Andrew Ct
Chico, CA 95928
530-540-0384
530-591-5997

[3 Images](#) | [View Slideshow](#) | [Download Selected](#) | [Download All](#)



Photo-001.jpg
(286KB)



Photo-002.jpg
(311KB)



Photo-003.jpg
(238KB)

5/22/2009 5:17 AM

LETTER R 8 CONT.

<http://us.mgt.mail.yahoo.com/dc/launch?gx=0&.rand=0a5ofrqe09>

PHH

From: Nina Widlund ()
To: Code Enforcement
Date: Friday, May 8, 2009 8:11:01 AM
Cc: Sherry Morgado
Subject: Walmart campers-complaint

Dear Chico Code Enforcement,
This morning I am enclosing 2 photos.
This particular camper, about 2 months ago, stayed in the Walmart parking lot approximately 3 weeks.
The reason I have sent you the 2nd photo is to show the silver jeep hitched to the back, which would leave for periods of time.
I suspect we will see this home parked here for several days or at the very least return in the future.
Please note, the motorhomes's *extension is tipped out* (for additional space), front curtain drawn, and ramp to door of camper is docked.
Nina Widlund
530-540-0384

2 Images | [View Slideshow](#) | [Download Selected](#) | [Download All](#)



May 7, 2009, 1.jpg
(182KB)



May 7, 2009, 2.jpg
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5/22/2009 5:17 AM

LETTER R 8 CONT.

XXXX

<http://us.mg1.mail.yahoo.com/dc/launch?gs=0&mail=005ofrqe09>

From: Nina Widlund ()
To: Code Enforcement
Date: Friday, May 8, 2009 8:34:13 AM
Cc: Sherry Morgado
Subject: correction

Regarding this morning's email and photos of Walmart campers- I made a mistake when naming the photos with the wrong date.
The correct date, on both photos should be May 8th, not May 7th.
Accept my apologies.
Nina Widlund

5/22/2009 5:18 AM

LETTER R 8 CONT.

Print

<http://us.mg1.mail.yahoo.com/dc/launch?gs=0&.rand=0c5of7qe09>

From: Nina Widlund ()
To: Sherry Morgado
Date: Friday, May 8, 2009 2:35:30 PM
Cc: Code Enforcement
Subject: inquiry and photo

Dear Ms. Morgado and Code Enforcement,
I normally don't send photos, to you, midday but this is of the same camper I sent you this morning (7 AM).
This photo, attached, was taken a few minutes ago, while returning home (2:15 PM).
The same camper is there, the parking lot is now full, and the camper has unrolled their awning (due to the midday sun).
This is a prime example of how Walmart responds to acknowledging our city code.
What is being done with my complaint submissions?
What is being done about Walmart not conforming to City Code?
Nina Widlund
1 Sir Andrew Court
Chico, CA 95928
530-540-0384

1 Image | [View Slideshow](#) | [Download Selected](#)



[May 8, 2009_3.jpg](#)
(84KB)

5/22/2009 5:18 AM

LETTER R 8 CONT.

Print

<http://us.mg1.mail.yahoo.com/dc/launch?gs=0&.rand=0a5ofrqe05>

From: Nina Widlund ()
To: Code Enforcement; Sherry Morgado
Date: Tuesday, May 12, 2009 7:06:32 AM
Subject: Walmart campers- Complaint

Dear Ms Morgado and Code Enforcement,
Here are photos of this morning's Walmart campers.
Please note the trailer pulled by the white camper is the same camper I sent to you, in my email dated May 5th.
In the last 10 days he has camped here 3 times (May 3rd, 5th & 12).
If Walmart was telling campers not to camp in their lot, why does this camper keep returning?
Nina Widlund
1 Sir Andrew Ct
Chico, CA 95928
530-540-0384

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May 12, 2009, 1.jpg (102KB)



May 12, 2009, 2.jpg (88KB)



May 12, 2009, 3.jpg (99KB)

LETTER R 8 CONT.

Print

<http://us.mg1.mail.yahoo.com/dc/launch?gx=0&.rand=0a5ofrgeo9>

From: Nina Widlund ()
To: Code Enforcement; Sherry Morgado
Date: Tuesday, May 19, 2009 7:18:53 AM
Cc: Sherry Morgado
Subject: Walmart campers- Complaint

Dear Code Enforcement,
Campers this morning - curtains drawn- air hatch up.
Nina Widlund
1 Sir Andrew Ct.
Chico, CA 95928
530-540-0384

[3 Images](#) | [View Slideshow](#) | [Download Selected](#) | [Download All](#)



[May_19_2009_2.jpg](#)
(83KB)



[May_19_2009_5.jpg](#)
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[May_19_2009_4.jpg](#)
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5/22/2009 5:14 AM

LETTER R 8 CONT.

Print

<http://us.mg1.mail.yahoo.com/dc/launch?gs=0&rsud=0a5ofrqce9>

From: Nina Widlund ()
To: Sherry Morgado; Code Enforcement
Date: Wednesday, May 20, 2009 7:48:17 AM
Subject: Walmart camper complaint & 2nd inquiry

Dear Ms. Morgado and Code Enforcement,
Here are *this* mornings photos of the same campers from yesterday- still there.
I have gotten no response from you on any of these submissions/complaints (regarding Walmart's violation of code) or to my questions included in my email of May 8th. Please respond to my questions.
Thank you,
Nina Widlund
1 Sir Andrew Ct.
Chico, CA 95928

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[May 20, 2009 1.jpg](#)
(72KB)



[May 20, 2009 2.jpg](#)
(174KB)



[May 20, 2009 3.jpg](#)
(175KB)

5/22/2009 5:20 AM

LETTER R 8 CONT.

Print

http://us.ngl.mail.yahoo.com/dc/launch?_g=0&.rand=0o5ofrgeo9

From: Nina Widlund ()
To: Sherry Morgado
Date: Thursday, May 21, 2009 6:56:56 AM
Subject: last photos/Complaint correction

Dear Ms. Morgado,
These will be the last photos I send you of Walmart campers (for a while).
Please note the first photo is of the same camper that has been there since the eve of May 17th.
Four and 1/2 days and nights and in all this time, why hasn't Walmart done anything to remove this camper from the premises?
When I started this process of sending you these photos, almost daily, a month ago, it was to illustrate to you that in all the years I have been trying to bring this problem to the attention of the city, Walmart never made a true faith effort to remove campers. And why should they? They have a national open door policy and it brings them sales.
It was always obvious Walmart did, currently does and will continue to ignore our local city codes.
What is disheartening is that the City of Chico Code Enforcement did, currently does and (based on Scott Armstrong's email, dated May 20th, 2009) will continue to not use the full force of his position to enforce City Code.
Regardless,
Nina Widlund
1 Sir Andrew Ct.
Chico, CA 95928

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[May 20, 2009_1.jpg](#)
(72KB)



[May 20, 2009_2.jpg](#)
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[May 20, 2009_3.jpg](#)
(175KB)

5/22/2009 5:20 AM

LETTER R 8 CONT.

Print

<http://us.mgl.mail.yahoo.com/dc/launch?gx=0&rand=005ofrqe09>

From: Nina Widlund ()
To: Sherry Morgado
Date: Thursday, May 21, 2009 7:10:01 AM
Subject: 1 last correction on photos

Dear Ms Morgado,
Sorry- I included the photos of May 20th - instead of today's May 21st
These are the correct photos.

Nina Widlund

3 Images | [View Slideshow](#) | [Download Selected](#) | [Download All](#)



[May 21, 2009 1.jpg](#)
(69KB)



[May 21, 2009 2.jpg](#)
(120KB)



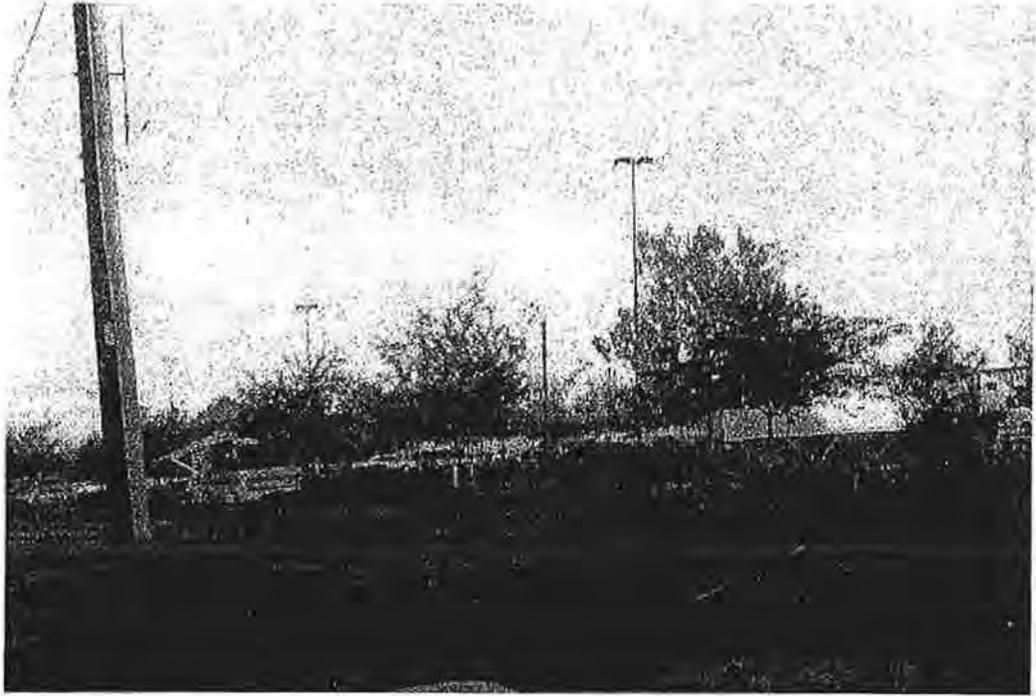
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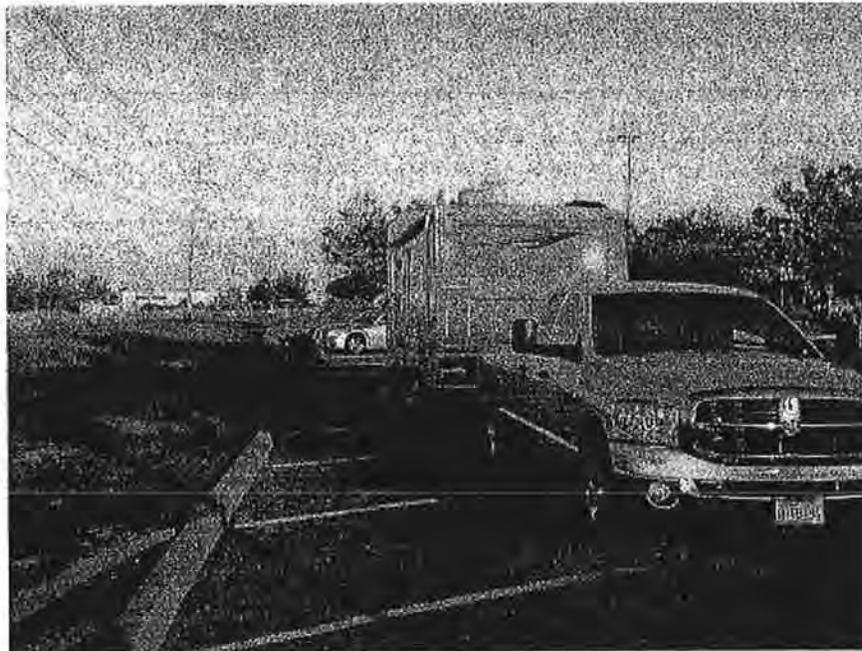
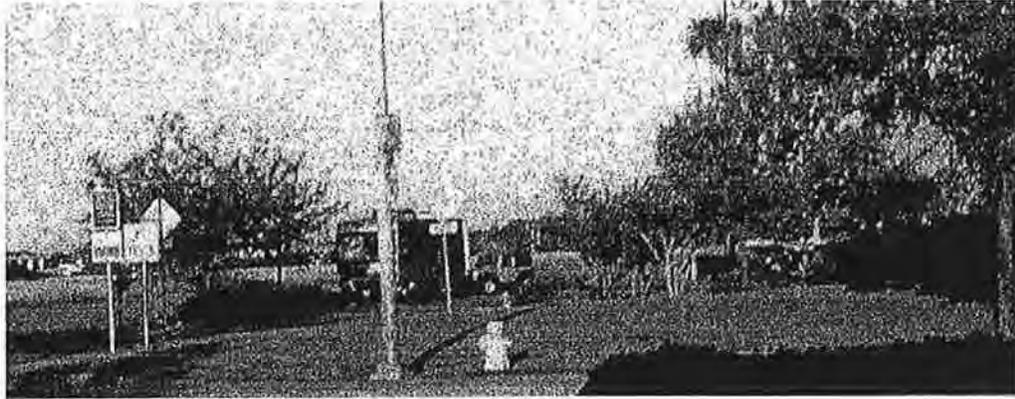
LETTER R 8 CONT.



LETTER R 8 CONT.



LETTER R 8 CONT.



LETTER R 8 CONT.

BAY AREA / For many, Wal-Mart lots feel like home / Retailer lets...

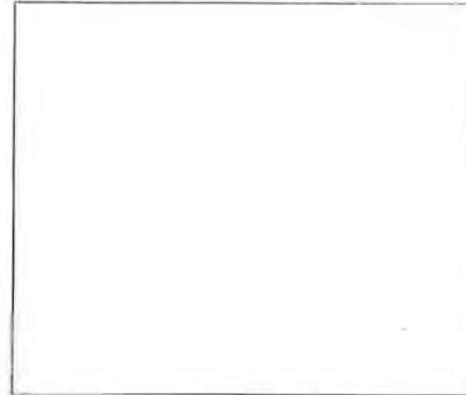
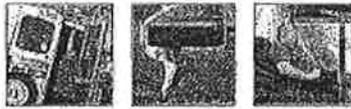
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Print This Article

BAY AREA
For many, Wal-Mart lots feel like home
Retailer lets RV owners sleep by stores -- cities getting antsy

Marla Alicia Gaura, Chronicle Staff Writer
Monday, July 19, 2004



The parking lot surrounding the Napa Wal-Mart store is hot and windy, but after a long trek from Kansas City, it looks like home to the Jandle family.

Full-time RVers who live on the road with their two young children, traveling salespeople Kim and Robert Jandle frequently park their well-appointed, 34-foot trailer overnight next to a Wal-Mart store.

"We have stayed at many a Wal-Mart over the past year," said Kim Jandle, 34, who explained that the family returns to its house in Atlanta to do things like swap winter for summer clothes. "It's clean and safe, and there's usually one within a mile of the interstate."

They're seldom alone. Not just full-time road wanderers but vacationers, workers with killer commutes and even homeless people park for a day or two --

or longer -- outside the sprawling stores.

In the Bay Area, however, where Wal-Mart's very presence has proved controversial, the welcome mat outside some stores is being rolled up.

For years, Wal-Mart has allowed travelers to park overnight, or even for a couple of days, outside stores for free. It's an unwritten policy that used to be passed just by word of mouth and now is spread on the Internet, too.



"We consider it a courtesy to our customers," Wal-Mart Stores Inc. spokeswoman Sharon Weber said. "We think of our stores as a home away from home, and we try and

LETTER R 8 CONT.

ISA Y ARBA / For many, Wal-Mart lots feel like home / Reporter tells... <http://www.sfgate.com/cgi-bin/article.cgi?f=/CJ/RZ0099/11915A01...>

welcome people when we can."

The welcoming attitude of the company, which has almost 3,000 locations nationwide, has been a boon to travelers of all stripes, from traveling salespeople like the Jandles, who sell RV cleaning supplies, to the seasonal flocks of Florida-bound snowbirds.

But in pricey California, with its soaring housing costs, the homeless, working poor and even middle-class workers are sharing the Wal-Mart lots with footloose retirees and vacationing families.

As worries about long-term encampments mount, more and more cities are forcing Wal-Mart to limit or prohibit overnight stays.

Information technology specialist James Hirtzel, 32, parks his compact camper in a far corner of the Milpitas Wal-Mart lot several times a week. He used to sleep outside the Mountain View store but was recently asked to stop parking there.

"It was only five minutes from my job, but one morning I woke up and found a nice, congenial note on my windshield saying, 'Please don't park overnight,'" Hirtzel said. "So I left and started coming here."

Hirtzel isn't homeless. He and his wife own a house in Sacramento, and their combined incomes add up to six figures. But the couple have three children, and even with two salaries, they say they can't afford to live closer to the Mountain View pharmaceutical firm where Hirtzel works.

So he outfitted a used camper with satellite TV and a Playstation 2, and spends most weeknights away from his family.

"It's not ideal," he said. "But like a lot of people here, I'm trying to make ends meet."

New Mexico retirees Valhalla and Clarence Depillo hit the road in their artistically renovated school-bus camper this summer and have stayed in Wal-Mart lots throughout the Southwest. They had not encountered any restrictions in staying overnight until they got to California.

"California is a profitable state, and the feeling is that you should have to pay for everything," said Valhalla, who creates costumes for actors at Renaissance Faires. "It is kind of stupid to ban overnight camping. I'm sure the merchants do profit from it."

LETTER R 8 CONT.

BAY AREA / FOR MANY, WAL-MART IS FEEL LIKE HOME / KEMET IS...

<http://www.sfgate.com/cgi-bin/article.cgi?f=/D/BAYAREA/01/2009/07/29/BA...>

In fact, the campers who stay at Wal-Mart tend to be intensely loyal to the company, buying something at every stop and even planning their trips around Wal-Mart locations.

A 35-year-old woman named Cory, whose family has lived outside the Milpitas Wal-Mart for almost two years since losing their home, says store employees have been unfailingly kind to her, despite complaints about her battered camper. She reciprocates by shopping exclusively at Wal-Mart.

"They see me so much, they always ask why I'm not working there," said Cory, who lives with her husband and two young children and asked that her last name not be used. "The truth is, we have nowhere else to go."

The camping issue has become a sideshow of larger debates recently over whether Wal-Mart should be allowed to expand in such Bay Area locales as Gilroy and Contra Costa County. The company has about 10 stores in the Bay Area.

Managers at about half the local Wal-Mart stores contacted said camping has been banned at their locations. Others said one or two nights would be fine, even while warning that police might ask campers to move along.

San Jose bans overnight camping at all retail locations in the city, a zoning rule that predated Wal-Mart's arrival in the city, spokesman David Vossbrink said.

And Gilroy, which recently approved Wal-Mart's application to build a 24-hour supercenter, banned camping as a condition of approval.

"We had a problem with an encampment developing at the existing Wal-Mart store," Gilroy city planner Melissa Durkin said. "Garbage was accumulating, and campers were putting out permanent-type furniture like picnic tables. At the new site, there will be signs stating that overnight stays are illegal."

Those in the RV community warn campers that bad behavior will eventually force more Wal-Marts to crack down. Lists of Wal-Mart camping etiquette posted online urge people to be inconspicuous, clean up the area, check in with the manager and buy something at every stop. Campers should not unfurl awnings, put out lawn chairs or grills, or take up more space than necessary, the guidelines advise.

"When you walk up to my trailer, you can't tell if I'm there," Hirtzel said. "That's the way it should be. We don't want to lose this."

LETTER R 8 CONT.

HAY AKELA / For many, Wal-Mart is like home / Retailer is... <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/07/19/BAGQ37NRMU1.DTL>

Rosalinda Jalique, 61, spends many afternoons listening to the radio in her small camper while her husband, Vincent, works full time in the oil-change shop at the Milpitas Wal-Mart.

Jalique came to San Jose from the Philippines 32 years ago and raised her children there. But for the past two years, the Jaliques have lived in their camper, alternating nights at Wal-Mart with nights at their Catholic church and outside the home of her son.

"I like it here. It's nice, it's safe, and the security people are very nice," she said. "I go to the bookstore, I listen to music and read recipe books. I have a stove here, and I like to cook.

"And I always shop at Wal-Mart," Jalique laughed. "I get a 10 percent discount."

E-mail Maria Alicia Gaura at mgaura@sfgate.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/07/19/BAGQ37NRMU1.DTL>

This article appeared on page B - 1 of the San Francisco Chronicle

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LETTER R 8 CONT.

December 4, 2004

Tony Baptiste, Community Development Director
 City of Chico
 411 Main Street
 P.O. Box 3420
 Chico, California 95927

Dear Tony,

It has been through personal observation, since 1996, that Walmart has allowed overnight campers in their parking lot. For the last 3 years, I have been diligent in communicating to the City of Chico through letters, emails, photos and phone calls regarding these campers in their lot. I am dismayed the City of Chico feels the items listed below are solutions to Walmart's violation of city code.

Since, I am in the position or vantage point of witnessing Walmart's abuse on a daily basis and have given years of effort trying to document this to the City, I must speak frankly regarding your email of December 4th.

You referenced the results of the last City of Chico/Walmart meeting, December 2nd. I have some concerns regarding the statements pertaining to that meeting:

1. *"We explained that while we recognize their prior efforts..."* With the exception of cutting down four bushes and posting three signs to the parking lot (signs not enforced) what *successful* efforts has Walmart made in the last 3 years? If *efforts* had been made then why are there still campers (going on 8 years) and why did code enforcement (again) and the city attorney meet with Walmart, last Thursday, over this issue?
2. *"We suggested they hire a security company to occasionally patrol the lot. While not agreeing to this suggestion..."* Who is dictating to whom? Why have city code enforcement met with Walmart, many times, and Walmart doesn't correct the violation? And when the city authorities make a suggestion, Walmart *tells Chico* how things are going to be? When do the meetings end and the City of Chico requires or disciplines Walmart to comply?
3. *"...they offered instead to assign an employee in a vehicle to patrol the lot and monitor it for vehicles which may be overnight campers..."* Why will this work now when it hasn't worked in the past. Walmart has already offered this option and it hasn't work. Why are you or the attorney accepting the same old ill-solutions as if they are new ones?

LETTER R 8 CONT.

4. *"They will do this until 11 pm and will also place an emphasis on contacting any vehicle occupants as early as possible after daylight."* Previously, Walmart stated they didn't like sending employees out to deal with the campers, after dark. Now, *it is safe?* But it wasn't for the last 8 months? And up till 11:00 P.M is ok to patrol, but after 11:00 it isn't? You and I both know, that even today (ie. My earlier email), there are 2 campers out there this morning, 1 hour after daylight. This response too, sounds like we are "backtracking" from where we were a few months ago.

Does this also mean Walmart has an open window of time of approximately 8 hours during the night that they don't have to comply with city code? Let me got clear on this- city residents and/or Corporations only have to comply with city codes during certain hours within a day? Why is this period of time being given to Walmart, as an exclusion to remove campers, over and over again?

5. *"They will still maintain the signage at the parking lot entrances..."* Is this some sort of new *effort*- leaving signs up?

6. *"...and will continue to place flyers on unoccupied vehicles notifying them that they cannot camp overnight at this location..."* As I have stated in previous correspondence: Over the years, I have never seen 1 flyer on a window, have never seen 1 employee ever posting flyers. You would think in eight years of daily morning and evening walks, one would see a posted flyer, at least once! And flyers are a solution to what? If you have someone sleeping inside an RV, truck or car, why is a flyer the answer to an illegal camped vehicle? This doesn't deem an effort for removal. Why isn't Walmart knocking on the door of these campers and making these people leave? And if there is no one inside the vehicle where do you think they are? Why not page them on the intercom inside the store?

7. *"We are going to assist them with a modification of the flyer by providing them with a map and address information of approved overnight campgrounds and RV parks in the area..."* Here we have the largest and richest corporation in the world and the City of Chico will waste more man hours and local tax dollars to help Walmart modify an appropriate flyer?? Why isn't Walmart doing their own research to find local campgrounds, with maps, for their flyer? The flyer won't be used, it never has, and what's most important- it *doesn't* remove existing violators. Why isn't code enforcement leaving the flyer design to Walmart and do what code enforcement should do- enforce code?

I feel sad and frustrated from your response to my years of effort to gain action from the City, regarding this illegal campground. We have a corporation, with no respect for city codes, or their neighbors. Walmart will continue to allow overnight campers/transients'. They will spring-board into our neighborhoods (nights and weekends) fleeing us of our belongings and use the parking lot and perimeter as a bathroom and at the same time denying your law abiding campground parks, in this area, *their right* to these lost dollars.

LETTER R 8 CONT.

Why are you accepting these transparent solutions from Walmart management, year after year, and not enforcing the code? It seems there is a movement backward and not forward since last we met.

Nina Widlund
1 Sir Andrew Court
Chico, CA 95928

Letter R 8

Nina Widlund, Resident

Response R 8-1

The commenter notes that since 2003 they have been alerting the City of Chico Code Enforcement of overnight campers utilizing the Wal-Mart parking lot. The commenter has provided several letters, emails, and photos which are provided in this document. The commenter continues that since their efforts began in 2003, there has been no attempt to remedy the overnight camping situation at the Wal-Mart store. While overnight camping in a store parking lot may be a code enforcement issue, it does not result in an environmental effect that is required to be analyzed in an EIR. The commenter does not raise any issues related to the adequacy of the Wal-Mart Expansion Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

As a point of interest, Chapter 9.20 of the City Municipal Code states that the streets and public areas within the City should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts the community. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the City.

Except as otherwise provided in Chapter 9.20, it is unlawful and a public nuisance for any person to camp or occupy camp facilities on any public property or any private property which is not operated and maintained as a campground in conformance with the regulations set forth in Title 19 of the City Municipal Code.

The proposed project will be required to conform to the regulations set forth in Chapter 9.20 of the City Municipal Code.

Response R 8-2

The commenter suggests that the traffic analysis of the Revised Draft EIR consider the open door policy Wal-Mart extends to overnight campers and notes an article, included as an attachment, which is provided in this document. The commenter states that campers park in the Wal-Mart parking lot for long stays noting an average duration of one to two days. The issue of overnight camping does not result in an environmental effect that is required to be analyzed in an EIR. The commenter does not raise any issues related to the adequacy of the Wal-Mart Expansion Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response R 8-3

The commenter states that the majority of overnight campers utilizing the Wal-Mart parking lot employ the use of 5th-wheelers pulling large travel trailers and often park by the curbs near the entrance/exit resulting a concern for traffic visibility and flow of lanes.

The commenter is referred to *Response R 8-1*.

Response R 8-4

The commenter expresses doubt as to the City's ability to regulate the overnight camping situation involving the Wal-Mart store and inquires as to what actions the City of Chico Code Enforcement will do to enforce the Municipal Code.

The commenter is referred to *Responses R 8-1, R 8-2 and R 8-3.*

LETTER R 9

(05/29/2009) Zachary Thomas - Proposed Wal-mart expansion

Page 1

From: Mitch Cox <coxsack@yahoo.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/29/2009 9:49 AM
Subject: Proposed Wal-mart expansion

City of Chico
Planning Services Department
Attn: Senior Planner, Zach Thomas
411 Main Street, Post Office Box 3420
Chico, CA 95927
zthomas@ci.chico.ca.us

Dear Mr. Thomas:

The U.S. Green Building Council's Leadership In Energy and Environmental Design (LEED) Green Building Rating System, "encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria."

Greener Buildings, a sustainable development magazine recently published an article about an Oakland-based company's quest for a LEED platinum certification of their new headquarters. The company, L.J. Kruse Company incorporated the following features into the re-development of their company headquarters:

- A state-of-art HVAC system that features dual fuel Carrier hybrid heating and cooling, 100 percent outside filtered air and electric air purifiers that are expected to reduce reducing energy consumption by 27 percent.
- A 39-kilowatt photovoltaic solar power system from Sun Light and Power in Berkeley. The system, which can be monitored online, incorporates 210 185-watt Mitsubishi modules and five SB7000 inverters.
- A rainwater catchment system that is expected to reduce domestic water consumption by 73 percent.
- A high-efficiency lighting system combined with a daylighting design featuring several skylights.
- Efficiency fixtures including sensor faucets and low-flow toilets.
- Re-use and repurposing of as much as 75 percent of furnishings; reuse of some insulation.
- New furniture from Kantor that is deemed low emission and does not contain added formaldehyde.
- Kitchen cabinetry and dining tables containing no added formaldehyde.
- 100 percent of wood used certified by the Forest Stewardship Council.
- Use of Benjamin Moore EcoSpec paints and primers.
- Use of Interface Flor carpet tiles.
- Durapalm flooring in stairwell and entryway.
- Vetrazzo countertops at reception counter.
- Bamboo safety strips on stairs.
- High percentage of recycled content in drywall, ceiling tiles, carpet, countertops.
- Exposed concrete flooring through most of the first floor.
- Landscaping with drought tolerant plants.

Why isn't the Wal-mart expansion incorporating these features into their design?

A copy of the article can be found online at:

<http://www.greenerbuildings.com/podcasts/2009/02/19/plumbing-deeper-shade-green>

Sincerely,

Mitch Cox

R 9-1

LETTER R 9

(05/29/2009) Zachary Thomas - Proposed Wal-mart expansion

Page 2

4303 Kathy Lane
Chico, CA 95973
530-864-6499

Letter R 9

Mitch Cox, Resident

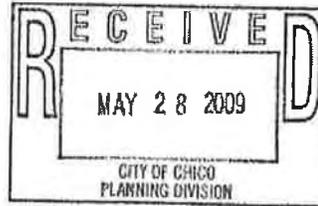
Response R 9-1

The commenter provides a description of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System as well as several aspects of the re-development of the company, L.J. Kruse Company's headquarters which involved the goal of LEED certification. The commenter asks why the proposed project is not incorporating such aspects into its design.

While it is noted that the project attainment of LEED certification could be an effective strategy to reduce energy consumption and GHG emissions, the proposed project is not required to achieve LEED status. The City of Chico does not possess regulatory policies to mandate the attainment of LEED certification for new development. The Revised Draft EIR provides several features that will be incorporated into the expansion of the existing Wal-Mart store resulting in reduced energy consumption and several aspects of the proposed project are aimed at the increase in efficiency of energy consumption. Example of such features include the use of a white roof to reduce the heat island effect, LED signage illumination which is more than 80 percent more efficient than standard illumination, and ozone friendly refrigerants. See pages 2.1-12 through 2.1-13 and page 2.2-9 of the Revised Draft EIR for a more exhaustive description of proposed sustainability measures.

LETTER R 10

May 24, 2009



To the members of the Planning Commission,

My name is Beverly Robertson, for quite some time I have been concerned about the expansion of Wal-Mart in Chico. I noticed in the paper that we are again under that some threat. I also read the article by a so-called "expert" that a Wal-Mart expansion would not be a threat to other business in Chico. I would like to challenge "the expert" with a personal story.

A couple of years ago when I had volunteered to help with a petition against Wal-marts expansion, a young women come up to me and said "I'm so happy to see that some of the people of Chico are against ANY expansion of Wal-Mart." She said she would if she could, sign our petition, but was not a resident of Butte Co. But she also wanted to tell of her hometown, which no longer existed. She was from a small town in one of the southern states They built what was called a "Big Box Store" and how wonderful it was going to be for all the people in the area. She said it didn't take long for all the other store in town to go out of business, because they couldn't compete with the power of Wal-Mart. After they became the only store in town, they raised the prices. Again she said it wasn't long before the residents also departed, with their personal losses. She said she knows it sound impossible but "believe me it isn't." She became very emotional and by then I was completely convinced.

R 10-1

Hopefully, with the university here, that wouldn't happen, but I do fear that to expand our local Wal-Mart it not only could, but would devastate our beautiful community. Especially at this time, our small businesses are hanging on by the skin of their teeth. It's up to you, and I know from personal experience [the Enloe Expansion] you really do listen.

Thank you, sincerely,

Beverly Robertson

Letter R 10

Beverly Robertson, Resident

Response R 10-1

The commenter states that they had read a letter by a, "so-called 'expert' that a Wal-Mart expansion would not be a threat to other businesses in Chico," and challenges this assertion based on testimony from a someone they had met who related that as a result of Wal-Mart, their hometown no longer exists.

As discussed in the Revised Draft EIR on page 1.0-2, when an EIR is revised only in part, the lead agency, may request that reviewers limit their comments only to the revised chapters or portions of the EIR. The Revised Draft EIR is limited to only a few sections: climate change, energy conservation, and traffic and circulation. As the Economic Analysis section in the original Draft EIR was not included in the Revised Draft EIR, this comment does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

The commenter is referred to Section 4.6 of the original 2006 Draft EIR, as well as *Response 51-1* of subsection 2.6 of this document and *Response To Opposing Economic Analysis* of subsection 2.6.1, which address the potential economic impacts with project implementation.

LETTER R 11

Page 1 of 1

Zachary Thomas - Wal Mart expansion

From: <erinksutton@yahoo.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/28/2009 4:15 PM
Subject: Wal Mart expansion

Dear Mr Thomas,

I am a concerned citizen of Chico and felt compelled to write you about the proposed expansion of WalMart. I feel strongly that this proposal should not go forward.

R 11-1

My husband and I deliberately moved to Chico because we were inspired by it's support of small-local businesses. We want to raise our two young children in an environment that advocates a sense of community well being and connectedness. We both feel that expanding a non-local, chain store, would be going against what makes this a unique place to live.

To say that WalMart will be "helping" Chico by "creating more jobs" is a misnomer. WalMart will not create more jobs. It will however, be responsible for a loss of jobs and businesses in our wonderful downtown stores, locally owned stores throughout Chico, and could also negatively impact our notorious farmers' markets.

R 11-2

Please do not allow this expansion to take place. It will be detrimental to the spirit of a town that needs to be preserved. We did not move to Chico for the plethora of "job opportunities". We moved to Chico for the opportunity to experience a close community and enjoy a great quality of life.

Thank you for your time and consideration,
Erin Nielsen

file://C:\Documents and Settings\ZThomas\Local Settings\Temp\XPgrpwise\4A1EB8BF... 05/28/2009

2.0 RESPONSE TO COMMENTS

Letter R 11

Eric Nielsen, Resident

Response R 11-1

The commenter explains that they feel the proposed project should not be approved. The commenter further notes that it is their wish to raise their children in an environment that advocates a sense of community, well being and connectedness and that the expansion of a non-local, chain store would be going against what makes Chico a unique place to live.

The commenter does not raise any issues related to the adequacy of the Wal-Mart Expansion Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

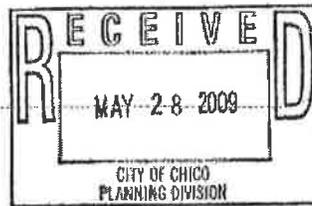
Response R 11-2

The commenter states their assertion that the proposed project will be responsible for a loss of jobs and businesses in Chico.

The commenter is referred to Section 4.6 of the original 2006 Draft EIR, as well as *Response 51-1* of subsection 2.6 of this document and *Response To Opposing Economic Analysis* of subsection 2.6.1, which address the potential economic impacts with project implementation.

LETTER R 12

City of Chico
 Attn: Zachry Thomas
 City of Chico
 Community Development Department
 411 Main Street
 Chico, CA 95927



Deleted: a

May 28, 2009

RE: CARE'S COMMENTS ON WAL-MART PARCEL MAP AND EXPANSION
 PROJECT REVISED EIR (PM 03-17; 2044 FOREST AVENUE)

Dear Mr. Thomas:

Thank you for the opportunity to comment on the proposal to expand the existing Chico Wal-mart Supercenter on behalf of Chico Advocates for a Responsible Economy (CARE).

Hearing Date

I understand that the city has scheduled the Wal-Mart Expansion hearing before the Planning Commission July 16, 2009. On behalf of CARE I object to this hearing date because CSU Chico, one of the city's largest employers, will be out of session. The campus is home to approximately 15,000 students and 2,000 faculty members. Many of these residents will be unavailable to participate in a July hearing. The City of Chico has 60,000 residents. Holding the hearing in July could disenfranchise 28% of the population.

CARE is also concerned that the city is using a results-oriented planning process – scheduling a hearing to certify the final EIR before that document is even prepared. The city should review all comments, prepare the Final EIR, and then schedule a hearing based on the results. We are concerned project consultants will not have ample time to respond to comments appropriately – if facing a deadline of July 16. Setting this deadline also discourages the city from re-circulating the Final EIR if important new information is added.

We believe the city erred with hearings in 2008 by just such planning practices. Staff was unable to respond to all comments and had to order additional studies to complete the EIR. The city was forced to

R 12-1

R 12-2

LETTER R 12 CONT.

cancel the hearing the Friday before the scheduled Planning Commission meeting. This is unfair to the public and the staff.

R 12-2 cont.

Response to Comments

The current Revised Draft EIR was for a limited set of issues; traffic, global greenhouse gas emissions, and energy. The City has never had a public hearing on the prior Draft EIR, or the final EIR. The City has had ample time to respond to the comments, but has not published the comments, or the response to comments. It is inappropriate to limit comments on the project to just three issues, when so many issues were found to be significant and unavoidable.

The city has established a pattern of limiting comments on this project. In January 2007, the City held two public hearings back-to-back on the same night on the northern Wal-Mart Supercenter project and expansion of the southern Wal-Mart store into a Supercenter. City staff asked residents to focus their comments to land-use issues only; and asked residents not to repeat the same topic for the sake of time. The City agenda'd these two items as separate hearings and received comments on the Northern project first.

R 12-3

As with the community in Bakersfield Citizens for Local Control v. City of Bakersfield, many residents stood up and declared that their comments applied to both the North and South projects; self-identifying that they did not want to repeat themselves twice for the sake of time. These speakers asked that their comments be applied to both the North and South EIRs. The City did not include these comments in the Final EIR, nor the Revised Draft EIR for the Southern Supercenter project. We have attached a transcript of the hearing and request that these comments be responded to in the EIR – as originally requested.

The City should include these comments; along with any comments on any issue as part of the public process.

Urban Decay

The environmental setting of the project has changed so dramatically since 2006 that the entire EIR should be updated and recirculated. The EIR's urban decay analysis is dated December 2006 and relies on a February 2006 "Wal-Mart Supercenter Economic Impact Analysis: South Store Expansion Chico, California." . This analysis is simply too old and too stale to constitute a sufficient urban decay analysis. CEQA

R 12-4

LETTER R 12 CONT.

requires cities to complete and certify EIRs within one year. Yet the Planning Commission rejected the proposed negative declaration and required an EIR in February 2004 and the Project has gone through several lengthy bouts of inactivity since the city released the Notice of Preparation **five years ago**. In that time we have seen the housing market go bust, the economy go from upward climb to downward spiral, and our 401(k)s turn into "201(k)s." We have also seen an increasing number of commercial vacancies and a significant decline in retail spending – all factors necessary to evaluating urban decay and which necessitate revising and re-circulating this several-years-old document before approving the project.

R 12-4 cont.

Unfortunately, as they have done in other communities, we anticipate Wal-Mart will convince the City to simply introduce an updated report by the economic consultant concluding that despite the significant changes to the economic and physical environmental setting the expansion of the existing Wal-Mart in south Chico will have no effect on urban decay in the community. For example, the EIR does not provide any information on retail vacancy rates in Chico but relies on "anecdotal broker information" from 2004-2005 where commercial retail brokers "spoke favorably about the Chico retail market" and suggested "it would be possible to backfill or even redevelop the space without damaging the Chico retail market." Since that time we have seen retailers like Mervyns, Gottschalks, and Circuit City close and we don't see much light at the end of the tunnel. None of these factors are addressed in the EIR's economic impact analysis. Retooling the several-years-old report to support the conclusion – without re-circulating the document is inappropriate and does not allow meaningful public participation in the review of this project.

R 12-5

What is also troubling about the EIR's urban decay analysis is that it was prepared by Sedway consultants, now called CBRE Consulting. CBRE/Sedway has prepared multiple analyses on urban decay for Wal-Mart Supercenter projects, including Bakersfield, Clovis, and Yuba City. And in the communities of Lodi, Selma, and Red Bluff CBRE actually appeared as Wal-Mart's personal economic consultant. So CARE questions not only whether a commercial real estate brokerage company is qualified to act as an expert in preparing an urban decay impact study, but in CBRE's case also whether CBRE can prepare an impartial, non-biased study when it has an existing consulting relationship with Wal-Mart? We think the answer to this question is no. Wouldn't that be like hiring Wal-Mart's attorneys to act as the City Attorney on this matter? That seems to create an unreasonable bias

R 12-6

LETTER R 12 CONT.

and conflict of interest. This is even more apparent when we realize that CBRE is also a major broker of Wal-Mart-owned commercial properties and maintains a webpage devoted exclusively to selling Wal-Mart holdings in several states. See <http://www.cbre.com/USA/US/TX/Houston+Galleria/property/walmart.htm>.

R 12-6 cont.

This demonstrates that Sedway has an on going financial relationship with Wal-Mart – further contaminating the study. The city of Chico should hire a third-party, independent, expert economic consultant, with no prior relationship with Wal-Mart to complete a new study that will be recirculated for public comment

Insufficient Global Warming Study

The Global Warming Study is insufficient. The city quantifies how many global greenhouse gases will be created by the project, but does not present a plan to reduce the projects overall emissions to 1990 levels as required by AB 32. Rather the project permits the applicant to double existing emissions without mitigation.

R 12-7

The EIR should also explain whether it attempted to comply with the proposed CEQA Guidelines on Climate Change assessment (See http://www.opr.ca.gov/ceqa/pdfs/PA_CEOA_Guidelines.pdf). If it did not, it should be revised and recirculated to apply.

Insufficient Energy Mitigation

The EIR concludes operational and traffic-related energy impacts are potentially significant but does not require mitigation.

With operational impacts the EIR lists "several sustainable features" Wal-Mart plans to implement into the project. These features are not tied to the project and therefore cannot be relied upon to conclude the impact is less-than-significant. Rather, these must be listed as mitigation measures and the EIR must provide a quantitative analysis explaining how the features will reduce the energy impacts to less than significant levels. Nor does the EIR explain how energy consumption from the existing 125,000 square foot building will be reduced by the "sustainable features." The EIR should actually consider building a "High Efficiency" Supercenter has Wal-Mart has done in other communities such as Las Vegas, Aurora and Salt Lake City. Wal-Mart claims these Supercenters are 25% to 45% more energy efficient than

R 12-8

LETTER R 12 CONT.

conventional Supercenters like that proposed in Chico. Why isn't this Supercenter required to be a "HE" Supercenter or why isn't an HE Supercenter considered as a project alternative? This was one of the deficiencies identified by the court in the Yucca Valley Wal-Mart Supercenter case. If Wal-Mart is as proud of this product as its press releases would indicate, it should bring such a product to Chico.

R 12-8 cont.

With traffic impacts, the EIR simply disregards the "4,883 'new' [daily] vehicle trips" attributed to the project in the EIR's traffic analysis, and claims that "these trips are not necessarily new but more likely re-routed trips which are currently consuming gasoline as these trips are currently traveling to other sources of retail/grocery uses in the area, during one trip." There is no analysis to support this conclusion and this conclusion seems to conflict with the EIR's conclusion that the Project will not draw sufficient spending from existing retailers to cause urban decay.

R 12-9

Finally, although the EIR references CEQA Guidelines and Guideline Appendix F, it does not seem to follow the requirements of CEQA and the CEQA Guidelines such as including necessary information in the EIR's project description.

R 12-10

General Plan Conflict

According to the EIR, the property carries two General Plan designations Community Commercial (CC) and Commercial Services (CS). While the current Wal-Mart store and its parking facilities appears to be completely contained within the CC designation, the expansion/Supercenter conversion and its facilities would operate within the CS planning area. But the City cannot permit such retail use at this location. The EIR itself explains that while "retail stores" are appropriate in the CC area, they are not permitted in the CS area and the purpose of the CS area is "intended to provide sites for commercial businesses not permitted in other commercial areas." The only retail uses allowed are "small restaurants and convenience stores." Neither Supercenters, grocery stores, or other retail uses proposed for the Project are allowed at this location under the General Plan.

R 12-11

Despite this inconsistency, and acknowledging that the "City of Chico General Plan serves as the overall guiding policy document for the City of Chico," the EIR ignores this inconsistency and states "the project is already designated for commercial uses; therefore the proposed commercial use is consistent with the City of Chico General Plan." In fact, the proposed commercial use violates the General Plan.

LETTER R 12 CONT.

Sincerely,

Heather Schlaff

Enclosure

R 12-12

Letter R 12 Heather Schlaff, Resident

Response R 12-1 The commenter expresses their disapproval of the scheduled Wal-Mart Expansion project hearing before the Planning Commission on July 16, 2009 due to the fact that CSU Chico will be out of session. The commenter notes that CSU Chico enrolls approximately 15,000 students and employs 2,000 faculty members and that many of these people will be unavailable to participate in a July hearing.

The scheduled Wal-Mart Expansion project hearing before the Planning Commission has been scheduled for July 16, 2009. The commenter does not raise any issues related to the adequacy of the Wal-Mart Expansion Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response R 12-2 The commenter states that they are concerned with the City scheduling a hearing before the Planning Commission regarding the Wal-Mart Expansion project on July 16, 2009 because the document has yet to be prepared. The commenter further asserts that, "setting this deadline also discourages the City from recirculating the Final EIR if important new information is added." The commenter suggests that the City erred with hearings in 2008 due to the same planning practices.

In accordance with State law requirements, this Final EIR will be completed and made available for review in advance of the scheduled Wal-Mart Expansion project hearing before the Planning Commission scheduled for July 16, 2009. This Final EIR will be available for review at the Municipal City Hall located at 411 Main Street in Chico. The commenter's concern regarding the scheduling of the Planning Commission hearing does not raise any issues related to the adequacy of the Wal-Mart Expansion Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

The City will not be discouraged from re-circulating the Final EIR in the event that important new information surfaces. CEQA requires that an EIR be re-circulated when significant new information is added to an EIR after public notice is given of the availability of an EIR for public review but before certification. If revision is limited to a few chapters or portions of the EIR, only those chapters or portions must be re-circulated. The scheduled hearing on July 16, 2009 will not discourage the City from lawfully recirculating the Final EIR if indeed important new information is obtained.

The assertion that a public hearing-related scheduling error led to the need for additional studies to complete the EIR is incorrect. The Wal-Mart Parcel Map and Expansion Project Draft EIR was published in December 2006 and the Final EIR was published in January 2008. Since the time of the publication dates, new significant information has become known to the City regarding the transportation and circulation system of the City. As a result of this new information, a revision of the traffic study was necessary, not because of scheduling errors with public hearings.

2.0 RESPONSE TO COMMENTS

Response R 12-3 The commenter states that the City has established a pattern of limiting public comment on the proposed project. The commenter further states that, "the City has never had a public hearing on the prior Draft EIR, or the Final EIR." The commenter explains that, "many residents stood up and declared that their comments applied to both the North and South projects; self-identifying that they did not want to repeat themselves twice for the sake of time. These speakers asked that their comments be applied to both the North and South EIRs. The City did not include these comments in the Final EIR, nor the Revised Draft EIR for the Southern Supercenter project."

On January 30, 2007, an administrative hearing was conducted regarding the release of the original 2006 Draft EIR as well as an EIR prepared for a proposed Wal-Mart Supercenter store in the north Chico region. A public comment period was held, first for the proposed Wal-Mart Supercenter store EIR in the north Chico region. At the time in which public participants had finished commenting on this project, another public comment period was held for the proposed South Chico Wal-Mart Expansion project, the subject of this document. These comments and subsequent responses can be located in subsection 2.6 below.

However, upon review of the January 30, 2007 administrative hearing, six commenters used the public comment period reserved for the proposed Wal-Mart Supercenter store in the north Chico region to speak about the proposed South Chico Wal-Mart Expansion project. These comments have been noted and are addressed below in *Response R 23* through *R 28*.

Response R 12-4 The commenter states that the environmental setting of the proposed project has changed so dramatically since 2006 that the entire EIR should be updated and recirculated. The commenter adds particular emphasis on the economic impact analysis citing shifts in the housing market and existing commercial vacancies since the release to the Notice of Preparation.

This comment does not raise any issues related to the adequacy of the Wal-Mart Expansion Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

As a point in clarification, the development of an Environmental Impact Report is a time consuming process to complete. CEQA Guidelines Section 15125 (a) discusses the "environmental setting" which is a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation (NOP) is published. This setting represents the baseline conditions under which a project is analyzed. The NOP for the proposed project was published in June 2004. At the writing of the Wal-Mart Expansion Draft EIR, the data used for the analysis was the most up-to-date information available and reflected the environmental setting as it existed in December 2006, as required by CEQA.

Response R 12-5 The commenter predicts that the City will update the economic analysis section of the original 2006 Draft EIR and conclude that Wal-Mart will have no effect on urban decay in the community at the behest of Wal-Mart.

The commenter asserts that the original 2006 Draft EIR relies on anecdotal broker information from 2004 through 2005.

As discussed in the Revised Draft EIR on page 1.0-2, when an EIR is revised only in part, the lead agency may request that reviewers limit their comments only to the revised chapters or portions of the EIR. The Revised Draft EIR is limited to only a few sections: climate change, energy conservation, and traffic and circulation. As the Economic Analysis section in the original Draft EIR was not included in this Revised Draft EIR, this comment does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

The commenter is referred to *Response 32-1*, *Response 51-1* of subsection 2.6 of this document and subsection 2.6.1 *Response To Opposing Economic Analysis*, which address the potential economic impacts with project implementation.

Response R 12-6

The commenter questions the professional integrity of Sedway (now CBRE Consulting) citing as evidence that CBRE/Sedway has prepared numerous analyses on urban decay for Wal-Mart Supercenters, has been employed in the role of personal economic consultant for Wal-Mart, and is a broker of Wal-Mart owned commercial properties. The commenter suggests that this demonstrates CBRE/Sedway has an on going financial relationship with Wal-Mart which creates a conflict of interest regarding the economic analysis prepared by CBRE/Sedway for the proposed project.

The commenter is referred to *Response R 12-5*.

Response R 12-7

The commenter claims that the Climate Change section of the Revised Draft EIR is insufficient as it quantifies how many global greenhouse gases will be created yet does not present a plan to reduce the project's overall emissions to 1990 levels as required by AB 32. The commenter would like the EIR to explain whether it attempted to comply with the proposed CEQA Guidelines on Climate Change assessment. The commenter is referred to *Response R 2-1* and *Response R 2-2*.

The commenter incorrectly states that the project "doubles existing GHG emissions." The Revised Draft EIR shows that once operational, the entire store will emit 1.77 times the GHG emissions of the existing store (Equal to 2,569,019 lbs/year divided by 1,477,386 lbs/year) (page 2.1-10 of the Revised Draft EIR). This ratio is comparable to the increase in square footage resulting post-expansion (equal to 223,445 square feet divided by 125,889 square feet) (page 2.1-9 of the Revised Draft EIR).

In addition, regarding the issue of compliance with the proposed CEQA Guidelines on Climate Change assessment, the State of California has established GHG reduction targets and has determined that GHG emissions as they relate to global climate change are a source of adverse environmental impacts in California that should be addressed under CEQA. Although AB 32 did not amend CEQA, it identifies the myriad of environmental problems in California caused by global warming (Health

2.0 RESPONSE TO COMMENTS

and Safety Code, Section 38501[a]). Senate Bill (SB) 97, however, did amend CEQA by directing the Office of Planning and Research (OPR) to prepare revisions to the State CEQA Guidelines addressing the mitigation of GHGs or their consequences. As an interim step toward development of required guidelines, in June of 2008, OPR published a technical advisory, entitled "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review." OPR recommends that the lead agencies under CEQA make a good-faith effort, based on available information, to estimate the quantity of GHG emissions that would be generated by a proposed project, including the emissions associated with vehicular traffic, energy consumption, water usage, and construction activities, to determine whether the impacts have the potential to result in a project or cumulative impact and to mitigate the impacts where feasible.

In that document, OPR acknowledged that "perhaps the most difficult part of the climate change analysis will be the determination of significance," and noted that "OPR has asked ARB technical staff to recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the state." ARB has not yet completed this task at the time of writing.

The Revised Draft EIR calculated the existing store's CO₂ emissions and estimated the project's anticipated CO₂ emissions and emission from "new vehicle trips" (refer to page 2.1-10 of the Revised Draft EIR). The Revised Draft EIR compared operation emissions, vehicular emissions, and the total emissions of the store post-expansion to the total CO₂ emissions for California in 2004 (page 2.1-11 of the Revised Draft EIR). It determined there would be an increase in GHG emissions (page 2.1-10). However, the additional emissions expected from the project would be 0.001 million metric tons of CO₂ per year (constituting less than one-ten thousandth of a percent of the 2004 statewide CO₂ emissions) (page 2.1-11). It determined that this increase would not cause a substantially adverse change (page 2.1-11).

In addition, the Revised Draft EIR identified and described sustainable features incorporated into the project which will assist in the reduction of GHGs (pages 2.1-11 through 2.1-13 of the Revised Draft EIR). The Revised Draft EIR shows that proposed sustainable features incorporated into the project design contribute to further ensuring that the project's incremental contribution to climate change would not reach a level of significance (pages 2.1-12 through 2.1-13 of the Revised Draft EIR).

On the basis of the minimal increase in GHG emissions and the project's array of GHG-reducing measures, the Revised Draft EIR determined that the project "will not generate a substantial increase in GHG emissions that would impede the State's attainment of AB 32's goal" (page 2.1-14 of the Revised Draft EIR). The Revised Draft EIR concludes that "[t]he project impact to global warming and climate change is considered less than cumulatively significant." Therefore, no mitigation is required.

Response R 12-8

The commenter states that mitigation measures must be implemented in order for impacts related to energy consumption to be less than significant and that the sustainable features incorporated into the expansion of the existing Wal-Mart store cannot be relied upon. The commenter states that "[t]he EIR concludes operational and traffic-related energy impacts are potentially significant but does not require mitigation." As a point of clarification, the text in the Revised Draft EIR that is referred to by the commenter as the EIR's conclusion is actually the initial premises from which the analysis of those impacts begins. In compliance with CEQA, the Revised Draft EIR then analyzes those impacts. Based upon the analysis, the Revised Draft EIR concludes that 1) the future operation of the project would result in a less than significant impact related to increased energy use, and 2) the traffic increase would not require additional energy capacity or the need for new energy systems or supplies, resulting in a less than significant impact. As both impacts are less than significant, mitigation is not required (refer to pages 2.2-8 through 2.2-10 of the Revised Draft EIR).

The commenter suggests the consideration of building a "High Efficiency" Supercenter as part of project design since Wal-Mart has done such in other communities, or as a project alternative, and cites this lack of consideration as one of the, "deficiencies identified by the court in the Yucca Valley Wal-Mart Supercenter case."

While it is noted that the building of a "High Efficiency" Supercenter could be an effective strategy to reduce energy consumption impacts, the proposed project is not required to construct such a building as part of project design. No final ruling has been entered in the court case mentioned by the commenter, *Coalition for Environmental Integrity in Yucca Valley et al v. Town of Yucca Valley*. Moreover, only published decisions from California Courts of appeal are binding on lower courts and therefore affect how an EIR addresses issues. As such, the decision in *Yucca Valley* is not binding law that is relevant to the Revised Draft EIR.

CEQA requires that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which 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, and evaluate the comparative merits of the alternative" [Guidelines § 15126.6 (emphasis added)]. Therefore, a lead agency is not required "to consider every conceivable alternative to a project" (Guidelines § 15126.6, subd. (a)). Rather, the range of alternatives considered must include those that offer substantial environmental advantages over the proposed project and may be feasibly accomplished in such a successful manner considering economic, environmental, social, technological, and legal factors (Pub. Resc. Code § 21061.1; Guidelines § 15126.6, subd. (a) & (b)). Further, the alternatives in an EIR only need to relate to a proposed project "in its entirety" and not to "various facets" of the project (See *Big Mesas Property Owners Assn. V. Board of Supervisors* (1977) 73 Cal.App.3d218,227). Finally, the lead agency may use the "inability to avoid significant environmental impacts" to eliminate alternatives from consideration (Guidelines § 15126.6, subd. (c)).

2.0 RESPONSE TO COMMENTS

With these standards in mind, the Draft EIR analyzed alternatives ultimately chosen based on each alternative's ability to feasibly attain the basic project objectives while avoiding or reducing one or more to the project's significant effects. These alternatives included to No Project Alternative, the General Plan Alternative, the Grocery Only Alternative, and three Alternative Project Sites. This range of alternatives was a reasonable range considering the project objectives and the project's significant effects. As the proposed project will incorporate the most current energy efficient measures as part of the project design, the Revised Draft EIR was not required to analyze alternatives to energy efficient components of the project. It appropriately discussed alternatives to the project in its entirety.

The proposed project does incorporate several energy reduction features (Refer to pages 2.1-12 through 2.1-13 of the Revised Draft EIR) into the project design in order to lessen the demand for electricity, however; it is not solely for this reason that a less than significant impact conclusion was determined. As indicated on page 2.2-9 of the Revised Draft EIR, according to the *California Energy Demand 2008-2018 Staff Revised Forecast*, electricity demand within the PG&E Planning Area was projected to reach approximately 107 billion kilowatt hours (kWh) per year by the year 2008. Therefore, the Wal-Mart expansion would result in a gross electricity demand of approximately 0.00052 percent of the projected 2008 annual PG&E electricity demand. The proposed project would increase natural gas usage by approximately 8,952 therms annually. This represents approximately 0.0018 percent of the 2008 natural gas demand for PG&E.

The gross energy demand of the proposed project on the projected annual PG&E energy supply does not represent a significant demand on regional energy supply or require for substantial additional capacity. Nor would this projected demand result in a need for new systems or supplies or substantial alternations to the existing power or natural gas utilities. The proposed project would result in a very low percentage of the overall combined PG&E planning area demand. It is for this reason that a less than significant impact was determined to energy impacts related to the operation of the proposed project. As a result of this determination, the requirement to build a "High Efficiency" Supercenter, as has been done in other communities, was not considered by the City of Chico.

Response R 12-9

The commenter states that the Revised Draft EIR disregards the identified 4,883 new daily vehicle trips attributed to the project with insufficient analysis.

The Revised Draft EIR does not disregard the new daily vehicle trips attributed to the project. As stated on page 2.3-26 of the Revised Draft EIR, project site trip generation is typically estimated utilizing trip generation rates contained in the Institute of Transportation Engineers (ITE) Publication Trip Generation (Seventh Edition). However, traffic counts conducted at the existing Wal-Mart store indicate that trip generation rates and volumes are significantly *higher* (italicized for emphasis) than those calculated from the ITE Trip Generation Manual using the existing store square footage and ITE rates for a "Free Standing Discount Store" (land use 815). Thus, given this

existing characteristic, it is also assumed that trip rates for the proposed Wal-Mart Expansion project would also be *higher* than ITE trip rates for a comparable "Free Standing Discount Superstore". For this reason, it was necessary to establish an alternative methodology to estimate an appropriate trip generation rate for the proposed Wal-Mart store to reflect the anticipated *higher* actual rate to the traffic analysis.

In addition, the traffic analysis in Revised Draft EIR accounted for 1) existing trips which are already generated by the existing Wal-Mart; 2) internal trips; and 3) diverted and pass-by trips, as these situations would be associated with the proposed project.

First, as described on page 2.3-27 of the Revised Draft EIR, the existing Wal-Mart store currently generates and distributes trips to study intersections and roadways and these trips need to be taken into consideration in determining trips that will be generated by the Wal-Mart Expansion project. Second, the proposed project is a mixed use development with complimentary land uses, it is expected that some vehicles visiting one of the three different sections of the project site (Wal-Mart Supercenter, gas station, and fast food restaurant) will also be visiting one (or both) of the other land uses. For example, a vehicle leaving the Wal-Mart store may very well stop at the gas station, and/or the fast food restaurant before leaving the project site.

Additionally, some vehicles drawn to the site to stop at the gas station will also decide to stop at the fast food restaurant (or vice versa), or perhaps the Wal-Mart store. When a vehicle visits a project site, it is typically calculated as two trips to account for the inbound and outbound component of the round trip. However, if this same vehicle also visited one (or both) of the other two land uses, it would result in four (or six) trips when taking into account the inbound and outbound component to and from each land use. Given the proximity of the proposed land uses to each other, some of these trips might not even occur using a vehicle but rather could be accomplished on foot after parking.

Last, not all of the traffic generated by either the existing Wal-Mart or the proposed project are newly generated trips, but rather are trips which will exist with or without the project, and which will be drawn to the project for a variety of reasons. Pass-by trips are defined as trips that would occur on the roadway immediately adjacent to the project with or without the project, which are drawn to the site as a matter of convenience. Diverted trips are similar in nature to pass-by trips. Whereas a pass-by trip is captured from existing traffic traveling along the roadway adjacent to the project, a diverted trip is captured from existing traffic along a nearby roadway. To arrive at the site, it is necessary for a diverted trip to go somewhat "out of its way", and thus will add trips to selected roadways and intersections in the vicinity of the project. After leaving the site, the trip will eventually return to the course of travel it would have been on with or without the project. Since the trip is an existing trip that is already accounted for, trips are altered or added only to roadway and intersection volumes which correspond to the diverted portion of the travel route.

2.0 RESPONSE TO COMMENTS

As stated on page 2.3-32 of the Revised Draft EIR, after deducting diverted trips, internal trips, and trips which are generated by the existing Wal-Mart facility, the proposed Wal-Mart Expansion project (including the gas station/fast food restaurant) is projected to generate 313 "net new" AM peak hour trips, 319 "net new" PM peak hour trips and 395 "net new" trips during the Saturday peak hour period. According to Omni-Means, the proposed Wal-Mart Expansion project could potentially result in 4,883 new daily vehicle trips per day, accounting for existing trips which are already generated by the existing Wal-Mart, internal trips, and diverted and pass-by trips. (Note that peak-hours are used in the analysis to represent the largest number of vehicle trips over the course of a short period of time. This is contrasted to the daily figures also used to evaluate overall trip generation).

Response R 12-10 The commenter suggests that the Revised Draft EIR does not, "follow the requirements of CEQA and the CEQA Guidelines such as including necessary information in the EIR's project description."

It is not entirely clear as to the meaning of this comment. It is assumed that the commenter identifies the Revised Draft EIR as not following the requirements of CEQA or the CEQA Guidelines due to the fact that the Revised Draft EIR does not possess a project description. According to CEQA Guidelines section 15088.5(c), if a revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. The Revised EIR is intended to evaluate the environmental impacts of the expansion of the Wal-Mart store and potential future development of the remainder of the site to the greatest extent possible in the areas of traffic and circulation, energy consumption, and global warming/climate change. This Revised EIR, along with the original EIR, should be used as the primary environmental documents to evaluate all current and subsequent permitting actions associated with site development and the expansion project. As defined under CEQA Guideline 15124, the description of the project shall contain the precise location and boundaries of the proposed project, a statement of the objectives sought by the proposed project, a general description of the project's characteristics, and a brief statement describing the intended uses of the EIR. The commenter is referred to Section 3.0 Project Description of the original 2006 Draft EIR, as this Project Description is the same for the Revised Draft EIR.

In addition, the commenter is referred to *Response R 2-1* for a description of Appendix F of the CEQA Guidelines as well as the mechanisms used in the Revised Draft EIR to ensure consistency with CEQA requirements regarding energy consumption impacts.

Response R 12-11 The commenter asserts that the proposed project would violate the existing City of Chico General Plan as the land uses proposed by the project are not allowed under the current General Plan land use designations.

As discussed in the Revised Draft EIR on page 1.0-2, when an EIR is revised only in part, the lead agency, may request that reviewers limit their comments only to the revised chapters or portions of the EIR. The Revised

Draft EIR is limited to only a few sections: climate change, energy conservation, traffic, and circulation. As the Land Use section in the original 2006 Draft EIR was not included in this Revised Draft EIR, this comment does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

It is noted on page 4.1-2 of the original 2006 Draft EIR Land Use section (Section 4.1), that the proposed project is allowed under the current General Plan land use designations of Community Commercial and Commercial Services and no General Plan amendments are required.

Response R 12-12

The commenter notes an enclosure included in the letter. Please note that **Appendix B** is attached to this Final EIR document which includes the full Public Hearing Tape Transcription from January 30, 2007.

LETTER R 13

Zachary Thomas - Concerning the Wal Mart Expansion

From: <blacklight58@comcast.net>
To: <zthomas@ci.chico.ca.us>
Date: 05/28/2009 2:35 PM
Subject: Concerning the Wal Mart Expansion

Zach Thomas, Senior Planner
City of Chico
Community Services Department
P.O. Box 3420
411 Main Street
Chico, CA 95927

RE: Wal-mart Expansion
Dear Mr. Thomas,

The Wal-mart traffic study was taken in April 2005. Was this before or after Butte College opened their campus to students?

Was the new campus and expanded Costco included in the traffic study?

Shouldn't the city have used a more recent set of data for calculating traffic counts?

I believe the traffic study is insufficient and should be updated to reflect current traffic conditions.

The citizens of Chico care deeply about the well being of our area, and *I* believe Wal Mart will only hurt our situation!

Sincerely,
Alex Light
blacklight58@comcast.net
623 Oak Lawn Avenue
Chico, CA 95926

R 13-1

R 13-2

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Letter R 13

Alex Light, Resident

Response R 13-1

The commenter states that the Wal-Mart traffic study was completed in April 2005 and therefore is insufficient because it does not reflect current traffic conditions. The Revised Draft EIR on page 2.3-1 states the following: "This Section of the Revised Draft Environmental Impact Report completely replaces Section 4.2 of the November 2006 Draft EIR. This section summarizes the results of a traffic impact study performed by Omni-Means for the proposed Wal-Mart Expansion project." The referenced Traffic Study, dated March 2009, was included in Appendix A of the Revised Draft EIR. The commenter is also referred to the Revised Draft EIR, page 2.3-43 which includes a list of proposed, assumed and approved projects. This list includes both the Costco Store, as well as the Butte Community College Building. Therefore, this updated Traffic Study included the existing transportation setting traffic operations at key intersections, freeway ramps, and the affected freeway mainline.

Response R 13-2

The commenter believes that Wal-Mart will hurt the well being of the Chico area. The commenter does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER R 14

Page 1 of 1

Zachary Thomas - Public Comment letter re Wal-Mart Expansion

From: Allison Ivie <allisonivie@yahoo.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/28/2009 9:38 AM
Subject: Public Comment letter re Wal-Mart Expansion
Attachments: walmart.doc

Zach Thomas, Senior Planner
City of Chico
Community Services Department
P.O. Box 3420
411 Main Street
Chico, CA 95927

RE: Wal-mart Expansion

It was my understanding that a Finding of Public Convenience or Necessity for an alcohol permit was only necessary when the California Department of Alcohol Beverage Control determined that there was enough access to alcohol in an area. The Finding is only necessary to sell more alcohol than needed in a community.

It seems to me that there is a lot of crime at the existing Wal-mart. Why would you add alcohol into the mix? If they can't sell alcohol now, why should they after they expand? Why is there no discussion of alcohol sales in either the Draft EIR, Final EIR, or Revised Final EIR?

How can the Planning Commission or City Council make a finding on such a matter without being provided information on which to make an informed decision?

Sincerely,

Allison Ivie

Allison Ivie
1115 W. Sacramento Ave. Apt. #161
Chico, CA 95926

R 14-1

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Letter R 14

Allison Ivie, Resident

Response R 14-1

The commenter questions the role of a Finding of Public Convenience or Necessity for an alcohol permit and states there seems to be a lot of existing crime at Wal-Mart and asks why the original Draft EIR, Final EIR, or Revised Final EIR does not discuss alcohol sales.

The Finding of Public Convenience or Necessity (to permit sales of alcohol) is listed as an additional subsequent discretionary action that may be taken by the City in the Draft EIR on page 1.0-2 and the Revised Draft EIR on pages 1.0-2 and 1.0-3. The Revised Draft EIR, along with the original Draft EIR, should be used as the primary environmental documents to evaluate all current and subsequent permitting actions associated with site development and the expansion project (CEQA Guidelines 15124(d)). No further response is required. The commenter does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER R 15

Zachary Thomas - Wal-mart EIR

From: "Carolyn Dorn" <briar@stormnet.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/27/2009 9:21 PM
Subject: Wal-mart EIR

City of Chico
Planning Services Department
Attn: Senior Planner, Zach Thomas
411 Main Street, Post Office Box 3420
Chico, CA 95927
zthomas@ci.chico.ca.us

Dear Mr. Thomas:

The current Wal-mart EIR makes no statements about alternative forms of transportation.

The traffic study only considered autos and trucks visiting the store, but made no consideration to cyclists, bus riders or pedestrian traffic.

What is being done to maintain or improve traffic for individuals in South Chico who aren't driving a car? What alternatives were studied?

Could you safely walk from Butte College to Wal-mart on your lunch break?

How often will buses go by the current store, once an hour as it is now?

Will an area be set aside for larger vehicles, like vans from Senior Centers to access the store quickly?

Will the existing pedestrian trail be maintained?

The city needs to consider all its residents in studies, not just ones with cars.

Thank you,

Carolyn Dorn
1687 Park View Lane
Chico, CA 95926

R 15-1

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Letter R 15

Carolyn Dorn, Resident

Response R 15-1

The commenter states that the EIR makes no statements about alternative forms of transportation and questions if any considerations were made to cyclists, bus riders or pedestrian traffic. The commenter is referred to the Revised Draft EIR, page 2.3-18, which includes a discussion of the regulatory framework for transportation at the project site, which must be designed according to City standards. Additionally, Mitigation Measure MM 2.3.2b (formally known as MM 2.3.3 in the Revised Draft EIR, see Section 3.0 Errata for minor edits to the Revised Draft EIR) on page 2.3-73 requires that "The project site plan shall provide for a pedestrian system of sidewalks and crosswalks which will channel pedestrians arriving from the new sidewalk/crosswalk system along Forest Avenue to the new store."

The commenter is referred to the Initial Study for further information regarding public transit, the continuation of the bike path corridor, emergency access and parking for the project, included as Appendix A in the original 2006 Draft EIR.

LETTER R 16

Zachary Thomas - Wal-Mart Expansion

From: Tiffany Wilhelm <tiffwilhelm@yahoo.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/27/2009 9:03 PM
Subject: Wal-Mart Expansion

27 May 2009

Zach Thomas, Senior Planner
City of Chico
Community Services Department
P.O. Box 3420
411 Main Street
Chico, CA 95927

RE: Wal-Mart Expansion

Dear Mr. Thomas:

This Final Revised EIR study on energy consumption at the store site was published in 2009. But nowhere in the document does it discuss intermittent blackouts experienced by the existing region in 2005. What steps have been taken to ensure that the grid in SE Chico will support the existing customers?

Author: ROGER H. AYLWORTH - Staff Writer
Date: July 23, 2005
Publication: Chico Enterprise-Record (Chico, CA)
Article ID: 2884033

A pair of power outages blacked out the same area of Chico for much of Friday. At about 5:30 a.m. a mechanical failure in an electrical substation shut off power to 3,928 PG&E customers in eastern Chico, according to PG&E spokeswoman Lisa Randle. The blackout hit homes and businesses along Forest Avenue from Highway 32 to East 20th Street, including the Chico Mall. The blackout also stretched to the areas around Noire Dame Blvd.

Its great that WM thinks there is enough energy to support their store in the existing electrical grid, but was any consideration given to how the energy will make it to the store?
Many WM stores use solar energy to supply energy to their stores. Why is the Chico store not using Solar and relying on PG&E to supply electricity and natural gas to power the store. If this were really a sustainable design, WM would be looking to sustain their store without relying on the region's overtaxed electrical grid.

Sincerely,

Tiffany Wilhelm
8 Sunland Drive
Chico, CA 95926

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R 16-1

LETTER R 16 CONT.

Page 2 of 2

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Letter R 16

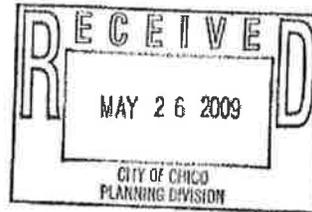
Tiffany Wilhem, Resident

Response R 16-1

The commenter questions if there is adequate availability of electricity to support the proposed Wal-Mart expansion and why solar power is not being used as part of the project. The commenter is referred to Response R 2-1 and R 3-1 for a discussion of solar power and energy use. The commenter is referred to the Revised Draft EIR, Section 2.2 Energy Conservation, page 2.2-11. The EIR states that "Implementation and operation of the proposed project in combination with all planned and approved projects within the PG&E planning area would not result in a substantial increase on regional electricity or natural gas demand relative to the availability of supply such that impacts would be significant or require for substantial additional capacity. Nor would demand result in a need for new systems or supplies or substantial alterations to the existing power or natural gas utilities. Therefore, the project's incremental contribution to cumulative energy impacts would be less than cumulatively considerable."

LETTER R 17

Zach Thomas, Senior Planner
City of Chico
Community Services Department
P.O. Box 3420
411 Main Street
Chico, CA 95927



RE: Wal-mart Expansion

Dear Sir:

I wish to comment on the Expansion of the Wal-mart Supercenter in South Chico. In light of the current economic conditions in the city, region and nation, I believe the city needs to reconsider its findings about urban decay.

R 17-1

Since the City published its last Urban Decay study, General Growth Properties, who owns the Chico Mall, has declared bankruptcy. Circuit City, Mervyns, Gottschalks, Shoe Pavillions and Linens and Things have closed their doors, creating new commercial retail spaces.

Wal-mart has stores; which are smaller and sell only grocery. The company is also converting existing stores in Willow and Clearlake to accommodate by closing their tire and lube facility without expanding the actual store.

R 17-2

Why hasn't the city considered a smaller format-store on the existing pad, or a grocery-only store in a vacant big box as an alternative to expanding the existing store 95,000 sq feet?

Sincerely,

Elizabeth J. Collieran DVM, MS
Chico Hospital for Cats
548 W. East Ave.
Chico CA 95926

Letter R 17

Elizabeth J. Colleran, DVM, MS, Chico Hospital for Cats

Response R 17-1

The commenter states the urban decay study prepared for the proposed project is outdated due to the current economic conditions and several stores in Chico have closed resulting in vacant commercial spaces. As discussed in the Revised Draft EIR on page 1.0-2, when an EIR is revised only in part, the lead agency, may request that reviewers limit their comments only to the revised chapters or portions of the EIR. The Revised EIR is limited to only a few sections of the EIR in relation to climate change, energy consumption, and traffic and circulation. As the Economic Analysis section in the original Draft EIR was not included in this Revised Draft EIR, this comment does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

The commenter is referred to Section 4.6 of the original 2006 Draft EIR, as well as *Response 51-1* of subsection 2.6 below and subsection 2.6.1 *Response To Opposing Economic Analysis*, which address the potential economic impacts with project implementation.

It is noteworthy that the development of an Environmental Impact Report is a time consuming process to complete. CEQA Guidelines Section 15125 (a) discusses the "environmental setting" which is a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation (NOP) is published. This setting represents the baseline conditions under which a project is analyzed. The NOP for the proposed project was published in June 2004. At the writing of the Wal-Mart Expansion Draft EIR, the data used for the analysis was the most up-to-date information available and reflected the environmental setting as it existed in December 2006, as required by CEQA.

Response R 17-2

The commenter asks why there hasn't been consideration for smaller format-store or a grocery-only store in a vacant big-box, as there have been examples of other Wal-Mart stores converting uses without expanding. As mentioned in *Response R 17-1*, the Revised Draft EIR was revised only in part to a few sections of the EIR. This comment does not raise any issues related to the adequacy of the Revised Draft EIR.

It is noted, that the original 2006 Draft EIR does explore the alternative of a reduced project size on page 6.0-2. The analysis of this alternative found that, "in this case, consideration of a more substantial reduction of the site development may indicate a reduction in the level of impacts but would ultimately be illusory as it would ignore the remaining acreage on the property, which could still be developed for commercial land use under the applicable General Plan designation and zoning district. Further reduction of the size of the development then does not represent a meaningful alternative under CEQA because the remainder of the site would still be developed (as considered in the General Plan alternative) and thus would not result ultimately in a substantial reduction or avoidance of significant impacts. Therefore, a further reduced project size alternative was not selected for further consideration."

LETTER R 18

Page 1 of 1

Zachary Thomas - Walmart Expansion

From: "William Sheridan" <bill@sfinvest.com>
To: <zthomas@ci.chico.ca.us>
Date: 05/16/2009 10:48 PM
Subject: Walmart Expansion

Mr. Zach Thomas
Senior Planner
City of Chico

Dear Mr. Thomas:

I have been a business operator in Chico for 22 years.

R 18-1

Regarding the Walmart proposed expansion, I would note that the expansion seems consistent with existing uses and zoning for this area.

In my experience, the traffic flows very well in the area, and Walmart has 2 entries on Forest Avenue and one in the rear of their property. Adequate parking exists on their property so that off street parking will not be impacted.

R 18-2

I would not the following apparent benefits of an expanded Walmart:

1. Payrolls in Chico will rise.
2. A full service grocery store will reduce trips for folks who need general merchandise and food. This will be a net benefit to the environment.
3. A Walmart Super Center will draw people from a wider area to Chico, and will increase sales tax revenue for the City.
4. Finally, Walmart provides products at very competitive prices and this will help those with limited income to afford their needs better than at any alternative stores in Chico.

R 18-3

Given that the expansion is in keeping with the zoning for the area, and considering the other benefits, it seems sensible to approve this application, and I urge the City to do so.

Thank you for your consideration.

William Sheridan
Chico, CA

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2.0 RESPONSE TO COMMENTS

Letter R 18

Howard Miller, Resident

Response R 18-1

The commenter notes that the proposed project seems consistent with existing uses and zoning for the area. As mentioned in *Response R 17-1*, the Revised Draft EIR was revised only in part to a few sections of the EIR. This comment does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

It is noted that in the original 2006 Draft EIR, Section 4.1 Land Use, page 4.1-2, the proposed project is allowed under the current General Plan land use designations of Community Commercial and Commercial Services and no General Plan amendments are required.

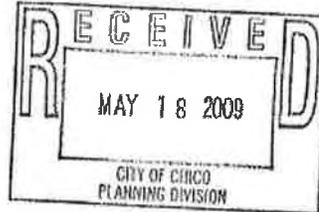
Response R 18-2

The commenter states that traffic seems to flow well with two entrances on Forest Avenue and one in the rear of the property and notes that there is adequate off-street parking available. This comment does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response R 18-3

The commenter notes the benefits of an expanded Wal-Mart and states his support for the proposed project. The commenter does not raise any issues related to the adequacy of the Revised Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER R 19



18 May 2009
From: B. T. Chapman
To: City of Chico Planning Services

Attn: Zach Thomas, Senior Planner

Subj: Wal-Mart South Revised Draft EIR

I have read subject document and my comments are as follows.

I highly question future development of the 2.42-acre parcel with a gas station and convenience store and a restaurant.

Given the existence of the Shell station adjacent to the existing Wal-Mart property, the 7-11 gas station at Forest and S. R. 32, the Chevron station at Notre Dame and Skyway, the Costco station, the station near Toys R Us and the station at Fair Street and Skyway, it is evident that there are already an adequate number of service stations and convenience stores serving the geographic area around Wal-Mart.

R 19-1

I make a similar argument against the addition of a restaurant to the property. Just consider the existing count of nearby restaurants. The area is already saturated. We do not need another restaurant. Further, of all business ventures, the one with one of the highest failure rates is restaurants (no matter the owner, manager or type of fare). When the proposed restaurant fails, Chico does not need another vacant storefront. Oh and how about the commercial development in the Miriam Park project? More restaurants and convenience shops there. And what about an expanded garden center included in the main expansion plan? (See RDEIR page 2.2-10)? Don't we already have two huge garden centers within a mile or so of Wal-Mart (Lowe's and Home Depot)? These proposed land uses can only negatively impact climate change, energy conservation and traffic and circulation.

R 19-2

The Wal-Mart project does not need a gas station, restaurant or convenience store. Highly unlikely but Wal-Mart should be a good corporate citizen and donate the land back to the city for a mini community park.

The RDEIR already documents the fact that the usage proposed for this parcel would "attract a high number of vehicle trips and represents a reasonable worst-case development scenario for this site in terms of environmental impact". (see page 1.0-2 paragraph 1.2) Another reason not to proceed with the project as currently proposed.

R 19-3

LETTER R 19 CONT.

Next, refer to page 2.2-10, paragraph 2.2.3, Traffic Related Impacts.

The section begins by stating, "Traffic increases resulting from proposed project would require relatively substantial amounts of petroleum. This is a potentially significant impact to energy resources." In the next paragraph, more presumptive words including, "may result in"; "may very well"; "could be"; "is most likely"; and "could reduce consumption" are used. Then based on the analysis to this point, it is concluded, "this impact is considered less than significant". My question is how can such a conclusion be reached based solely on presumed conditions? Don't we need facts to reach a valid conclusion here?

R 19-4

Continuing, no where in the RDEIR do I find a discussion about the (negative) impact - environmentally or otherwise - of 24 additional deliveries per week including 8 more large semi trucks coming and going to the site. The impact should be significant and included as a part of the analysis. Further, I see no discussion of how to manage congestion on Wittmeier Drive caused by new vehicle delivery trucks unloading at Wittmeier Auto Center at the same time Wal-Mart trucks are exiting on Wittmeier Drive.

R 19-5

Finally, consider the wasted time, energy and dollars necessary to mitigate all the traffic and circulation issues as identified in RDEIR section 2.3. And what confidence do we have that all responsible entities will fund the changes and timely execute them to coincide with completion of the Wal-Mart expansion? My confidence here is very low.

R 19-6

What qualified 3rd party, not associated with Omni-Means consulting, the City of Chico planners, and others contributing to the project, has studied and validated all the data contained in the RDEIR and specifically the Traffic and Circulation analysis (RDEIR section 2.3)? If no one, I believe that there should be someone identified for this task.

R 19-7

In conclusion, in Appendix "A", Chico Wal-Mart Store Expansion Traffic Impact Study, page 58, there appears to be no discussion to this point of the process to turn recommended improvements into required improvements. Therefore, what confidence do we have that the recommendations will be carried out in order to make this project acceptable?

R 19-8

Very respectfully,



B T CHAPMAN
18 KESTREL COURT
CHICO, CALIFORNIA 95928

051509 walmartrdeir

Letter R 19**B.T. Chapman, Resident***Response R 19-1*

The commenter questions the need for the future development of a gas station, convenience store and a restaurant. The commenter notes the presence of other gas stations in the area and that there are an adequate number to serve the area. As mentioned in *Response R 17-1*, the Revised Draft EIR was revised only in part to a few sections of the EIR. This comment does not raise any issues related to the adequacy of the Revised Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

Response R 19-2

The commenter makes a similar argument against the addition of a restaurant to the property, as well as an expanded garden center, which will only negatively impact climate change, energy conservation, and traffic and circulation. The commenter states that Wal-Mart should donate the land to the city for a mini community park. The Revised Draft EIR was revised only in part to a few sections of the EIR, which did not include a revision to the Land Use analysis. This comment does not raise any issues related to the adequacy of the Revised Draft EIR.

It is noted that in the original 2006 Draft EIR, Section 4.1 Land Use, page 4.1-1, the project site is designated as Community Commercial and Commercial Services under the City of Chico General Plan. These land use designations allow for retail shopping areas, primarily shopping centers, containing a wide variety of businesses and commercial business including automotive sales and services, building materials, nurseries, agricultural equipment rentals, contractors' yards, wholesaling, warehousing, storage, and similar uses. A community park is not an allowable land use under the Community Commercial and Commercial Services as designated in the City of Chico General Plan.

Response R 19-3

The commenter cites the Revised Draft EIR, "the usage proposed for this parcel would 'attract a high number of vehicle trips and represents a reasonable worst-case development scenario for this site,'" and states that this is a reason to not approve the project.

As a point in clarification, Wal-Mart filed an application to the City of Chico for a Tentative Parcel Map that would reconfigure the lot lines of the existing parcels (a 10.36-acre and a 16.75-acre parcel) to create a 24.69-acre parcel and a 2.42-acre parcel. The existing Wal-Mart and the planned expansion would be located entirely on the 24.69-acre parcel. The 2.42-acre parcel will remain undeveloped now but Wal-Mart has *indicated* that a gas station and restaurant are planned in the future. Therefore the gas station and restaurant have not been proposed as part of the application to the City of Chico at this time, it has merely been indicated that these uses may be proposed by Wal-Mart at a future date.

CEQA § 15126.2 (a) requires that the project's effect on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. Therefore, for the purposes of evaluation traffic in this Revised Draft EIR, the calculation of traffic-related

2.0 RESPONSE TO COMMENTS

impacts associated with the proposed Wal-Mart Tentative Parcel Map, as well as the gas station and restaurant which Wal-Mart has *indicated* it is interested in proposing at a future date (the commenter is referred to the Revised Draft EIR, Section 2.3, Analysis Assumptions on page 2.3-26). Even assuming a “full-build” (worst-case) scenario with the Wal-Mart project, gas station and restaurant, the project impacts and mitigation measures (Revised Draft EIR pages 2.3-67 through 2.3-73) would reduce traffic impacts, roadway operation, and site safety impacts to a less than significant level.

It was the intent of the Introduction Section of the Revised Draft EIR to identify that the quantification of vehicle trips resulting from these potential future land uses was utilized in order to present a worst-case scenario in regard to the proposed Tentative Parcel Map (Wal-Mart's application in addition to the speculative land uses of the gas station and restaurant).

Response R 19-4

The commenter refers to page 2.2-10 of the Revised Draft EIR and questions how the potentially significant impact of petroleum use can be considered less than significant based on presumed conditions. Section 2.2 of the Revised Draft EIR describes the potential energy use of the proposed project including the consumption of electricity, natural gas, and petroleum. As mentioned in the Revised Draft EIR, Appendix F of the CEQA Guidelines was adopted to assist in the Energy Conservation analysis which contains a suggested approach to analyzing energy conservation. The proposed project would result in a significant energy impact if its implementation resulted in a wasteful, inefficient, or unnecessary usage of energy, placed a significant demand on regional energy supply or required substantial additional capacity, or resulted in a need for new systems or supplies or substantial alterations to the existing power and natural gas utilities. Energy related project impacts resulting from traffic were each found to be less than significant as the proposed project will not result in a wasteful, inefficient or unnecessary use of energy or place a significant demand on regional energy supplies or require substantial additional capacity.

Response R 19-5

The commenter states that there is no discussion in the Revised Draft EIR regarding 24 additional truck deliveries per week including 8 more large semi trucks coming and going to the site. Additionally, the commenter sees no discussion of how to manage congestion on Wittmeier Drive caused by new vehicle deliveries at Wittmeier Auto Center at the same time Wal-Mart trucks are existing on Wittmeier Drive. In response to the 24 additional truck deliveries, as stated on page 2.1-10 of the Revised Draft EIR, Omni-Means transportation engineers provided data that can be used to estimate CO₂ emissions from project-generated vehicle trips. According to Omni-Means, the proposed Wal-Mart Expansion project could potentially result in 4,883 new daily vehicle trips per day. This number includes the addition of 24 truck deliveries per week, including 8 more large semi trucks. In response to the conflict of vehicle deliveries at Wittmeier Auto Center and exiting trucks from Wal-Mart, the project roadway improvements for Wittmeier Drive are discussed in the Revised Draft EIR, Section 2.3, on page 2.3-40 and 2.3-41 and in the Mitigation Measures on page 2.3-70. Improvements discussed in MM 2.3.2a (formally identified as MM 2.3.2 in the Revised Draft EIR, see

Section 3.0 Errata for minor edits to the Revised Draft EIR) include a left-turn lane, combined left-through lane and a right turn lane as the queue will rarely extend past the southern driveways, so will result in fewer conflicts. Additionally, the road cross-section shall be widened from 40 feet to 64 feet to accommodate 4, 12-foot lanes (three eastbound and one westbound lane) and 2, 8-foot parking shoulders. Wittmeier Auto Center has the ability to accept vehicle deliveries on their property. As a point of interest, Chapter 9.20 of the City Municipal Code states that the streets and public areas within the City should be readily accessible and available to residents and the public at large. The use of these areas for storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a safety hazard which adversely impacts the community.

Response R 19-6 The commenter questions that the responsible entities will fund the traffic and circulation changes and execute them in a timely manner to coincide with completion of the proposed project. Section 2.3 of the Revised Draft EIR identifies several traffic facility improvements which will be implemented prior to the issuance of the certificate of occupancy. These traffic facility improvements, described on page 2.3-70 through 2.3-73 of the Revised Draft EIR, shall be fully implemented and funded by the project developer. The project circulation improvements will be in place before the opening of the expanded Wal-Mart Supercenter.

Response R 19-7 The commenter asks what qualified 3rd party, not associated with contributing to the project, has studied and validated all the data contained in the RDEIR and specifically, the Traffic and Circulation analysis. The commenter adds that their opinion is that someone should be identified for this task.

Each public agency is responsible for complying with CEQA and must meet its own responsibilities under CEQA and is responsible for the adequacy of its environmental documents. CEQA requires that the Draft EIR shall be prepared directly by or under contract to the lead agency (the City of Chico, in this case), and that they are responsible for the adequacy and objectivity of the Draft EIR. Any person may submit information or comments to the lead agency to assist in the preparation of the Draft EIR, and all information and comments received must be considered and may be included in the Draft EIR in whole or in part. The Draft EIR which must reflect the independent judgment of the lead agency, as they are responsible for the adequacy and objectivity of the Draft EIR.

It is also noteworthy that Caltrans, District 3 has received copies of both the Draft EIR and the Revised Draft EIR and submitted comments to the City on both documents. Please refer to Letter A of subsection 2.6 below as well as Letter R A beginning on page 2.0-10 above.

Response R 19-8 The commenter states that on page 58 of Appendix A, the Chico Wal-Mart Expansion Traffic Impact Study, there appears to be no discussion of the process to turn recommended improvements into required improvements. The commenter asks what confidence the public has that these recommendations will be carried out.

2.0 RESPONSE TO COMMENTS

The commenter is correct that the Revised Draft EIR includes Appendix A which is the Chico Wal-Mart Expansion Traffic Impact Study dated March 2009. The commenter is referred to the Traffic and Circulation Section 2.3, pages 2.3-70 through 2.3-71, which lists the project roadway improvements as part of mitigation measure MM 2.3.2a (formally identified as MM 2.3.2 in the Revised Draft EIR, see section 3.0 Errata for minor edits to the Revised Draft EIR). The Revised Draft EIR concludes in the Cumulative Plus Project conditions, page 2.3-100, that implementation of mitigation measures MM 2.3.2a (formally identified as MM 2.3.2 in the Revised Draft EIR, see Section 3.0 Errata for minor edits to the Revised Draft EIR) and MM 2.3.3 would reduce traffic impacts and mitigation measure MM 2.3.2b (formally identified as MM 2.3.3 in the Revised Draft EIR, see Section 3.0 Errata for minor edits to the Revised Draft EIR) would reduce site safety impacts to less than significant. However, the proposed improvements associated with the Chico Mall planned public/private improvements at the E 20th St./Chico Mall Access are dependent on that project proceeding and *therefore, are not a certainty*. Until these improvements are constructed, project impacts at this location would remain significant and unavoidable. Additionally, the provision of a 2-lane southbound off-ramp (with two lanes exiting the freeway) would yield acceptable operations at the southbound SR 99 off-ramp diverge junction to 20th Street, it is not known if these improvements are economically feasible. Until these improvements are constructed, project impacts would remain significant and unavoidable for *Cumulative Plus Project* conditions.

LETTER R 20

Page 1 of 2

Zachary Thomas - Comment to Revised Draft EIR for the Wal-Mart Parcel Map and Expansion Project

From: "Robin Huffman" <rah@comcast.net>
To: <zthomas@ci.chico.ca.us>
Date: 04/18/2009 8:16 AM
Subject: Comment to Revised Draft EIR for the Wal-Mart Parcel Map and Expansion Project

Thomas,

After going over the Revised Draft Environmental Impact Report for the Wal-Mart Parcel Map and Expansion Project (PM 03-17; 2044 Forest Avenue) and looking at the traffic studies, I submit the following comment for consideration.

I commute between Chico and Paradise daily, frequenting the area to be impacted, especially Forest Avenue and the two on/off ramps of Hwy 99 serving this particular area where I shop, eat, and work.

The process for considering the environmental impact for Wal-Mart's proposed expansion project is a good opportunity to consider creating a additional on/off ramp for Hwy 99 in this growing area of Chico. A corner of the Wal-Mart parcel is adjacent to Hwy 99, and with so many people shopping at Wal-Mart, and more to come with the expansion, Chico should seriously consider having Wal-Mart put in an on-off ramp at their site.

The trucks supplying Wal-Mart are impacting Chico roads. Having an on/off ramp at the Wal-Mart property would take those trucks off Chico roads because they would have direct access to Wal-Mart from Hwy 99, currently maintained largely with Cal-Trans funds.

An additional on/off ramp to Wal-Mart at Hwy 99 would not only help disperse current and future traffic from Forest Avenue and other roads already serving Wal-Mart, a new on/off ramp at Wal-Mart and Hwy 99 would also improve the air quality by decreasing the distance that many of the shoppers, employees, and company truck drivers have to travel to get to and from Wal-Mart.

Currently it is awkward to get to and from Wal-Mart from Hwy. 99. The area is already congested. There are a number of stop lights that have to be negotiated to get to and from Wal-Mart, whether using the Park Avenue ramp or the 20th Street ramp on Hwy 99.

With future growth planned for this area of Chico, much of it compact urban design, the more traffic that can be diverted from Forest Avenue and other roads currently serving Wal-Mart, the less traffic congestion there will be on those roads in the future. Adding an on/off ramp at Wal-Mart and Hwy 99 at this opportunity is a logical solution to alleviate congestion. It would be remiss to not study this option in this EIR.

It may be unconventional to add another ramp to Hwy 99 between two relatively close ramps; however, with compact urban form becoming the preferred growth option, over the traditional sprawl form, it makes sense to think about having an additional on/off ramp between Park Avenue and 20th Street on Hwy 99.

While the cost of a new on/off ramp at Wal-Mart and Hwy 99 would be expensive for Wal-Mart in the short run, it would be very practical for the company to have the ramp as it would save time for their drivers, it would be more convenient, and it would save gas. It would be a more environmentally friendly traffic pattern and help the company become an environmental steward of the community.

I do not see a serious consideration, or even any consideration, of a new ramp in the traffic studies for the Wal-Mart proposed expansion; this appears to be a major oversight.

While the cost of a new on/off ramp at Wal-Mart and Hwy 99 would be high, and it would have to be approved by Cal-Trans, in the short and long run this ramp would be worth it to Chico both in cost savings to the city and for the health and safety of the citizens and taxpayers.

file://C:\Documents and Settings\ZThomas\Local Settings\Temp\XPgrpwise\49E98C70C... 04/28/2009

R 20-1

LETTER R 21

(04/28/2009) Zachary Thomas - walmart

Page 1

From: "Steve Kasprzyk" <c21falconer@sunset.net>
To: <zthomas@ci.chico.ca.us>
Date: 04/23/2009 1:09 PM
Subject: walmart

I can not see one reason to expand Wal Mart in Chico. Let's face it, within one mile of the current store there are two discount markets, Winco and Food For Less plus Rally's. They have been established for many years.

If the expansion is permitted which one of the above will be closed first? I personally shop at 4 different stores to get the items I like, you can't tell me that Wal Mart shoppers can't go across the street to Winco. Or are people that lazy?

Our town already have way to many sq ft of commercial big box stores available as we speak with more to come, do we need another just to satisfy Wal Marts desire to be the only game in town. Also, what about the resources it will take to build out the new expansion?

In Closing, we have a busy Wal Mart already and our grocery retail seems to be in balance, why screw it up?

Thank You, Steve Kasprzyk, Century 21 Jeffries Lydon Real Estate, Chico
530-899-5932

STEVE KASPRZYK (K'as-per-zik)
Century 21 Jeffries Lydon
530-899-5932
c21falconer@sunset.net

Oh, by the way, I am never to busy for your referrals!!

R 21-1

Letter R 21

Steve Kasprzyk, Century 21 Jefferies Lydon Real Estate, Chico

Response R 21-1

The commenter states that there is an abundant amount of grocery stores in the area currently and if the proposed project is approved, the commenter questions which stores will be closed as a result. The commenter states that the town already has too many commercial big box stores and more to come, why do "we need another just to satisfy Wal Marts desire to be the only game in town". The commenter concludes that it will take additional resources for the expansion and the Wal-Mart is already busy and the grocery retail seems to be in balance, "why screw it up?".

The commenter is referred to *Response R 17-1* for information regarding the economic analysis. As discussed in the Revised Draft EIR on page 1.0-2, when an EIR is revised only in part, the lead agency, may request that reviewers limit their comments only to the revised chapters or portions of the EIR. The Revised Draft EIR is limited to only a few sections of the EIR in relation to climate change, energy consumption, and traffic and circulation. As the Economic Analysis section in the original 2006 Draft EIR was not included in the Revised Draft EIR, this comment does not raise any issues related to the adequacy of the Revised Draft EIR. The comment is noted and presented here for Planning Commission consideration.

The commenter is referred to Section 4.6 of the original 2006 Draft EIR, as well as *Response 51-1* of subsection 2.6 below and subsection 2.6.1 *Response To Opposing Economic Analysis*, which address the potential economic impacts with project implementation.

Letter R 22

A. Miller, Resident

Response R 22-1

The commenter supports the Super-Center Wal-Mart, stating reasons including shopping affordability for families, made in USA products, contribution of money to Chico, supporting troops and worthwhile causes. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

Comment R 26 Nancy Park, Resident

Response R 26-1

The commenter states that the economic study was done by Sedway Group which is paid for and often used by Wal-Mart to provide favorable economic analyses of their projects. The commenter believes that the independent study completed by Professor Phil King includes data and analysis that leads to concrete and defensible conclusions unlike those in the current Draft EIR.

The commenter is referred to subsection 2.6.1 *Response To Opposing Economic Analysis* which discusses the California Economic Research Associates published a report on September 7, 2006 entitled *Economic Analysis of Two Proposed Supercenters In Chico, California* (CERA Report) and is included in **Appendix A**. The FEIR states, "The CERA Report analyzes self-reported annual retail sales (reported by local food store managers) among Chico's major grocery retailers and compares them to a national industry figure. Their conclusion is that several of the stores are performing poorly relative to a benchmark figure, in this case a 2006 national annual average estimate prepared by CERA based upon reported figures for 2004. CBRE Consulting believes there can be a large margin of error in self-reported sales performance figures, and hence does not consider the figures reported by CERA to be reliable."

Response R 26-2

The commenter states that the Sedway Group study; 1. It fails to include specific financial data that would indicate the economic health of existing Chico businesses and therefore it is unable to assess the economic impact two supercenters in Chico. 2. Does not adequately address the impact the two supercenters will have on the downtown which will be directly competing, and 3. Uses outdated and inaccurate information, in that it considers the cumulative impact of 8 proposed and approved within 60 miles of Chico, excluding stores in Oroville, Redding, and Anderson.

The commenter is referred to subsection 2.6.1 *Response To Opposing Economic Analysis* which discusses additional planned Wal-Marts in the area and their affect on the proposed project and the City's retail market. The comment is noted and presented here for Planning Commission consideration.

COMMENT R 27

Casey Merrill(sp?): My name is Casey Merrill and I would like to request that the EIR take a look at the increased vehicular traffic will do to pedestrian and bicycling safety at both sites.

R 27-1

The previous speakers mentioned the presence of Shasta School and any of us who have traveled along the Esplanade North 99 Corridor know that already it's basically unsafe for bicyclists and there's really not adequate infrastructure for pedestrians. And I think these comments apply to both the north and south.

The south is actually much more problematic getting across from the downtown area across the overpass of 99 over to the south Chico shopping area. But there's no specific numbers to or you know like 4.13 in the EIR to quote because pedestrian access really hasn't been adequately addressed in the EIR. And I would appreciate if that could be looked at. The bus passage has somewhat been addressed. And I am not sure that is was clearly identified in the EIR that it is inadequate. You know the bus drops people off way out in front of the parking lot and requires them to walk through all the car traffic to the stores. And I think that is problematic in terms of assessing pedestrian and alternative transportation. Thank you.

R 27-2

2.0 RESPONSE TO COMMENTS

Comment R 27 Casey Merrill, Resident

Response R 27-1 The commenter requests that the EIR look at increased vehicular traffic and how it will impact pedestrian and bicycling safety. The commenter is referred to the Revised Draft EIR, page 2.3-18, which includes a discussion of the regulatory framework for transportation at the project site, which must be designed according to City standards. Please refer to *Response R 15-1* for further discussion about pedestrian, bicycling, and alternative transportation topics.

Response R 27-2 The commenter believes that the EIR is inadequate in its discussion of pedestrian access and bus passage/alternative transportation. The commenter is referred to *Response R 27-1*. The comment is noted and presented here for Planning Commission consideration.

COMMENT R 28

Unknown Female Speaker: I couldn't have planned it any better to have that women in front of me and it wasn't planned. But I am going to bring up an item that is very colorful, but it is a concern. It's not what I think, I don't think it is in the EIR. I tried to review your EIR on my computer screen. That's a really difficult task for a normal individual to do. You know you really tie people's hands behind their back to say that we have to address specifically, but I live across from Wal-Mart. I am a morning walker for the last the 10 years. I walk through the field between Wittmier and Wal-Mart and they have a national open-door policy which I am sure will continue with the Wal-Mart they have now and the one they are going to build. The campers and the RV'ers are allowed to camp overnight in their parking lots. And I have witnessed people urinating and squatting in the bushes so I would like to see that addressed in the EIR. I would like to also let you know that there are vehicles from time to time, trucks that are built in a way where people are actually living in the back ends of them that had sheeting and people would come out and dump chicken carcasses into the islands where they had been cooking in the back end. This one particular vehicle that would rotate this parking lot about every three or four weeks. In other words I feel what they are doing is they are rotating Wal-Mart parking lots to live in. They would have accumulations of items on the top of their truck like hoses, lawn chairs, bicycles. And coincidentally one weekend when I was doing my morning walks the following Sunday and Monday I heard from my neighbors how certain items were missing that were the very same type of items that I saw on top of this truck. So what I am trying to say to you here is that we have an EIR issue of bathroom facilities, of people spring boarding off into our communities nights and weekends to steal from us. And I dealt with this city, Scott Armstrong, and finally went to Tony Baptiste for two years and I have a file this thick if you would like to look at it regarding this very same issue that I dealt with independently before I knew Heather or anything like that. I still have it at home. It's got photos in it and everything else. And Wal-Mart laughed at me until the dealt with the city and then I had to push, push, push with Tony Baptiste to get anything done. And the campers are way less than they were, but let me tell you as soon as they get what they want those campers are coming back.

R 28-1

Comment R 28 Unknown Female Speaker, Resident

Response R 28-1 The commenter states that she is a morning walker for the last 10 years and the field between Wittmeier Drive and Wal-Mart has campers and RV'ers allowed to camp overnight in the parking lot. The commenter requests that the EIR address the issues associated with overnight camping including no public restroom facilities, the dumping of items, and theft of items from the campers from local residents living near Wal-Mart stores. The commenter is referred to Responses R 8-1 through R 8-4. The comment is noted and presented here for Planning Commission consideration.

2.0 RESPONSE TO COMMENTS TO THE 2006 DRAFT EIR

2.6 RESPONSE TO THE 2006 DRAFT EIR COMMENTS

During the public review and comment period for the 2006 Draft EIR, the City received 80 individual comment letters from agencies, interest groups and the public regarding the Draft EIR. Responses to these written comments received were prepared in January 2008. However, since January 2008, new significant information has become known to the City regarding the transportation and circulation system of the City. As a result, a revision of the traffic study was necessary, which consequently resulted in a need for a revision of Section 4.2 *Traffic and Circulation* of the Draft EIR. In addition, the Revised Draft EIR includes an analysis of the proposed project's climate change impacts as well as energy use. These written comments as well as responses to these comments, including the original responses from January 2008 and updated responses as they pertain to traffic, climate change, and energy use, are included in this Section. Edits to the 2006 Draft EIR are included in Section 3.0 (Errata).

LETTER A

FEB-14-2007 14:36

CALTRANS D3 PLANNING

530 741 5346

P. 02/05

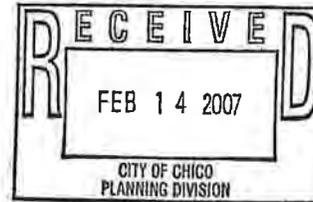
DEPARTMENT OF TRANSPORTATION
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703 B STREET
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February 14, 2007

07BUT0002
03-BUT-099, P.M. 31.5
Wal-Mart Expansion, PM 03-17
DEIR, SCH # 2004012077



Mr. Patrick Murphy, Senior Planner
City of Chico
Planning Department
411 Main Street
Chico, CA 95927

Dear Mr. Murphy:

Thank you for the opportunity to review and provide comments on the draft environmental impact report (DEIR) for the Wal-Mart boundary line modification and vesting tentative parcel map (project), which will permit expansion of the retail store from 125,889 to 223,445 square feet. The project is located adjacent to State Route (SR) 99 at 2044 Forest Avenue in the City of Chico. Our comments are as follows:

Section 2.0, Executive Summary:

- Page 2.0-9, Mitigation Measure (MM) 4.2.3, Ramp Junctions, SR 99/SR 32 Interchange Northbound Off-Ramp: The proposed improvements of providing for either a two-lane ramp exiting the freeway or an additional through lane on the mainline of SR 99 are not included in the City's Nexus program Project List, dated August 2, 2006. Auxiliary lanes, however, between Skyway/Park and SR 32 are included in the Project List. Additionally, BCAG is providing funding to construct auxiliary lanes on SR 99 from SR 32 to East 1st Avenue. Please clarify that the reference to an additional through lane on mainline SR 99 is for an auxiliary lane.

A-1

Section 4.2, Traffic and Circulation:

- Page 4.2-23, first paragraph, second sentence: The sentence states that the proposed expanded Wal-Mart will result in higher trip generation than the existing facility. When calculating the Existing rates and comparing these rates with the ITE rates for a Super Center, the AM, PM, and Saturday rates were all higher with the Existing than the Proposed. For example, the Existing AM peak trips were calculated to be 2.49 trips/ksf (314/125.889), while the Proposed AM peak trips were calculated to be 2.47

A-2

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LETTER A CONT.

FEB-14-2007 14:37

CALTRANS D3 PLANNING

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Page 2

trips/ksf. Along with this, the Existing PM peak trips were calculated to be 6.70 trips/ksf (844/125.889), while the Proposed PM peak trips were calculated to be 5.19 trips/ksf. Finally the Existing Saturday peak trips were calculated to be 8.86 trips/ksf (1116/125.889), while the Proposed Saturday peak trips were calculated to be 6.26 trips/ksf. Please clarify or modify.

A-2
cont.

- Pages 4.2-29 and 4.2-31, Figures 4.2-4a (Wal-Mart Expansion) and 4.2-4b (Fast Food Restaurant/Gas Station): The trip distribution identified on the two figures for vehicles using SR 99 south of E. 20th Street as well as using Forest Avenue north of E. 20th Street towards SR 32 is inconsistent. Figure 4.2-4a shows 16 percent, while Figure 4.2-4b shows 3 percent using SR 99 south of E. 20th Street. Figure 4.2-4a shows 14 percent, while Figure 4.2-4b shows 20 percent of the vehicles using Forest Avenue north of E. 20th Street towards SR 32. Please clarify or change.
- Page 4.2-33, Figure 4.2-5, Project Only Traffic Volumes, Intersection 2, E 20th Street/SR 99 SB Ramps: There is no westbound right turn at the southbound ramps. Please explain.
- Page 4.2-33, Figure 4.2-5, Project Only Traffic Volumes, Intersection 17, Skyway/SR 99 SB Off Ramp: West bound turn movements are not shown. Please explain.
- Pages 4.2-43 and 4.2-53, Figures 4.2-7 (2010, No Project) and 4.2-9 (2010, Plus Project): The Year 2010 No Project mainline traffic volumes are the same as the Year 2010 Plus Project traffic volumes on SR 99 south of E. 20th Street. It would seem reasonable that the Wal-Mart expansion, and addition of a fast food restaurant and gas station would generate additional vehicle trips on SR 99 south of E. 20th Street. Please clarify or change.
- Page 4.2-57, Ramp Junctions: The SR 99/SR 32 north bound off-ramp junction was shown on page 4.2-55 as operating unacceptably at LOS F in the PM Peak Hour, but is not identified in the text on page 4.2-57 as operating unacceptably. Please explain.
- Page 4.2-59, First Paragraph: The statement is made that the timing for constructing the proposed improvements to the ramp junctions on SR 99 with SR 32 and with E. 20th Street will be determined by Caltrans, "as they are state, not City facilities" and that "Caltrans will rely upon state (and possibly federal) funding for a portion of the construction costs". It is further stated that since it is not presently known when these funding sources will be programmed and allocated for construction, this impact is considered to be *significant and unavoidable* in the short-term. These statements imply that it is the responsibility of the State to mitigate impacts to the State highway system related to local development approvals.

A-3

A-4

A-5

A-6

A-7

A-8

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LETTER A CONT.

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CALTRANS D3 PLANNING

530 741 5346

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Page 3

Please remove or correct these references. Caltrans controls very little (less than 25 percent) of the State and federal funding that can be used for capacity increasing projects on the State highway system and our focus continues to be on interregional connectivity as opposed to mitigating the impacts from local development. In Butte County, we will continue to prioritize improvements in the State Transportation Improvement Program to provide better connectivity for Chico, Oroville, and the remainder of Butte County to the freeway and expressway system. The primary responsibility for mitigation of impacts to the ultimate level of service related to mobility and accessibility within Chico as your community grows is yours. Caltrans recognizes the City of Chico's responsible choice in 2005 to approach the analysis of growth impacts in a comprehensive and cumulative fashion by approving a Nexus Study/Development Impact Fee Program to begin addressing expected impacts from proposed developments and Caltrans recognizes that this approach may need to be phased.

A-8
cont.

- Pages 4.2-71 and 4.2-79, Figures 4.2-12 (2018 No Project) and 4.2-14 (2018, Plus Project): In comparing the two figures, the Year 2018 Plus Project shows a decrease in vehicle trips on the SR 99 mainline south of E. 20th Street. The Year 2018 Plus Project also shows a decrease over the Year 2018 No Project of vehicle trips on the E. 20th Street/SR 99 northbound on ramp. Please explain these decreases or change accordingly.

A-9

Potential Hydrologic, Hydraulic, and Water Quality Impacts:

- Potential hydrology, hydraulic, and water quality impacts were not addressed in this DEIR. To help insure that the drainage facilities are designed not to discharge into or create erosion of the drainage facilities of SR 99 and SR 32, please add a condition of approval to the project that requires submittal of drainage plans and calculations as well as the applicable Storm Water Management Plan and Storm Water Pollution Prevention Plan to Caltrans at the above address for review prior to issuance of building permits for the project.

A-10

Appendix B Traffic Impact Study:

- Pages 86, 91, 96, 101, 106, 110, 116, 121, 126, and 126, Results Page 20-1, Intersection 17, Skyway/Park/SR 99 Southbound Ramps, all Existing and Short Term (2010) scenarios: It appears that the intersection was not modeled correctly. The intersection should be modeled as a single through lane in each direction westbound and eastbound with a dedicated westbound left turn lane. The right turn lanes on the eastbound, northbound, and southbound approaches are actually free right turns and not part of this intersection. The eastbound right turn volumes should be included in the eastbound through volumes. Please edit or clarify.

A-11

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LETTER A CONT.

FEB-14-2007 14:37

CALTRANS DS PLANNING

530 741 5346

P.05/05

Mr. Patrick Murphy
February 14, 2007
Page 4

- Pages 86, 91, 96, 101, 106, 110, 116, 121, 126, and 126, Results Page 21-1, Intersection 18, Skyway/Park/SR 99 Northbound Ramps, all Existing and Short Term (2010) scenarios: The right turn lanes on the eastbound and westbound approaches are actually free right turns and not part of this intersection. The direct/loop on-ramps should not be included as part of the analysis of this intersection. Please edit or clarify.

A-12

Please send us a copy of the FEIR for review and comment when available. If you have any questions regarding these comments, please contact Matt Friedman, Local Development/Inter-Governmental Review Coordinator, at (530) 741-4004.

Sincerely,



SUKHVINDER TAKHAR, CHIEF
Office of Transportation Planning, North

Cc: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

TOTAL P.05

2.0 RESPONSE TO COMMENTS

Letter A **Sukhvinder Takhar, Chief, California Department of Transportation, District 3**

Response A-1 The commenter requests that mitigation measure MM 4.2.3 (on page 2.0-9) be clarified to state that the additional through lane on mainline SR 99 is for an auxiliary lane.

The following change has been made to page 2.0-9 mitigation measure MM 4.2.3:

Ramp Junctions			
SR 99/SR-32 Interchange – Northbound Off-Ramp ⁴	Provision of an either a two lane ramp (two lanes exiting the freeway) or an additional through lane, <u>as an auxiliary lane</u> , on the mainline.	Nexus Fee	Nexus Fee

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document. As stated on page 2.3-38 of the Revised Draft EIR, the project is anticipated to increase the ramp junction density by two percent or less to *Short Term No Project* conditions at the SR 99 Northbound Off-Ramp (SR 99/SR 32 interchange). Per the significance threshold criteria (page 2.3-24 of the Revised Draft EIR), which states that an impact is significant if it results in an increase of density of a facility by more than five percent which is operating at an unacceptable LOS without the project, the project impact at these ramp junctions for Short Term conditions is less than significant.

Response A-2 The commenter requests an explanation of why a higher trip rate was used than the existing facility in the calculation of project traffic. The analysis indicates that the proposed expanded Wal-Mart will result in a higher trip generation than the existing Wal-Mart. It does not state that it will result in a higher trip generation rate. The existing Wal-Mart store is a Free Standing Discount Store (Land Use Code ITE 815), while the expanded Wal-Mart will function like a Free Standing Discount Superstore (Land Use Code ITE 813). Trip generation from these two land uses follow different characteristics and cannot be compared. While the estimated trip generation rate for the expanded store (2.47(AM peak), 5.19(PM peak), and 6.26(Sat Mid-day peak)) are less than the corresponding Existing Wal-Mart trip generation rates, it is noted that these estimated rates for the expanded store are higher than the ITE specified rates for Land use Code 813. Trip Generation rates for the expanded Superstore were derived based on research on trip for "Superstores" and consultation with the City of Chico staff. Also, similar to shopping centers, it is reasonable and consistent with commercial trip generation rates that the trip rate per floor area decreases as the size of the use grows to account for linked trips within the center.

The commenter is referred to Master Response 2.4.2 above as well as pages 2.3-26 through 2.3-32 of the Revised Draft EIR.

Response A-3 The commenter requests an explanation of why there is an inconsistency between trip distribution rates on Figures 4.2-4a (Wal-Mart Expansion) and

4.2-4b (Fast Food Restaurant/Gas Station.) Trip distribution for the Wal-Mart is separate and different from the trip distribution pattern for the Gas Station/Fast Food, Figures 4.2-4a and 4.2-4b, respectively. These trip distribution assumptions were derived from the City's previous traffic model and are consistent with analysis completed by the City for the Nexus Study and have been reviewed and approved by City staff.

The commenter is referred to Master Response 2.4.2 above as well as pages 2.3-26 through 2.3-32 of the Revised Draft EIR.

Response A-4

The commenter requests an explanation of why there is no westbound right turn at the southbound ramps. The comment is incorrect, the figure does show project volumes for the westbound right-turn movement at intersection 2 which corresponds to the movement from E. 20th Street turning onto the SR 99 SB loop on ramp. There is no eastbound right-turn at the southbound ramps because the project would not be expected to contribute traffic to that movement.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as Section 2.3 of the Revised Draft EIR.

Response A-5

The commenter requests an explanation of why Figure 4.2-5, Project Only Traffic Volumes, Intersection 17, Skyway/SR 99 SB Off Ramp does not show west bound turn movements. Westbound left turns at intersection 17 on Figure 4.2-5 have been shown. The only movements which contribute to project only volumes at this intersection are eastbound through and westbound lefts. These have been shown in the Figure 4.2-5.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as Section 2.3 of the Revised Draft EIR.

Response A-6

The commenter states that it would seem reasonable that the Wal-Mart expansion and addition of a fast food restaurant and gas station would generate additional vehicle trips on SR 99 south of E. 20th Street. The project's contribution to mainline traffic between SR 99/E 20th interchange and SR 99/Skyway interchange is negligible ("ZERO"). Per discussions with City staff, it is assumed that all trips northbound on SR 99 wishing to enter the project will use the Skyway Interchange. Similarly all trips southbound on SR 99 and wishing to enter the project will do so using the E 20th Street interchange. This is likely to be the case, because of the location of the project with respect to these interchanges. This is evident in the trip distribution figures (4.2-4a and 4.2-4b) in report, which do not show red lines or arrows on SR 99 between the Skyway and E. 20th Street interchanges.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as Section 2.3 of the Revised Draft EIR.

Response A-7

The commenter states that the SR 99/SR 32 north bound off-ramp junction is not identified in the text on page 4.2-57 as operating unacceptably. The SR 99/SR 32 NB off ramp diverge sections is projected to operate at

2.0 RESPONSE TO COMMENTS

unacceptable LOS F under the Short Term No Project conditions and in all scenarios thereafter. Appropriate text in the "Ramp Junctions" regarding this off ramp was inadvertently excluded in the Draft EIR. However, mitigation for this off ramp was included under mitigation measure **MM 4.2.1**. Page 4.2-57 will be changed to include a discussion of the SR 99/SR 32 NB off ramp. The commenter is referred to Section 3.0 Errata of the Final EIR for this discussion.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as *Response A-1* above.

Response A-8

The commenter objects to the statement on page 4.2-59 of the Draft EIR "However, Caltrans will determine when these ramp improvements will be constructed, as they are state, not City, facilities. Caltrans will rely upon state (and possibly federal) funding for a portion of the construction costs" stating that the statement implies that it is the State's responsibility to mitigate impacts to the State highway system related to local development approvals. However, this is not what the statement is meant to indicate. The statement is made to show that the City of Chico has minimal control over when roadway improvements to SR 99 will occur as it is not a City facility. Because of this, improvements to the impacted SR 99 roadway segments may not be completed under the short-term time period. Thus, this impact is considered significant and unavoidable.

In order to clarify the responsibilities of Caltrans and the City of Chico regarding the SR 99 improvements the following has been included in Section 3.0 Errata of this Final EIR:

"The improvements to the SR 99 ramps are included within the needed improvements identified in the *State Route 99 – Chico Corridor Study (Nexus Study)*, and the city is collecting fair share contributions for these improvements as part of the Nexus Fee program. However, the primary responsibility in the City of Chico for mitigation of traffic impacts due to local development is the City of Chico. This includes State facilities such as SR 99. Caltrans has prioritized improvements to the State Transportation Improvement Program to provide better connectivity to the City of Chico and other areas within Butte County. However, Caltrans is responsible for will determine determining when these ramp improvements to SR 99 will be constructed, as they are state, not City, facilities. Caltrans will rely upon state (and possibly federal) funding for a portion of the construction costs. When and if these funding sources will be programmed and allocated and construction will be scheduled, is not presently known, at least under near-term conditions. Therefore, this impact is considered to be **significant and unavoidable** in the short-term".

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

Response A-9

The commenter requests an explanation of why there is a decrease in vehicle trips between Figures 4.2-12 (2018 No Project) and 4.2-14 (2018, Plus Project). With the build-out of the proposed project, some trips on the freeway between Skyway interchange and E. 20th Street interchange will

be diverted from the mainline segment to enter the Wal-Mart site, resulting in trip reduction in on the SR 99 mainline segment. These are accounted for in the diverted/pass-by trips and have been added to the appropriate ramp junctions when they exit the project site to get back onto the freeway mainline.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

Response A-10

The commenter request that as a part of the conditions of approval for the proposed project, a copy of the drainage plan and calculations as well as the Storm Water Management Plan and Storm Water Pollution Prevention Plan be submitted to Caltrans for review prior to issuance of building permits. As with all projects in the City, adequate drainage facilities must be designed so storm water runoff from a project site does not to exceed pre-construction totals. Storm water runoff is not discussed in the Draft EIR as it was addressed in the Initial Study for the project and determined to be a less than significant impact and therefore it is not necessary to further discuss storm water runoff in the EIR. The Initial Study discusses storm water management and pollution prevention. The Initial Study indicates that:

“Stormwater runoff from the subject properties will continue to drain to the existing City drainage basin (Fair Street Detention Pond) southwest of the site, which is sized to accommodate stormwater runoff resulting from full development of the subject parcels. The Fair Street detention pond is also designed to treat all stormwater prior to being discharged to Comanche Creek. As a result, impacts relating to stormwater runoff from future development of the properties are less than significant”.

The commenter does not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The comment is noted and presented here for Planning Commission consideration.

Response A-11

The commenter states that the Traffic Impact Study (located in Appendix B of the Draft EIR) appears to have incorrectly modeled the Skyway/Park/SR 99 Southbound Ramps. The Skyway/Park Avenue/SR 99 SB ramps intersection has been modeled with ignore phasing for the eastbound right-turns (i.e. from Park Avenue onto SR 99 SB), meaning that eastbound right-turns do not affect operations at the intersection. The lane geometrics used for the analysis assume a single through lane in each direction westbound and eastbound with a dedicated westbound left turn lane.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

Response A-12

The commenter states that the Traffic Impact Study (located in Appendix B of the Draft EIR) appears to have incorrectly modeled Skyway/Park/SR 99 Northbound Ramps. The eastbound and westbound movements at Skyway/Park Avenue/SR 99 NB ramps intersection has been modeled with

2.0 RESPONSE TO COMMENTS

ignore phasing for the eastbound right-turns (i.e. from Park Avenue onto SR 99 SB) and westbound right-turns. This is because the movements have their own dedicated lane and/occur well upstream of the intersections and will not affect operations at the intersection.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

LETTER B

Page 1 of 1

Patrick Murphy - Wal-Mart South Expansion Project - Review of Draft Env. Impact Report

From: <Richard_Kuyper@fws.gov>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/8/2007 5:01 PM
Subject: Wal-Mart South Expansion Project - Review of Draft Env. Impact Report
CC: <Holly_Herod@fws.gov>, <Thomas.J.Cavanaugh@usace.army.mil>

Hi Patrick,

Thank you for the opportunity to review the DEIR for the Wal-Mart Expansion Project. The proposed project has been assigned USFWS project number 1-1-07-TA-0430. I have the following comments at this time:

1. It appears that seasonal wetlands occur onsite. The DEIR does not provide adequate information as to why these seasonal wetlands are not potential habitat for federally-listed vernal pool crustaceans (i.e., vernal pool tadpole shrimp or vernal pool fairy shrimp). In addition, these seasonal wetlands may provide suitable habitat for federally-listed plant species, such as Butte County meadowfoam. It is indicated that Hanover Consulting performed special-status plant surveys, but the Service does not have the report. Therefore, the Service cannot determine if surveys were performed. The DEIR should at the very least provide information detailing dates that surveys were performed, qualifications of the surveyors, and what reference populations were used. B-1

2. It appears that riparian habitat is present onsite. The DEIR does not provide information as to why this habitat is not considered potential habitat for the federally-listed giant garter snake. A habitat assessment for this species to determine potential for this species' presence within the action area should be performed. B-2

3. The DEIR should provide information regarding whether or not elderberry shrubs, the sole host plant for the federally-listed valley elderberry longhorn beetle, are within the action area. B-3

At this time, the Service does not have sufficient information to concur that federally-listed species, including the vernal pool crustaceans, vernal pool plants, giant garter snake, and valley elderberry longhorn beetle would not be adversely affected. It appears that the project proponent has applied for a 404 permit (Corps file number 200300094). The Service recommends that the requested information also be provided in the Biological Assessment provided to the Corps for the section 7 consultation. B-4

Thank you again for the opportunity to review the DEIR. Please call if you have questions,

Rick Kuyper
 Fish and Wildlife Biologist
 US Fish and Wildlife Service
 Endangered Species Division
 2800 Cottage Way-Suite W-2605
 Sacramento, CA 95825
 (916) 414-6517

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2.0 RESPONSE TO COMMENTS

Letter B

Rick Kuyper, U.S. Fish and Wildlife Service

Response B-1

The commenter states that the Draft EIR does not provide adequate information as to why the on-site seasonal wetlands are not potential habitat for federally-listed vernal pool crustaceans and federally-listed plant species, such as Butte County meadowfoam. The Draft EIR states (page 4.4-5) that "none of these special-status plant species has the potential for occurrence within the project area." This determination is based on the Biological Resources Survey and Wetlands Delineation (which included a botanical survey as Appendix B of the Delineation) completed by Hanover Environmental Services. Additionally, Table 4.4-2 (located in Appendix E of the Draft EIR) lists all of the special status species which have the potential to occur in the project area, including Invertebrates such as valley elderberry longhorn beetle and vernal pool fairy shrimp. This table also lists the rationale for potential occurrence and identifies whether a listed species occurs on site. This determination is based on the reports completed by Hanover.

The Wetlands Delineation completed for the project is included as Appendix D of the Draft EIR. However, the Biological Resources Survey was inadvertently omitted from Appendix D. This survey is included in Section 3.0 Errata of this FEIR, page 3.0-4.

Response B-2

The commenter questions why the giant garter snake was not considered in the Draft EIR when it appears that there is potential habitat for this species on-site. The Biological Resources Survey completed for the proposed project determined that suitable habitat for the giant garter snake was not present on the site. The commenter is referred to Table 4.4-2 of the Draft EIR which indicates that the species is unlikely to occur because habitat at the project location consists of valley grassland and riparian areas, which are not known to support this species. The commenter is also referred to Response B-1 above.

Response B-3

The commenter states that the Draft EIR should provide information regarding the existence of the elderberry shrub, habitat for the federally-listed valley elderberry longhorn beetle, on the project site. The Biological Resources Survey completed for the proposed project determined that suitable habitat for the valley elderberry longhorn beetle was not present on the site. The commenter is referred to Table 4.4-2 of the Draft EIR which indicates that a survey for special status plant species, as well as the blue elderberry, was conducted at the project location by a qualified botanist in April 2003. According to the botanist report, no evidence of special status plant species or the blue elderberry was found. The commenter is also referred to Response B-1 above.

Response B-4

The commenter states that the U.S. Fish and Wildlife Service (USFWS) does not have sufficient information to concur that federally-listed species would not be adversely affected by development of the proposed project. The commenter request that the Biological Assessment completed for the project be provided for USFWS determinations. As stated previously, the Biological Resources Survey was inadvertently omitted from Appendix D. This survey is included in Section 3.0 Errata of this FEIR, page 3.0-4.

LETTER C



Linda Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
Central Valley Region**

Karl E. Longley, ScD, P.E., Chair.



Arnold Schwarzenegger
Governor

Redding Branch Office
415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>

5 March 2007

Patrick Murphy
City of Chico
Planning Services Department
P.O. Box 3420
Chico, CA 95927

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WAL-MART
SOUTH TENTATIVE PARCEL MAP (03-17) AND EXPANSION PROJECT, CHICO, BUTTE
COUNTY**

On 5 January 2005, our office received a Tentative Parcel Map, a Draft Environmental Impact Report and Request for Comments Letter from your office regarding the proposed development referenced above. The Central Valley Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA).

The Request for Comments Letter contained a cover sheet stating that City of Chico has received an application from Wal-Mart requesting reconfiguration of two parcel lines to facilitate the expansion of the existing 125,889 square foot (sf) store into a 223,445 sf Wal-Mart Supercenter. The Tentative Parcel Map will reconfigure the lot lines of the existing parcels to create one 24.69 acre parcel (parcel 1) and one 2.42 acre parcel (parcel 2). The existing Wal-Mart store and all improvements associated with the expansion of the store would be contained entirely within Parcel 1. The existing parking lot would be expanded to the south of the existing store and parking lot. No development is currently planned for parcel 2, but a restaurant and gas station may be developed in the future. In addition, as a part of the Tentative Map, a number of public utility and public access easements are proposed for abandonment and relocation on the site. C-1

The project site comprises 27.11 acres located at 2044 Forest Avenue, Assessor's Parcel Numbers 002-170-004, 002-370-005, and -007. North of this site is Baney Lane, east is Forest Avenue, south is Wittmeier Drive, and Business Lane and State Route 99 are west of the site.

The following comments are provided to help outline the potential permitting required by the Regional Water Board's agency, policy issues concerning the project, and suggestions for mitigation measures. Our present comments focus primarily on discharges regulated under our CWA §401 and storm water programs.

Water Board entitlements include: C-2

California Environmental Protection Agency



LETTER C CONT.

Mr. Patrick Murphy

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5 March 2007

- Fill or dredged material discharges Clean Water Act (CWA) §401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal waters
- Storm water and other wastewater discharges CWA §402 NPDES permit
- Other Waste Discharge Requirements or other permits for discharges that may affect ground water such as from proposed solid waste transfer facilities.

The following summarizes project permits that may be required by our agency depending upon potential impacts to water quality:

Water Quality Certification (401 Certification) – Permit issued for activities resulting in dredge or fill within waters of the United States (including wetlands). All projects must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the state. Destruction of, or impacts to these waters should be avoided. Under the Clean Water Act Section 401 and 404, disturbing these waters requires a Corp permit and a State 401 permit. The Section 404 and 401 permits are required for activities involving a discharge (such as fill or dredged material) to Waters of the United States. "Waters" include wetlands, riparian zones, streambeds, rivers, lakes, and oceans. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. If required, the Section 404 and 401 permits must be obtained prior to site disturbance.

Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs – Under authority of the California Water Code, the Regional Water Board may issue WDRs for any project, which discharges or threatens to discharge waste to waters of the state. Projects that cause disturbance to Waters of the State (including any grading activities within stream courses) require permitting by the Regional Water Board.

General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) – Land disturbances on proposed projects of 1 acre or more requires the landowner to obtain coverage under the General Permit. As the land disturbance for the Wal-Mart Expansion Project appears to be in excess of 1 acre, the owner of the property will need to file a Notice of Intent (NOI), along with a vicinity map, a Storm water Pollution Prevention Plan (SWPPP), and appropriate fees to the State Water Resources Control Board (SWRCB), prior to the commencement of activities on site. The owner may call our office to receive a permit package or download it off the Internet at <http://www.waterboards.ca.gov/stormwtr/index.html>.

Isolated wetlands not covered by the federal Clean Water Act

Wetlands not covered by the Clean Water Act are known as "isolated wetlands." Should the U.S. Army Corps of Engineers determine that isolated wetlands exist at the project site and should the project impact or have potential to impact the isolated wetlands, a Report of Waste Discharge and filing fee must be submitted prior to commencing the construction activity. The Regional Board will consider the provided information and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver thereof, when required, may result in enforcement action. Report of Waste Discharge application forms are available by calling our office at (530) 224-4845.

C-2
cont.

LETTER C CONT.

Mr. Patrick Murphy

- 3 -

5 March 2007

Phase II Storm Water Permit

The City of Chico is required to comply with the State's Storm Water Permit for Small Municipal Separate Storm Sewer Systems. Under this permit the City of Chico must ensure that new developments comply with certain design standards for storm water runoff. A copy of the permit, including required new development standards, is available for viewing and download at the State Water Resources Control Board's website at: www.swrcb.ca.gov/stormwtr/municipal.html.

Post Construction Requirements

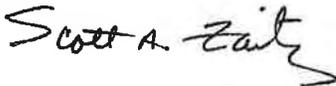
The General Permit and the Small Municipal Separate Storm Sewer Systems Permit (MS4 General Permit), requires the preparation and submittal of specific information regarding post-construction Best Management Practices (BMPs) that will be incorporated in the project to mitigate pollutants. Post-construction storm water management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving waterbodies. As stated in the Environmental Protection Agency MS4 Phase II Final Rule, many studies indicate that prior planning and design for minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

C-2
cont.

Therefore, the project development plans and environmental review documents prepared pursuant to the California Environmental Quality Act (CEQA) should indicate that the proposed project applicant shall prepare an NOI, a SWPPP and post construction storm water development plans, as discussed above, and submit copies to the Regional Water Board for review, to mitigate pollutants from the new development proposed on the site. The development plans should contain specific structural and non-structural post-construction BMPs, such as grassed swales, bioretention, porous pavement, treatment vaults, retention of buffer strips, minimization of impervious surfaces, etc, and approximate locations of each BMP. For more information go to: http://www.waterboards.ca.gov/stormwtr/post_construction.html.

C-3

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



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

SAZ: cg/sae

cc: Mr. Tom Cavanaugh, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Game, Region 2, Rancho Cordova
PMC, Chico

Wal-Mart south Parcel Map and Expansion Project 03-17

2.0 RESPONSE TO COMMENTS

Letter C **Scott A Zaitz, R.E.H.S., California Regional Water Quality Control Board**

Response C-1 The commenter describes the proposed Wal-Mart Expansion project. The commenter does not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary.

Response C-2 The commenter discusses the potential permits that may be required of the proposed project. The proposed project will be required to obtain the proper water quality permits. The commenter does not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary.

Response C-3 The commenter states that project development plans and environmental review documents prepared pursuant to CEQA should indicate that the proposed project applicant shall prepare an NOI, a SWPPP and post construction storm water development plans and submit these plans to the Regional Water Quality Control Board for review. As with all projects in the City, adequate drainage facilities must be designed so storm water runoff from a project site does not to exceed pre-construction totals. Storm water runoff is not discussed in the Draft EIR as it was addressed in the Initial Study for the project and determined to be a less than significant impact and therefore it is not necessary to further discuss storm water runoff in the EIR. The Initial Study discusses storm water management and pollution prevention. The Initial Study indicates that:

“Stormwater runoff from the subject properties will continue to drain to the existing City drainage basin (Fair Street Detention Pond) southwest of the site, which is sized to accommodate stormwater runoff resulting from full development of the subject parcels. The Fair Street detention pond is also designed to treat all stormwater prior to being discharged to Comanche Creek. As a result, impacts relating to stormwater runoff from future development of the properties are less than significant. Since future construction activities will affect more than one acre of the site, the project applicant will be required to obtain a Construction Activity Storm Water Permit or water quality certification from the California Regional Water Quality Control Board (RWQCB) prior to any construction.”

LETTER D

2525 Dominic Drive, Suite J
Chico, CA 95928

(530) 891-2882
(530) 891-2878 Fax



W. James Wagoner
Air Pollution Control Officer

Robert McLaughlin
Asst. Air Pollution Control Officer

February 27, 2007

FEB 28 2007

Patrick Murphy
City of Chico, Planning Services Department
P.O. Box 3420
Chico, CA 95927

Re: Draft Environmental Impact Report (DEIR) for Wal-Mart South (PM-03-17)

Dear Mr. Murphy:

The District has reviewed the DEIR for the proposed project noted above. Based on the information presented the District submits the following comments.

1. Page 4.3-4 & Table 4.3-2 – The table indicates an exceedence for PM2.5 in 2005, please correct statement that PM2.5 was never exceeded at any time during the monitoring period. D-1
2. The air quality analysis has determined that the proposed project *will create significant and unavoidable air quality impacts*. Butte County is currently designated as a state and federal non-attainment area for ozone and a state non-attainment area for fine particulate matter (both PM2.5 and PM10). As such the District recommends incorporating additional feasible mitigation measures into the proposed project to reduce the impacts to less than significant. If on-site mitigation measures are not deemed feasible off-site mitigation may be available. Please consult the District regarding potential off-site mitigation measures. D-2

Thank you for the opportunity to comment on the proposed project. If you have any questions or comments, please do not hesitate to contact the District.

Sincerely,

Gail Williams
Air Quality Planner

File No. 3455

2.0 RESPONSE TO COMMENTS

Letter D **Gail Williams, Air Quality Planner, Butte County Air Quality Management District**

Response D-1 The commenter states that there is an error in Table 4.3-2 of the Draft EIR in describing the exceedance of thresholds for PM_{2.5}. This error will be corrected to indicate that there was no exceedance of this threshold as follows:

Particulate Matter (PM _{2.5})			
Maximum 24-hour concentration (µg/m ³)	56.1	76.3	82.7
National ^b annual average concentration (µg/m ³)	10.5	15.1	12.3
State ^c annual average concentration (µg/m ³)	15.9	16.5	13.8
Number of Days Standard Exceeded			
NAAQS 24-hour (> 65 µg/m ³)	0	0	40

Response D-2 The commenter recommends that proposed project incorporate additional mitigation measures to reduce air quality impacts. The Draft EIR requires all feasible mitigation measures identified in the Butte County AQMD Indirect Source Review Guidelines be incorporated into project development. The following mitigation measures are included in the Draft EIR in order to reduce air quality impacts:

MM 4.3.1 The developer shall implement measures to reduce ROG, NO_x and PM₁₀ emissions during construction activities. During construction, the following measures shall be included in construction specifications, and implemented during construction.

- Water all active construction sites at least twice daily. The frequency of watering shall be based on the type of operation, soil, and wind exposure.
- Use chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least 4 consecutive days).
- Limit the speed of on-site vehicles to 15 mph on unpaved roads.
- Suspend land clearing, grading, earth moving, or excavation activities when winds exceed 20 miles per hour.
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut-and-fill operations, and hydroseed the area.
- Plant vegetative ground cover in disturbed areas as soon as possible.

- Cover inactive storage piles.
- During initial grading, earth moving, or site preparation, construct a paved (or dust-palliative treated) apron, at least 100 feet long, onto the project site from the adjacent site.
- Sweep or wash paved streets adjacent to the development site at the end of each day as necessary to remove excessive accumulations of silt and/or mud that may have accumulated as a result of activities on the development site.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person will respond and take corrective action within 24 hours. The telephone number of the Butte County AQMD will also be visible to ensure compliance with the Butte County AQMD Rules 200 & 205 (Nuisance and Fugitive Dust Emissions).
- Before final occupancy, demonstrate that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.
- Utilize temporary traffic control as appropriate during all phases of construction to improve traffic flow as deemed appropriate by the Community Services Department Engineering Division and/or Caltrans.
- Schedule construction activities that direct traffic flow to off-peak hours as much as practicable.
- All construction equipment shall be maintained according to manufacturers' specifications.
- The idling of construction equipment shall be restricted to no longer than 10 minutes.
- Only diesel equipment or diesel vehicles with engines built in 1996 or later shall be used.
- Off-road machinery shall be restricted to those pieces equipped with lean NO_x engine settings where feasible.
- Measures to reduce ROG emissions from architectural coatings shall be implemented. Water-based coatings for both exterior and interior walls on all building structures shall be required. The recommend average solvent content for architectural coatings is approximately 6 grams per liter. That ROG content

corresponds to using water-based coatings for everything other than limited specialty uses.

MM 4.3.4 The project developer shall implement the following mitigation measures as part of project design:

I. Energy Conservation:

- Use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, and boiler units.
- Use of energy-efficient and automated controls for air conditioning.
- Improve the thermal efficiency of commercial and industrial structures as appropriate by: (1) reducing thermal load with automated and timed temperature controls or (2) occupancy load limits.
- Incorporate shade trees, adequate in number and proportional to the project size, throughout the project site to reduce building heating and cooling requirements.

II. Ancillary Services:

- Provide on-site services such as cafeterias, food vending machines, automatic tellers, etc., as appropriate and in compliance with local development regulations.

III. Transit:

- Provide transit-use incentives, as approved by applicable transportation planning agencies (City of Chico, Caltrans, and Butte County Association of Governments), such as subsidized transit passes and accommodation of staggered or unusual work schedules to encourage transit use.
- Provide on-site/off-site bus turnouts, passenger benches, or shelters where deemed appropriate by local transportation planning agencies.

While these mitigation measures will reduce the potential air quality impacts, they will not reduce them below threshold level B, therefore resulting in significant and unavoidable impacts for operational and construction air emissions.

LETTER 1

Page 1 of 1

Patrick Murphy - FOR Wal-Mart

From: Nancy Henry <handel@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 2/1/2007 3:07 PM
Subject: FOR Wal-Mart

Both of us would like to see the Wal Mart on Forest Avenue enlarged to a super store. For most retirees, Wal Mart allows us to get what we need at a lower price. This stretches our dollars. As for traffic, the number of people going there will not increase by a huge percentage, those shopping there will just spend more on each trip.

One opened in NW Tucson about five years ago. It did not hurt the other stores in the area. Grocery and other lower budget retailers continued to do well. At the same time a food store opened a mile away that was the equivalent of Food Max. All did a great business.

The same applies to Costco. I believe no more than 12 times a year, if that, Costco creates a traffic jam. Two of those times would be the day before Christmas and the day before Thanksgiving.

Let the enlarging begin!!! Thank you. Dick and Nancy Henry, 3266 Hidden Creek Drive, Chico.

1-1

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2.0 RESPONSE TO COMMENTS

LETTER 1

DICK AND NANCY HENRY, RESIDENT

Response 1-1

The commenters state that they would like to see the existing Wal-Mart enlarged. The commenters do not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The commenters are referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 2

January 22, 2007

Chico City Counsel Members
P. O. Box 3420
Chico, California 95927

RECEIVED
JAN 23 2007
CITY CLERK
CITY OF CHICO

DATE: 1/23/07 AGENDA: COUNCIL 7
ADD. INFO: CM ACM CA
GSD: CSD ISD CLK RUD
ENG: HR/RM FIN.D. COP FC
FILE: OTHER: HANS D. Morgado

Dear Member:

Reference is made to the area on Forest Avenue around Wittmeier Auto and Walmart. The nice little residential area across the street is being so punished for even being here. You are desirous of encroaching in on us more to the point of being unfair and unreasonable.

This area of homes has been here for 10+ years and there were no solid businesses surrounding us and now it just keeps growing and you seem determined to close us in even more. The expansion of Walmart is ridiculous. We have Winco in our front and back yards, along with Raleys Center. We have sufficient grocery marketing in this area. We also have a mystery center across from Pheasant Run and behind Target. Butte College has created a terrible traffic problem. We need some relief. A Walmart super center is NOT what we need. There is no question that you are discriminating against this lovely little area surrounded by Talbert Drive, Robailey and Bar Triangle.

2-1

The lot at the end of Talbert Drive is a litteral garbage dump. We would appreciate you requesting the owner to clean it up or contact the agency that is in charge of keeping our city clean and as pristine as possible. It is a terrible eyesore and should be incumbent upon the owner to clear the trash away.

2-2

Before the last election I spoke with the then Mayor Scott Gruendl regarding our downtown streets. It seems to me none of you take the time to stroll downtown or it surely wouldn't be so filthy; (streets and storefronts). You can't shop as it is too precarious to look up. The Mayor told me you have the equipment to clean the streets and side walks but are neglegent in doing so. We have stopped going there or taking guests as it is too embarrassing. What a shame as it is a pretty little town and there are great little shops to enjoy.

2-3

Your attention to the foregoing would be greatly appreciated. We keep our homes up as you will see if you take the time to check it out. The lot in question is the corner of Robailey and Bar Triangle at the end of Talbert Drive.

Thank you for your consideration to the foregoing.

Donna Williams
L. P. (Jim) & Donna Williams
2198 Talbert Drive
Chico, CA 95928
(530) 894-1895

cc: Chico City Planning Commission

2.0 RESPONSE TO COMMENTS

LETTER 2

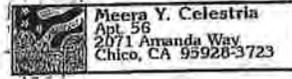
JIM AND DONNA WILLIAMS, RESIDENT

- Response 2-1* The commenters discuss the neighborhood adjacent to the proposed project and how it is being systemically surrounded by businesses. The commenters do not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The commenters are referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.
- Response 2-2* The commenters request that the lot at the end of Talbert Drive be cleaned up. The commenters do not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The commenters are referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.
- Response 2-3* The commenter's assert that the condition of the downtown streets and sidewalks is filthy. The commenters do not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The commenters are referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 3

2/14/07

Mr. Patrick Murphy, Senior Planner
City of Chico
P.O. Box 3420
Chico, CA 95927



FEB 16 2007

Re: Wal-Mart Expansion

Dear Mr. Murphy,

I write to you regarding the above as a resident at my present address for 9 years and 7 1/2 months. Thus, through the years of driving down Forest Avenue all the way to Notre Dame is a well known corridor with its ebbs and flows of traffic during all the seasons of the year.

I cannot provide you with any scientific, environmental or other types of statistics to prove the expansion would be detrimental to this neighborhood, I can only give you experience. (This includes my first moving to Chico in October of 1990.)

First, the obvious - please remember Fred Meyers, at first, everyone stopped there. About the real reason it closed, those of us as well as myself, got tired of traversing the huge expanse of the store for non-stop shopping. (It, though did not present a traffic problem because of its location.)

Second, on the other hand (due to its location) Wal-Mart's expansion will create a quagmire of backed-up traffic from 20th street to Parkway Village to Wittmer Drive (where the (possible?) proposed new traffic lights would be installed). This would, of course, be in both directions during peak times as well as the above mentioned.

Third - Wal-Mart is not interested in Chico, its inhabitants or the impact it will have on our community. I will relate an experience of a few years ago when expansion plans were first discussed.

I walked into Wal-Mart and said to the then manager of the store (who was a woman with blond hair middle aged, light blue suited) and said "As a resident of Chico and this neighborhood for many years, I'd like you to pass on to your superiors that I'm opposed to your expansion of Wal-Mart." She then replied with a

Page 1

LETTER 3 CONT.

- 2 -

determined and stern expression on her face, "Walmart is not interested in your opinions as to whether we expand or not expand." I realized any further discussion would be fruitless as this was a well-trained and canned reply to people such as myself. From then on Wal-Mart had received very little of my shopping monies. She, as far as I was concerned, epitomized the real thoughts and business plans Wal-Mart had for Chico. Though this could be called hearsay, it is the truth, and I base the honour of my name on it.

3-4 cont.

In conclusion, having shopped all around town and checking prices consistently, Wal-Mart no longer has the cheapest prices in town (though on an item or two one could see a small discount from the other discount stores) and other than a surge of cheap prices that would invariably occur at a grand opening, these would not last for long. Prime example: It didn't at Fred Meyer's, and even Winco has gradually climbed in prices.

3-5

I would dislike seeing Winco and/or Kaley's close due to a Wal-Mart expansion as I do a lot of shopping at both of these stores and as well as using Kaley's pharmacy. I am disabled now, and navigating a larger Wal-Mart would be impossible (I was not disabled when I moved here.)

Please add this to your pile of input from the community. Perhaps it will be of value.

Sincerely,
Merle Y. Alestina

P.S. Wal-Mart's parking area remains quite empty during most of the year, even towards evening shopping. Logically this proves a larger store is not needed. Have someone do a test to prove this by observation, for a week at least.

Page 2

Letter 3 **Meera Y. Celestria, Resident**

Response 3-1 The commenter states that the proposed project will detrimental to the adjacent neighborhood. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

Response 3-2 The commenter discusses the Fred Meyers store and its limited longevity possibly due to the size of the building. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

Response 3-3 The commenter states that the proposed project will create a substantial amount of traffic and affect traffic movement on 20th Street, Parkway Village, and Wittmeier Drive. The commenter is referred to Section 4.2, specifically Impacts 4.2.1 and 4.2.3 which discusses potential traffic impacts to 20th Street and Wittmeier Drive as well as provides mitigation measures to reduce these impacts.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

Response 3-4 The commenter describes a discussion she had with a Wal-Mart manager and the potential expansion of the store. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

Response 3-5 The commenter concludes her comments by stating that Wal-Mart no longer has the lowest prices in town. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 4

Kasey Merrill
 1627 Arcadian Avenue
 Chico, CA. 95926
Kmerrill27@sbcglobal.net
 343-8334



Comments on Wal-Mart Expansion EIR (Wal-Mart South)

Pedestrian safety and safe bicycle passage are only given a cursory look in this review. The South project expansion site has established surrounding neighborhoods. Safety for pedestrians and non-motor powered travel modes are not adequately addressed and respected. The worsening of air-quality is a serious impact to pedestrians and bicyclists and the health risks to the walking and cycling public needs focused evaluation. separately

4-1

The projected number of vehicle trips with the identified Level of Service impacts, (increasing to D & F ratings) on the major access roads leading to the project site will cause 'cut-through' traffic on the residential streets. We all look for a faster route under these conditions. The impact to the surrounding residential areas needs to be quantified and mitigations identified.

4-2

Pedestrian and bicycle routes to the current south Chico shopping area are already poor. Safe routes across highway 99 are absent. A pedestrian/bicyclist must contend with on ramps, off ramps, cars turning left and right. Current traffic volumes and speeds, with no traffic calming measures, clearly discourage anything but motor powered travel to this shopping area.

The parking lot on the South site is huge and the bus stop discharges its riders in an area that demands they walk a long distance (1500 feet) to the store front. Cars are given every accommodation. The message is clear that big is better and come in your car. Safe passage for bus riders to and from the shopping facility need evaluation for safety and mitigations identified.

4-3

The width of the streets and the volume of traffic in the south Chico shopping area are designed to accommodate shoppers hopping from block to block by private auto. Those motivated enough to walk have no designed-in incentives or safety. The long blocks, over-heated asphalt lots, wide intersections with short crossing times, with increasing numbers of cars, have not been addressed adequately for pedestrian safety.

The surrounding neighborhoods need careful consideration to diminish the barriers that Forest Avenue and 20th Street pose to our non-driving citizens; children, elderly environmentally conscious, and people who cannot afford to drive. Consideration to keeping our neighborhoods connected to retail, not isolated from, needs to be considered. When pedestrian and bicycle passage is unsafe, even the closest residents will choose to

4-4

LETTER 4 CONT.

drive. The connectivity of this proposed expansion to the existing businesses and neighborhoods needs evaluation and design consideration and evaluation.

The huge parking lots, a hallmark of modern retail, are clearly designed to accommodate cars without regard to what happens when one is not in a car.

The inclusion of a '12 pump' gas station and fast food outlets in the south project, is a confirmation that this proposed development brings cars, and does not have 'valuing the communities health' as a guiding principle.

The MEGA concept supports profit before people: more cars trips, less walking, more fast food, dirtier air, increased noise, unbridled consumerism. To do anything less than ask a corporate entity to measures up, flies in the face of what many Chico citizens value; neighborhoods, local service, small business, community, and social accountability.

4-5

Letter 4 Kasey Merrill, Resident

Response 4-1

The commenter states that the Draft EIR does not adequately address safety for pedestrians and non-motor powered travel modes. Omni-Means, the transportation and circulation consultant for the proposed project EIR determined that on-site circulation, including on-site pedestrian sidewalks were adequate for pedestrian/vehicular interaction. Impact 4.2.2 Project Site Safety discusses this issue and states:

“The overall layout of the site provides satisfactory vehicle circulation throughout the project site. The project site plan also provides for a pedestrian system of sidewalks and crosswalks which will channel pedestrians arriving from the new sidewalk/crosswalk system along Forest Avenue to the new store”.

Additionally, the Draft EIR provides mitigation measure MM 4.2.2 to reduce the potential vehicular/pedestrian/bicycle conflicts of entering and exiting the site. All project related roadway improvements will be required to adhere to city roadway standards, including all pedestrian and bicyclist related safety standards. MM 4.2.2 is as follows:

MM 4.2.2 The following measures shall be implemented as part of project design and be fully implemented and funded by the project developer:

Location	Improvements
Project Site Access	Outbound left turns shall be physically prohibited through construction of channelizations as shown in the site plan for the Baney Lane/Wal-Mart Central Driveway and the Baney Lane/Wal-Mart East Driveway in order to reduce potential traffic related conflicts. (Outbound left turns at the Baney Lane/Wal-Mart West Driveway will be allowed).
	Restrict vehicular movements along the back alley to/from the Baney Lane/Business Lane intersection to southbound through movements only. To accommodate this restriction, a sign shall be placed near the south end of the alley stating “WAL-MART TRUCK TRAFFIC ONLY – NO THROUGH VEHICLES”.
	Develop and implement of a Traffic Management Plan, in accordance with General Plan Policy T-G-9, which would potentially include (1) adjusting the shifts of employees to non-peak periods, (2) providing directional signage to shift traffic towards other access points, (3) providing on-site personnel during peak holiday seasons to physically direct traffic, (4) provide for transit pass subsidies, (5) provide preferential carpool/vanpool parking, (6) develop an employee ridesharing database, (7) provide for safe and secure bicycle parking, (provide shower and locker facilities for employees, (8) provide on-site information on transit routes, bicycle routes and ridesharing, and (9) flexible work schedules.
Project Roadway Improvements	Push buttons shall be provided to facilitate pedestrian access to/from the site at the intersection of Forest Avenue/Wittmeier Drive.
	Baney Lane shall be improved to City standards for a minor arterial, which will include restriping.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document. As stated on page 2.3-73 of the Revised Draft EIR, the project site plan shall provide for a pedestrian system of sidewalks and crosswalks which will channel pedestrians arriving from the new sidewalk/crosswalk system along Forest Avenue to the new store.

Response 4-2

The commenter states that with the declining level of service to project impacted roadways will cause drivers to seek "cut-through" routes through neighborhoods. The number of cut-through trips should be quantified and mitigated. The Draft EIR presented mitigation measures which would require the proposed project to pay its fair-share for the implementation of roadway improvements necessary to reduce roadway impacts to acceptable levels of service (LOS). These improvements would be implemented in order to maintain the City standards for roadway LOS for project-affected roadways. Maintaining these standards would limit the potential "cut-through" on neighborhood streets.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as the discussion provided under Impact 2.3.2 of the Revised Draft EIR.

Response 4-3

The commenter declares that the parking lots and streets are designed to accommodate the automobile and are not pedestrian/bicyclist friendly. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as Responses R 2-1 and R 15-1.

Response 4-4

The commenter states that the surrounding neighborhoods need careful consideration to diminish the barriers that Forest Avenue and East 20th Street pose to non-driving citizens and the project's connectivity to surrounding businesses and neighborhoods need evaluation. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as Responses R 2-1 and R 15-1.

Response 4-5

The commenter declares that the MEGA concept supports profit before people. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 5

Patrick Murphy - re: Wal-Mart supercenter expansion

From: "TeamCougars" <teamcougars@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 3:20 PM
Subject: re: Wal-Mart supercenter expansion

Hello Mr. Murphy,

Our names are John and Lori Hunter. We reside in Huntington Village on Wysong Ct., located off Forest Avenue directly across the street from the existing Wal-Mart.

We are extremely concerned with the increase in traffic a Wal-Mart Super Center will create. Already along Forest Avenue it is extremely congested with the Butte College extension, Mall, the existing Wal-Mart, Target shopping center, and the shopping center containing Old Navy, as well as the Galleria being built. There are certain times of the day I already have to go the back way out of my own subdivision because of the traffic on Forest Avenue. I routinely have to wait 3 lights to get onto 20th street as it is. During Christmas the traffic is unbearable!

5-1

The increased traffic will be a huge concern to the children who walk home from Little Chico Creek Elementary and Hank Marsh Jr. High. Our children deserve a safe environment to walk and play. We live in a cul-de-sac as well, the amount of people using our cul-de-sac as a turn around for the existing businesses in the area is already a problem. Adding a Super Center across from our home would be an un-fair burden.

5-2

The existing Wal-Mart already located on Forest provides the services needed. There are 3 major grocery stores located in the south part of town already, Win-Co, Food Max and Raleys, as well as the Costco. We have more than adequate shopping, restaurants and gas stations.

5-3

From 1998-2001 we lived in Dover, NH. In our neighboring town, literally 2 streets over in the town of Rochester, NH we had a Super Wal-Mart. I have to admit, it was not all it was chalked up to be. Many businesses in our town and Rochester ended up going out of business, there was just no way anyone could compete with their prices.

5-4

There are other things to take into consideration with the Wal-Mart expansion as well. There are numerous well established businesses in this area, and throughout Chico who would be greatly effected by the Super Store. Chico is a very unique town, small businesses and large corporations co-exist in harmony. Mainly because our charming downtown area is still very appealing place to shop. Adding more competition, unfair competition I might add is an injustice to our wonderful town.

5-5

Thank you,
John and Lori Hunter

LETTER 6

Patrick Murphy - Support for WalMart Expansion

From: Steven Leman <sd95969@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 5:46 PM
Subject: Support for WalMart Expansion

I would like to go on record supporting the expansion of the Forest Avenue WalMart store into a full service Super Walmart Store.

6-1

I do not have an opinion on the second requested store of the north end of town.

6-2

I do not believe that the expansion of the existing store into a super store would negatively impact the Chico area. I have lived in Paradise for 34 years, and graduated from CSU-Chico in 1977, I have had quite an exposure to the shopping opportunities or lack of same in Butte County.

Simply stated, as a Paradise residence anytime I need to shop, I end up in Chico. Paradieses only option for a department store is KMart which is very inferior in customer service to Walmart. There are things that shop for at WalMart, and there are things that I shop for at other stores. Please allow us to have a choice.

6-3

For those who do not want to utilize Walmart, then there are many other options for them to choose from. Given the average income for Butte County, common sense says a Super Walmart would certainly be used.

Thanks for reading this.

Steve Leman
P.O. Box 423
Paradise, Ca. 95967

file://C:\Documents%20and%20Settings\pjmurphy\Local%20Settings\Temp\GW}00002.H... 2/1/2007

Letter 6 Steven Leman, Resident

Response 6-1 The commenter declares his support for the proposed project. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 6-2 The commenter states that he has no opinion about the North Wal-Mart project. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 6-3 The commenter expresses his opinion that the expansion would not impact existing businesses. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 7

Comment Form
Wal-Mart Expansion EIR (Wal-Mart South)
Draft EIR Public Comment Meeting
Tuesday, January 30, 2007, 6:00 p.m.
City of Chico Council Chambers

Name: Michael Worley
Address: 787 Filbert Ave
Chico, CA 95926
E-mail: miqwo195926@yahoo.com

Comments:

A quarter of a million square ft of retail space @ one store is not a good thing for Chico. Walmart ~~expansion~~ should be a community sized operation and not sized to attract shoppers from outside the community. Since the traffic effects of a larger store cannot be mitigated, the ~~store~~ present Walmart should be limited in its expansion to a size that the traffic capacity can handle.

7-1

Return Comments No Later Than 5:00 p.m., Friday, March 2, 2007, To Patrick Murphy, City of Chico Planning Services Department, P.O. Box 3420, Chico, CA 95927 or to pjmurphy@ci.chico.ca.us

Letter 7

Michael Worley, Resident

Response 7-1

The commenter states that since the Wal-Mart project traffic impacts could not be mitigated, the Wal-Mart Expansion project should be limited in its expansion to a size that the traffic capacity can handle. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document. The comment is noted and presented here for Planning Commission consideration.

LETTER 8

From: "leamccleary@juno.com" <leamccleary@juno.com>
 To: <dpresson@ci.chico.ca.us>, <nkelly@ci.chico.ca.us>, <lcameron@ci.chico.ca.us>
 Date: 1/31/2007 9:13:17 PM FEB - 1 2007
 Subject: Walmart Store Expansions

Attention City Council Members:

As a 20 year resident of Chico I am writing to urge you to oppose bringing a second Walmart "superstore" to our beautiful but ever growing community.

How many Big Box stores does a town need anyway? Our area, it would seem, is awash in "stuff" that we don't need or use....every weekend there are dozens of yardsales in Chico with people trying to offload yet more superfluous stuff that will no longer fit in their cramped homes.

The traffic problem here is as bad as anywhere and I feel that yet another large store on the outskirts of town will lead to yet more use of cars, more pollution, more road rage, more accidents, more obesity, more unnecessary burning of non-renewable and precious fossil fuels.

Who will really benefit from this second Walmart? Certainly not the majority of employees who will work for minimum wage, much of which will be spent on maintaining and running their own cars to get to and from work! Most will receive no health care benefits and will of course be unable to purchase their own health insurance. This will inevitably place yet more burden on Enloe Hospital which will be obliged to see sick or injured uninsured Walmart employees for free. Ongoing healthcare may be paid for by the State of California from it's MediCal program for those Walmart employees if they are lucky enough to be poor enough to qualify!

I personally have a problem with some of Walmart's pharmacy policies....pharmacists have been permitted to refuse to fill prescriptions for certain drugs such as Plan B (the "morning after pill") although this was prescribed by a doctor for the patient and it's use has nothing whatsoever to do with the moral concerns of Walmart or it's pharmacists. We do not need these prejudices in an open minded community like Chico.

My only thought in favor of a huge Walmart in north Chico is that it may divert so many shoppers and cars from the downtown that the controversy over erecting another parking garage will become a non-issue!

Please do all you can to prevent this monstrosity being built here.

Sincerely, Lea McCleary, RN, Nurse Practitioner

8-1

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 ADD. INFO _____ CM ACM _____ CA _____
 GSD _____ CSD _____ ISD _____ CLK _____ PLD
 ENG _____ HR/RRM _____ FIN.D _____ COP _____ FC _____
 FILE _____ OTHER _____ P. MWC/MLM = P/MLM i.a.g.

Letter 8

Lea McCleary, Resident

Response 8-1

The commenter opposes the North Wal-Mart project. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 9

February 4, 2007

Patrick Murphy, City Planner
P.O. Box 3420
Chico, CA 95927

FEB - 6 2007

Dear City Planner,

On the subject of a Super Wal-Mart in Chico, my husband and I have felt the need to have a larger Wal-Mart in Chico for the entire 2 years that we have lived here. We moved here from Sonora, a small Gold Rush town in the Sierra Nevada foothills, east of Modesto, California. The Wal-Mart that we were used to shopping in there was much larger than the one in Chico. In fact the isles in the Chico store are so small and so cramped, that I don't like going there. You can't even get 2 carts side by side down one of the isles. I assume that the Chico store was built many years ago, but the town of Chico has outgrown the present store.

9-1

Recently, we made a trip to Yuba City with the express purpose of shopping in the Super Wal-Mart there. The place was packed with people, but everyone was able to move easily through the store with much wider isles. There was a much better selection of goods to choose from and the prices of the food were very good. When we left the store, we went over to their mall. One would think that because there were so many people shopping at Super Wal-Mart that there wouldn't be anyone left to shop at the mall. Not so. The mall was just as crowded, if not more crowded, than Super Wal-Mart. There were plenty of people to go around, and no store seemed hurting to us.

9-2

We have been visiting my mother-in-law in this town for the last 40 years. It doesn't seem to matter what new thing that someone wants to do in Chico, but what the people go nuts and petition and picket against it. What a shame. What a waste of energy that could be used in helping the project, instead of always trying to stop the project. When are these people going to wake up and face the music that Chico and the rest of Butte County has grown and will continue to grow, and the shopping here is just one of the things that will need to expand to meet the needs of the growing population?

9-3

We encourage you to make your vote a "yea" on the Super Wal-Mart controversy, and allow at least one Super Wal-Mart to be built in Chico.

Sincerely,

Mary Aichholz
Mary Aichholz

390 Rio Lindo Ave #77
Chico CA 95926

Letter 9

Mary Aichholz, Resident

Response 9-1

The commenter states her belief that Chico needs a larger Wal-Mart. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 9-2

The commenter discusses a trip to the Yuba City Wal-Mart. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 9-3

The commenter states that shopping in Chico will need to expand in order to accommodate the increasing population. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 10

Wal Mart public comment

Page 1 of 1

Patrick Murphy - Wal Mart public comment

From: "Kizirian, Tim" <TKizirian@csuchico.edu>
 To: <pjmurphy@ci.chico.ca.us>
 Date: 2/4/2007 12:33 PM
 Subject: Wal Mart public comment

Patrick Murphy, Senior Planner,

As a citizen of Chico, I am appalled at how the proposed WM expansions are turning into a political argument, as opposed to whether expansion(s) will benefit the common Chicoan. Please know that WM supercenters will significantly improve the Chico lifestyle that we all appreciate.

This is still a free country, so if the opponents of the WMSS don't like WM, they can simply not shop at WM! What is so wrong about this fact? Since this is a free country, the City needs to understand that WM should be free to expand.

10-1

Opponents to the SS's cite traffic and economic hardship on the region, but they are totally in error.

Having two SS's will REDUCE pollution, and provide economic benefit to the region. The notion that I would otherwise drive to downtown merchants and fight panhandlers to buy my children milk and breakfast cereal and chap stick and bird food is ridiculous. Please note that without a WMSS, buying these items would likely involve shopping at TWO OR MORE different stores, which means twice the driving. This common sense benefit seems to be missing in the EIR. I hope the Commission will step into the '00's and wake up to the realities of economy of scale and the environmental benefits of 'one stop shopping.' Further, this area is generally devoid in offering people starter jobs. WMSS's means jobs.

10-2

I would like to tell you that there is a STRONG demand for two SS's. This demand is objectified by WM's willingness to build the SS's.

My entire avenues neighborhood strongly demands two WM SS's. Please also know that unfair blocking of the SS's is totally unamerican - no matter how you slice it. Please do not make this a politically motivated decision, this is all I ask. And if the commission members are objective and independent in deliberations, then it will become clear that the SS's will economically and especially environmentally BENEFIT Chicoans of all political persuasions. That's right, "liberals" and "conservatives" presently shop at WM and will utilize WMSS's.

10-3

Thank you and I am happy to clarify our neighborhood's position in any way that will help you. We may not have yard signs, but the majority of Chico seems to desire the WMSS's.

Tim Kizirian
Avenue's Resident
898-6389 (W)

file://C:\Documents%20and%20Settings\pjmurphy\Local%20Settings\Temp\GW}00001.H... 2/5/2007

Letter 10 **Tim Kizirian, Resident**

Response 10-1 The commenter states his support for the proposed project. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 10-2 The commenter states that having two Wal-Marts would reduce pollution by reducing the amount of vehicle trips for shoppers. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 10-3 The commenter states that unfair blocking of the construction of both Wal-Mart projects is un-American. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 11

Comment Form
North Chico Retail & Annexation EIR (Wal-Mart North)
Draft EIR Public Comment Meeting
Tuesday, January 30, 2007, 6:00 p.m.
City of Chico Council Chambers

FEB - 7 2007

Name: Elizabeth Daniels
Address: 305 W LINDO Ave
Chico CA 95926
E-mail: solutions@efdaniels.com

Comments:
We have 2 Ralphy's 3 Safeway
1 Albertsons. Holiday Market (more
man/boy) was pushed out

We have big K big Lot's Target, Costco
New 99c + Wal Mart to the
South. ENOUGH is enough.

11-1

We have become of Retail Stores
All we do is shop and how did we get
that hard earned \$?

You grow up here you can't afford to
buy here. Just because it's happening
everywhere else - we don't have to fall
South.

We built on the North side of town +
we just take the noise, garbage traffic there + it's on both
ends of
Town.

Return Comments No Later Than 5:00 p.m., Monday, February 19, 2007, To
Patrick Murphy, City of Chico Planning Services Department, P.O. Box 3420,
Chico, CA 95927 or to pjmurphy@ci.chico.ca.us

Letter 11

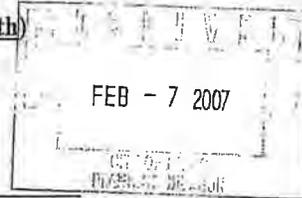
Elizabeth Daniels, Resident

Response 11-1

The commenter states that Chico is becoming too expensive to live and too large. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 12

Comment Form
Wal-Mart Expansion EIR (Wal-Mart South)
Draft EIR Public Comment Meeting
Tuesday, January 30, 2007, 6:00 p.m.
City of Chico Council Chambers



Name: Elizabeth Daniels
Address: 305 W LINDO AVE
Chico CA 95926
E-mail: solutions.e.daniels.com

Comments:

WE need not be a RACKET Scientist
to come to the Conclusion - traffic, garbage, 12-1
noises will all be MORE!

Chico like other little Oasis towns
needs to take a gamble + keep WalMart
from building another store or making
the one presently in the South a
Super Store + gas station.

We need local folks - growing their 12-2
businesses Agriculture Masonary Computer
building, repair software, solar panels +
other environmental needs designed +
built here.

Growing Bigger doesnt help Chico -
internally. We dont need what every one else
has. Lets think + work outside the box

Return Comments No Later Than 5:00 p.m., Friday, March 2, 2007, To Patrick
Murphy, City of Chico Planning Services Department, P.O. Box 3420, Chico, CA
95927 or to pjmurphy@ci.chico.ca.us

Letter 12 **Elizabeth Daniels, Resident**

Response 12-1 The commenter states that the proposed project will increase noise, garbage and traffic. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to the initial study (which is included in Appendix A of the Draft EIR) completed for the proposed project for a discussion on noise and solid waste impacts. The commenter is referred to Section 4.2 of the Draft EIR, specifically Impacts 4.21 through 4.2.3 for a discussion on potential traffic impacts caused by the proposed project. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document. The comment is noted and presented here for Planning Commission consideration.

Response 12-2 The commenter states her opinion that that the proposed Wal-Mart Expansion is not needed in Chico. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 13

14 February 2007

RECEIVED
 FEB 20 2007
 CITY CLERK
 CITY OF CHICO

DATE 2/21/07
 AGENDA
 COUNCIL 7
 ADD. INFO CM ACM CA
 GSD CSD ISD CLK
 ENG HR/RM FIN.D. COP FC
 FILE OTHER

To the Chico City Council,

Correct me if I'm wrong, but doesn't our country believe in Free Enterprise?
 Doesn't that mean that if the guy down the street from my store sells better mouse traps at
 greater volume for less cost than I do, that is to his advantage and that of the consumer,
 and not mine? Pretty soon he builds a bigger store, and calls it a box store. Do I, or
 anyone have the right to complain about it? Yes of course. But this is what free
 enterprise and freedom of speech is all about. So, to these people who are yelling about
 Wal*Mart putting up another store, and putting the little guys out of business, you have
 the right to do so, but the consumer should have the right to have more convenient
 shopping at a store we love.

13-1

It's eleven miles each way from my home in the north to get to the present
 Wal*Mart. That is a gallon of gas per trip and I'm just one of many in the growing part
 of Chico, who desire to shop at Wal*Mart without driving so far.

How is it practical to build more homes and a beautiful park in the north end of
 Chico and not consider the consumer's needs and desires, whether it is Wal*Mart or
 greater shopping advantage?

Though I do not live within the city limits of Chico, I do consider myself as part of the
 Chico Community. In behalf of all the people living North of Chico, we need a closer
 Wal*Mart.

My name, Carol Bingman
 13223 Taylor Dr.
 Chico, Ca. 95973

Carol Bingman

FEB 21 2007

Letter 13

Carol Bingman, Resident

Response 13-1

The commenter states her support for the proposed North Wal-Mart. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 14

Feb. 20, 2007
Carol J. Hunt
79 Northwood Commons
Chico, Ca 95973

Patrick Murphy
P.O. Box 3420
Chico, CA 95927



Dear Mr. Murphy,

I wish to register my objection to zoning and planning for a second WalMart in North Chico. I have concern for survival of small local businesses and concern about the traffic flow. I believe that the present and if expanded to a larger WalMart will suffice for the size of community that Chico is now and for the projected 20 years.

Thank you for the opportunity to register my opinion.

Sincerely,
Carol J. Hunt

A handwritten signature in cursive script that reads "Carol J. Hunt".

14-1

Letter 14

Carol J. Hunt, Resident

Response 14-1

The commenter expresses her objections to the North Wal-Mart project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The comment is noted and presented here for Planning Commission consideration.

LETTER 15

Patrick Murphy - Support for Wal*Mart Super Centers in Chico

From: "Howard Miller" <rerunz@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 2/17/2007 8:04 AM
Subject: Support for Wal*Mart Super Centers in Chico
CC: <aholcomb@ci.chico.ca.us>, <bertfam@sbcglobal.net>, <mflynn@ci.chico.ca.us>, <sgruendl@ci.chico.ca.us>, <trickell@ci.chico.ca.us>, <aschwab@ci.chico.ca.us>, <lwahl@ci.chico.ca.us>

Gentlemen:

As an owner of Rerunz Recycled Entertainment in Chico (located in the shopping center with Target, Blg Lots and Toys 'R Us) I offer support for Wal*Mart Super Centers in Chico. I believe in the spirit and the essence of the free enterprise system. Wal*Mart should be allowed to open, within the existing laws and regulations, as many Super Centers as they think the Chico area can support.

If Chico can not sustain two, or even one, Super Centers, then Wal*Mart will have made a poor business decision. I also think that viable businesses with thrive, not wither, in conjunction with the addition of Wal*Mart Super Centers.

Sincerely,

Howard Miller
President
Rerunz Recycled Entertainment, Inc.
1937 E. 20th St. B-3
Chico, CA 95928

15-1

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Letter 15

Howard Miller, Resident

Response 15-1

The commenter expresses his support of the project. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 16

Mr. Patrick Murphy.
City Planner
P.O. Box 3420,
Chico Ca. 95927

JAN 18 2007

Walter and Rose Luff
4 Stoney Point Way
Chico, Ca. 95928

January 13 2007

Dear Sir:

We are in favor of having a Wal-Mart expansion on Forest Avenue since the Expansion property is available and already zoned for commercial use. If Wal-Mart is denied plans for expansion, probably some other commercial Enterprise will eventually utilize the property.

Customers shop at nicer stores, with greater selection of items, and possibly better prices. Customers shop at places that give them greater value. It is the free enterprise system.

We live half a year in the Lake Almanor area and can assure you that Chico is a shopping destination for many shoppers in out lying areas. Many people utilize the excellent medical facilities and doctors offered in Chico. While in Chico, these people take advantage of the shopping, and Thus the City of Chico enjoys out of town sales tax revenue. Redding and Red Bluff are also areas that can compete for sales tax revenue if the shopping is better.

We are also in favor of a super center Wal-Mart in the north part of the city,

We will be interested during the discussion on who believes in the free enterprise system and who is more interested in social engineering.

Very truly yours

Walter D. Luff
Rose Jane Luff

Walter D. Luff and Rose Jane Luff

16-1

Letter 16

Walter and Rose Luff, Resident

Response 16-1

The commenters states their support of the proposed project. The commenters do not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 17

Page 1 of 1

Patrick Murphy - wal mart

From: "Sylvia Haselton" <sgbluei2@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/25/2007 3:53 PM
Subject: wal mart

One Wal Mart is sufficient. sgh

17-1

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Letter 17

Sylvia Haselton, Resident

Response 17-1

The commenter states that one Wal-Mart is sufficient. The commenter does not raise any issues related to the adequacy of the Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 18

Page 1 of 1

Patrick Murphy - Wal-mart

From: "Linda Lee Bassett" <lindyb@sunset.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/11/2007 12:54 AM
Subject: Wal-mart

I am totally against building another Wal-mart. I was against the first one but now that we have it I would rather they expand that then build a new one north of town. Is that what Chico is...just one big discount town???? People fought hard to get Trader Joe's which many thought wouldn't fly here but it's going gangbusters. A Wal-mart north of town would certainly destroy the ambience of that area..I'm sure something more appropriate could be built there..even a park..
Just my opinion..Linda Lee Bassett, a 21 year resident

18-1

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Letter 18

Linda Lee Bassett, Resident

Response 18-1

The commenter states her opposition to the North Wal-Mart project. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 19

Patrick Murphy - Comments on proposed Northern Wal-Mart

From: "Leah Christie" <leah.christie@tcbk.com>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/11/2007 1:03 AM
Subject: Comments on proposed Northern Wal-Mart

Please maintain the beauty of Northern Chico and say NO to a second Wal-Mart. I live in North Chico and am a Wal-Mart customer, so I'm not anti-Wal-Mart, and expansion of the existing Wal-Mart does not overly concern me; however I believe one Wal-Mart in a town this size is *plenty*...for goodness sakes, it's only a ten minute drive from any area! Furthermore, I know putting one in Northern Chico will cause serious congestion issues and take away from the country atmosphere which drew many people to live in that area. Wal-Mart belongs where it is: in a retail/commercial oriented area, **not** in our rural backyards where it will contribute to pollution of our fresh country air and decline in some of our higher-end property values!

19-1

It concerns me that Chico planning seems to be getting farther and farther off track from the small-town, country feel which this town originally exuded. (One example is the shift from a simple (yet beautiful) small-town country plaza to a cold, hard urban area that resembles a cemetery!) The "small-town feel" is why my family, and just about every other family I know, loves Chico, but that "feel" seems to be less and less prevalent in the Planning Commissions decisions. I know progress and expansion are necessary, but I urge the planning commission to not "sell out" and ruin our town's aura. Again, please NO Northern Wal-Mart.

Thank you for your time.

Leah L. Christie

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Letter 19

Leah L. Christie, Resident

Response 19-1

The commenter states her opposition to the North Wal-Mart project. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 20

Page 1 of 1

Patrick Murphy - Wal-Mart

From: Rex Stromness <rexstromness@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/9/2007 7:29 AM
Subject: Wal-Mart

Patrick Murphy.....I am writing to express my opposition to expansion of Wal-Marts. I am a board member of Butte Environmental Council and while not speaking for the organization, I can assure you that the vast majority of our membership opposes the expansion of both the North and South Chico locations. We have a Wal Mart already.....the expansion would hurt existing, local businesses and the Northern location would cause sprawl. Rex Stromness....307 W. 12th Ave.....Chico, 95926.....(530) 892-8583

20-1

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Letter 20

Rex Stromness, Resident

Response 20-1

The commenter states that the Wal-Mart Expansion project will hurt existing businesses. It was determined by Sedway Group in their analysis *Wal-Mart Supercenter Economic Impact Analysis: South Store Expansion, Chico, California, February 2006 (Revised)*, which is incorporated into Section 4.6 of the Draft EIR, that expansion of the existing Wal-Mart may result in one existing conventional grocery closure or less likely, a price-impact warehouse store. The commenter is referred to Section 4.6 of the Draft EIR for a complete economic analysis as well as subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR for further information.

LETTER 21

Patrick Murphy - No on Walmart

From: "Jennifer Long" <jlong@bigbrothersister.org>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/10/2007 3:15 PM
Subject: No on Walmart

Chico has some great history, art, shopping, downtown life, city park and more! Chico does not need another Wal-mart, or any bigger one, for that matter. Allowing wal-mart to expand AND add another one would be disastrous to the life of Chico. Downtown businesses would suffer, local stores would close and Chico would become just another city with no class.

21-1

Wal-mart SHOULD NOT be allowed to expand OR build another store!

Jennifer Long
Development Director
Big Brothers Big Sisters of Butte County
Ph. 530.343.8407
little moments...BIG Magic!

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Letter 21**Jennifer Long, Resident**

Response 21-1

The commenter states her opinion that Chico does not need another Wal-Mart or an expanded one. The commenter states that expansion of the existing Wal-Mart and construction of another Wal-Mart in Chico would result in a closure of local stores and downtown businesses would suffer. It was determined by Sedway Group in their analysis *Wal-Mart Supercenter Economic Impact Analysis: South Store Expansion, Chico, California, February 2006 (Revised)*, which is incorporated into Section 4.6 of the Draft EIR, that expansion of the existing Wal-Mart may result in one existing conventional grocery closure or less likely, a price-impact warehouse store. The south Wal-Mart expansion would not have an impact to downtown businesses. The commenter is referred to Section 4.6 of the Draft EIR for a complete economic analysis as well as subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR for further information. Additionally, the commenter is referred to the North Wal-Mart EIR for an economic impact analysis resulting from the opening of that store.

The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 22

FW: Wal-Mart

Page 1 of 1

Patrick Murphy - FW: Wal-Mart

From: "Beterbide, Gail" <GBeterbide@csuchico.edu>
 To: <pjmurphy@ci.chico.ca.us>
 Date: 1/10/2007 3:25 PM
 Subject: FW: Wal-Mart
 CC: <chicoletters@newsreview.com>, <letters@chicobeat.com>

Ooops. Quardrllion should be spelled quadrillion.

From: Beterbide, Gail
 Sent: Wednesday, January 10, 2007 2:17 PM
 To: 'pjmurphy@ci.chico.ca.us'
 Cc: 'chicoletters@newsreview.com'; 'letters@chicoer.com'; 'letters@chicobeat.com'
 Subject: Wal-Mart

Q 1: Should Wal-Mart be able to expand its current structure at the south end of town?

A: NO, NEVER, NOT IN A QUADRILLION YEARS!!

Q 2: Should Wal-Mart be able to build a new stupor center at the north of town?

A: See answer to Question #1

Better idea:

Wal-Mart should merge with Waste Management and develop land fills next to their existing stores so as to be able to provide their customers with easy disposal of the cheap-made-in-China crap available for purchase at ALWAYS LOW PRICES!!!!!! The new establishments could be named WASTE-MART! And the motto could read: ALWAYS LOW!!!!!! (wages, benefits, esteem, quality, etc., etc.).

Gail Beterbide

22-1

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Letter 22

Gail Beterbide, Resident

Response 22-1

The commenter states her opinion that Chico does not need another Wal-Mart or an expanded one. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 25

Page 1 of 1

Patrick Murphy - walmart

From: HAROLD D JERGENTZ <mistif2@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/12/2007 11:15 AM
Subject: walmart

YES, PATRICK, I WANT A SUPER WALMART! WE LIVE
ON A FIXED INCOME AND WE NEED ALL THE HELP WE CAN
GET, BECAUSE OF ALL OUR DOCTOR BILLS.
THEN THERE IS DENTAL, WAY OUT OF REACH!
THANK YOU ,
HAROLD JERGENTZ

25-1

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Letter 25

Harold D. Jergentz, Resident

Response 25-1

The commenter states his support of the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 26

City of Chico Online Contact Form CC: ~~Pat Murphy~~ Page 1 of 1

Nancy Kelly - City of Chico Website Contact Form

From: Sharon Jensen <grannys51@sbcglobal.net>
To: Deborah Presson <nkelly@ci.chico.ca.us>
Date: 1/12/2007 10:18:13 AM
Subject: City of Chico Website Contact Form

DATE 1/12/07	AGENDA	COUNCIL <input checked="" type="checkbox"/>
ADD. INFO	CM	ACM CA
GSD	CSD	ISD CLK
ENG	HR/RRM	FIN D COP FC
FILE	OTHER	

Submitted: 1/12/2007 10:30:52 AM

From: Sharon Jensen

Day Phone: 530-876-0836

E-Mail: grannys51@sbcglobal.net

Address: 1077 Shadowbrook Way Apt 30
Paradise, CA 95969

Comments: Dear City Council Members: While I do not live in Chico, I do most of my shopping there and would do even more of it if we had at least one Walmart Super Center as I am on SSI and they have the best prices that I can afford. I would like to have two Walmarts as that would enable me to shop closer to where I live. As fas as the environmental impact, growth of the city is inevitable and where Walmart wants to expeand there is an empty filed. I go to businesses and having them there does not affect the wildlife that may be there. How many times do. Growth is not something that can be stopped. Everyone seems to be against Walmart due to their not having good benefits for their employees but not all places where you work do have those either. You will have more traffic no matter what you do and to handle that all that needs to be done is to install some signal lights. That would control the traffic as it does now at the current Walmart and the Chico Mall. I moved here from Redding and the Walmart Supercenter in Anderson did not put any stores there out of business. That is just a bunch of hogwash from those who oppose Walmart. If it were apartments or houses, while they would cause more traffic you do not hear the complaints about it. In ending I believe all of this no Walmart expansion or even another Walmart, is just a bunch of flack from those who can afford to shop at stores like Sears, Penneys, and other such stores. Sincerely,
Sharon L Jensen

26-1

JAN 12 2007

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Letter 26

Sharon Jensen, Resident

Response 26-1

The commenter states her support of the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 27

Page 1 of 1

Patrick Murphy - Wal-Mart

From: HAROLD D JERGENTZ <mistif2@sbcglobal.net>
To: Patrick Murphy <pjmurphy@ci.chico.ca.us>
Date: 1/13/2007 5:50 PM
Subject: Wal-Mart

Patrick,
Hope everyone saw your address and e-mail.
With the cost of medicine, insurance, gas and groceries,
we can't afford Rayles, Safeways.
We are on a fixed income, we need Wal-mart Super Store.
Thank you,
Nita Jergentz

27-1

ps
Get those numbers out there.

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Letter 27

Harold D. Jergentz, Resident

Response 27-1

The commenter states his support of the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 28

Patrick Murphy - Walmart

From: <Amiller77@aol.com>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/15/2007 10:50 AM
Subject: Walmart

Dear Mr. Murphy:

I am supportive of WALMART & believe the money saving store is an added bonus to both locations. The expansion at Forest Ave in the South area & with the new northern location off Gardner will provide convenient shopping at both ends of the city.

The congestion in south Chico is becoming ridiculous, where restaurants & shopping is located. I believe the northern area consumer would like the convenience of having something in their area as well.

My vote is for WALMART.....

Thanks,
A. Miller

28-1

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Letter 28

A. Miller, Resident

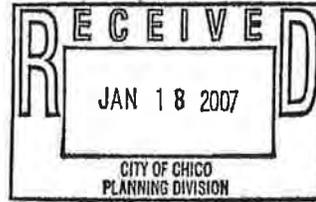
Response 28-1

The commenter states his/her support of the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 29

1/15/07

Dave Kelley
Butte County Planning Commission



Dear Sir,

I wish to express my opposition to the expansion of the existing Wal Mart and the building of another Wal Mart in Chico. I hope that you Sir will oppose both of these Wal Mart endeavors.

29-1

Part of my opposition has to do with their wage practices. It is not right to offer few hours work at low wages and then encourage employees to apply for government assisted programs. Simply, my taxes support the "government assisted programs" and I resent that.

29-2

In addition I do not support the idea of expanding businesses which will put others out. That would only be reasonable if the existing businesses were inadequate, which is not the case here. Closing a Wal Mart for just about any other store would be acceptable but not vise versa.

29-3

Please oppose the expansion of the existing Wall Mart and the building of another when ever you can.

Thank you,

A handwritten signature in cursive script that reads "Janice Haugh".

Janice Haugh
P.O Box 120
Forest Ranch, CA 95942
530 342-2543

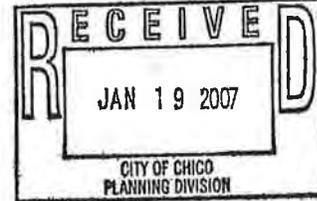
Letter 29 Janice Haugh, Resident

Response 29-1 The commenter states her objection to the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 29-2 The commenter states that part of her objection to the proposed project is Wal-Mart's wage practices. An EIR is not intended to examine the wage practices of a potential employer, as these practices do not effect the physical environment. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 29-3 The commenter states that she would not support a expansion of a business which would result in the closing of other businesses. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 30



1/15/07

Jon Luvaas
Butte County Planning Commission

Dear Sir,

I wish to express my opposition to the expansion of the existing Wal Mart and the building of another Wal Mart in Chico. I hope that you Sir will oppose both of these Wal Mart endeavors.

30-1

Part of my opposition has to do with their wage practices. It is not right to offer few hours work at low wages and then encourage employees to apply for government assisted programs. Simply, my taxes support the "government assisted programs" and I resent that.

30-2

In addition I do not support the idea of expanding businesses which will put others out. That would only be reasonable if the existing businesses were inadequate, which is not the case here. Closing a Wal Mart for just about any other store would be acceptable but not vise versa.

30-3

Please oppose the expansion of the existing Wall Mart and the building of another when ever you can.

Thank you,

A handwritten signature in cursive script that reads "Janice Haugh".

Janice Haugh
P.O Box 120
Forest Ranch, CA 95942
530 342-2543

Letter 30 Janice Haugh, Resident

Response 30-1 The commenter states her objection to the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 30-2 The commenter states that part of her objection to the proposed project is Wal-Mart's wage practices. An EIR is not intended to examine the wage practices of a potential employer, as these practices do not effect the physical environment. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 30-3 The commenter states that she would not support a expansion of a business which would result in the closing of other businesses. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 31

Tuesday, January 16, 2007

JAN 22 2007

Patrick Murphy
City of Chico
Planning Services Department
Senior Planner

Mr. Murphy,

This correspondence is to inform you and the City of Chico Planning Services Department that we are categorically opposed to any Wal-Mart expansion in or around the City of Chico.

31-1

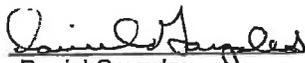
We are proud residents of Chico in large part because of our strong community and strong network of neighbors. We fear that two Wal-Mart Supercenters will take away from that community pride. The Wal-Mart Corporation will funnel our local dollars away from our local economy. Benton, Arkansas is not local economy and is not part of our network of neighbors.

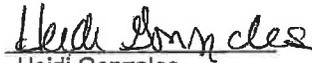
31-2

As a public servant, we encourage you to take this matter seriously and to support our community and neighbors by not contributing to the wealth of billionaires in another state. Please do not allow the use of our tax payer dollars to help fund these expansions.

31-3

Sincerely,


Daniel Gonzales


Heidi Gonzales

202 W. 21st Street
Chico, CA 95928

Letter 31 Daniel and Heidi Gonzales, Resident

Response 31-1 The commenters state their objection to the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

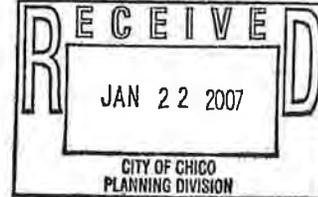
Response 31-2 The commenters state that they fear two Wal-Mart Supercenters would take away from the community pride. The commenters do not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 31-3 The commenters state their opinion on the use of taxpayer dollars to help fund the proposed expansion. The commenter does not explain how the proposed project would use taxpayer's dollars. The use of tax dollars is not a CEQA issue. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 32

CHICO HOSPITAL FOR CATS

548 West East Avenue
Chico, CA 95926
(530) 892-CATS (2287)



Patrick Murphy
Senior Planner
City of Chico

Dear Mr. Murphy:

As a business owner in Chico, I am concerned about the basis upon which assumptions are being made with regard to the desirability of two Walmart Supercenters in Chico. When I wrote my business plan for our hospital, we were compelled to provide data no more than 1 year old. Walmart should be held to no less of a standard.

The cumulative impact of Wal-Mart Supercenters in the primary, secondary and tertiary market areas is of critical importance to the economic analysis portion of the South and North Wal-Mart Supercenter EIRs. I am deeply concerned that the data used to assess the cumulative impact is outdated and inaccurate.

It is noted in the Assumptions and General Limiting Conditions that fieldwork and data collection was done for this study in 2004 and that the consultants take no responsibility for market events pertinent to the primary or secondary market area occurring after that time. We are now in 2007 (2 1/2 years later). Stockton is no longer the only Wal-Mart Supercenter in Northern California as the study states on page 4. In fact, there is a Wal-Mart Supercenter already operational as close as Anderson.

More importantly, the study makes mention of the Wal-Mart Supercenters planned for Willows and Red Bluff (both now approved) as well as the proposed Supercenter for Paradise. However, it fails to take into consideration the proposed Supercenters in Oroville and Redding as well as an existing Supercenter in Anderson and two in the Yuba City/Marysville area. That's 10 proposed or existing Supercenters in a 60-mile radius! That type of market coverage will surely impact the ability for the two proposed Supercenters to draw from the secondary and tertiary market areas and *must* be taken into consideration in the cumulative economic impact section. If the Supercenters are not drawing as heavily from the outside market areas, then they will even more so cannibalize existing Chico businesses.

As an additional point of clarification, the Paradise Supercenter that the report indicates is "likely to enter the market substantially after any of the other identified projects" is expected to be back in front of the Paradise City Council for approvals in 2007 - in line with the other area Supercenters.

This EIR is designed to provide our representatives with accurate information to make decisions with. The inaccuracies are unacceptable and must be fixed before the true impact the Supercenters will have on Chico can be determined.

Thank you for your consideration,

Elizabeth J. Coleran DVM, MS

32-1

Letter 32

Elizabeth J. Colleran DVM, MS, Resident

Response 32-1

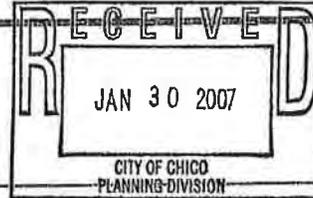
The commenter states that the proposed project economic analysis should be required to provide data that is less than a year old. The development of an Environmental Impact Report is a time consuming process taking many months to complete. CEQA Guidelines Section 15125 (a) discusses the "environmental setting" which is a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation (NOP) is published. This setting represents the baseline conditions under which a project is analyzed. The NOP for the proposed project was published in June 2004. The proposed Wal-Mart Expansion project EIR was initiated in June 2004. At the writing of the Wal-Mart Expansion Draft EIR, the data used for the analysis was the most up-to-date information available. The economic study completed for the proposed project was written in January 2005 and revised in February 2006. The Draft EIR, which was published in November 2006, used the revised economic study for its analysis.

The commenter states that the market study completed for the proposed South Wal-Mart Expansion project does not take into account all of existing and proposed Wal-Marts in the area. The commenter is referred to subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR, page 2.0-209 which discusses additional planned Wal-Marts in the area and their affect on the proposed project and the City's retail market.

LETTER 33

Patrick Murphy - Wal Mart Expansion

From: David Smith <smithjonian@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/30/2007 3:53 PM
Subject: Wal Mart Expansion



Dear Mr. Murphy:

I have no objection to a larger WalMart at or near its present location. However, I oppose opening a new WalMart at the north end of Chico. Here are my reasons:

1. It is not necessary to have 2 WalMart stores in Chico, or two Lowes or two Home Depots, or two Best Buys or two Circuit Cities. If we get a second WalMart at the north end of town, the others I have named, and more, will also need to expand there. Because of that, the problem is not one building and one EIR, it is several, with a cumulative impact far greater than the WalMart EIR anticipates. To handle that growth, streets MUST be widened before WalMart opens. My list of needed improvements is:

33-1

- a. Connect Eaton to Hwy 32 west of Chico and Hwy 32 east of Chico with a 4 lane road.
- b. Widen Esplanade from Eaton to its intersection at 99 to be a 4 lane road.
- c. Upgrade the Eaton/99 crossover for heavier traffic flow.

Why should we take on this burden -- it will be ours and not WalMart's -- for expansion we do not have any actual need for.

2. At the south end of town, there are numerous box stores and so playing field is essentially level. What is critical there is to continue to widen roads to improve traffic flow, including widening MLK and re-doing the exits on the Skyway/99 overpass to allow two through lanes over the bridge in each direction. Continuing these improvements will be far easier if we are not straining local resources by opening up a second center of growth.

33-2

I hope these thoughts are helpful to the city. I think the EIRs are seriously deficient in seeing too little of the picture.

Yours,

David P. Smith
321 Mesa Verde Ct.
Chico CA 95973
smithjonian@sbcglobal.net

Letter 33

David Smith, Resident

Response 33-1

The commenter states that he has no objections to the south Wal-Mart Expansion project but suggests a number of street improvements to serve the North Wal-Mart project. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 33-2

The commenter discusses the necessary continual improvements to the roadway system in south Chico to accommodate future traffic, specifically to Martin Luther King Drive and the Skyway/Hwy 99 overpass. The commenter is referred to Section 4.2, page 4.2-47 Short Term Plus Project Traffic Operations and page 4.2-73 Cumulative Plus Project Traffic Operations of the Draft EIR which discusses the proposed project's impact to the surrounding roadway system, including Whitman Avenue which is now Martin Luther King Drive and the Skyway/Hwy 99 interchange and provides mitigation measures to reduce these impacts.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

LETTER 34

From: Michael Perelman <michael@ecst.csuchico.edu>
To: <pjmurphy@cl.chico.ca.us>
Date: 1/31/2007 9:09:34 AM
Subject: Wal-Mart

I would like to elaborate on my brief comments from last night. I mentioned that Wal-Mart has a business practices flooding an area with stores, capturing as much business as possible, then closing some of the stores to save money, assuming that the remaining stores will be able to maintain most of the business.

34-1

Cities structure their plans around the assumption that the physical plant and traffic will be semipermanent. Accommodating new locations will be quite expensive. You know this better than I do.

34-2

Adjusting to the expansions or new locations is expensive, but it will be doubly expensive if you have to adjust for the initial Wal-Mart investment, followed by a departure.

At the very least, any agreement with the city should make Wal-Mart responsible for the extra costs associated with downsizing its presence in Chico.

34-3

Michael Perelman
Economics Department
California State University
michael at ecst.csuchico.edu
Chico, CA 95929
530-898-5321
fax 530-898-5901
www.michaelperelman.wordpress.com

Letter 34 **Michael Perelman, Economic Department California State University**

Response 34-1 The commenter states it is his understanding that Wal-Mart business practice is to flood a market and then close some of the stores to save money. Business practices are not required to be analyzed in an EIR as they are not considered an impact to the physical environment. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 34-2 The commenter discusses the idea that cities structure their plans with the assumption that the physical plant and traffic will be semi-permanent and businesses that locate in Chico and then depart would be doubly expensive on city resources. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 34-3 The commenter states that at the very least, Wal-Mart should be held responsible by the City of Chico for the extra costs associated with downsizing its present location. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 35

Page 1 of 1

Patrick Murphy - Wal-mart

From: Colleen Peace <candfrank@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 9:25 AM
Subject: Wal-mart

I think the growing wal-mart is a wonderful idea, and building a new super center is also a wonderful thing. This town can build houses everywhere.... So lets see it grow with jobs as well.

35-1

Colleen Peace

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Letter 35

Colleen Peace, Resident

Response 35-1

The commenter states her support for the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 36

From: "Sandra Atteberry" <sanatte@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 9:45:03 AM
Subject: WalMart

I SUPPORT the building of a Wal-Mart Super Center in both areas of Chico. I have lived in Durham for over 30 years. The hypocrisy of the people in Chico who are against the Wal-Mart Super Center Stores is a showtime extravaganza. Most of the people I see at the public meetings are the same ones that pushed hard to get a Trader Joe's here in Chico. The same ones who push for Starbucks shops are against Wal-Mart. Is a Marshall's Department Store next??

The people who shop at Wal-Mart are not as vocal as these people against it. They know that they will not be recognized. It is the lower income people who cannot afford the prices at Trader Joe's or Starbuck. There are several local coffee kiosks that are better than Starbucks.

I also have NOT shopped at WinCo; I went into Kohl's when it opened, I will NOT be going back. I do NOT shop at Trader Joe's. I very seldom go downtown, access and prices are out of sight for most of us.

I will support FoodMaxx, Wal-Mart, Penney's, Mervyn's, Costco and some of the local stores, S&S Produce, Collier Hardware, Meeks, and La Comida.

I do not understand the building of a Chevy's over by Kohl's. It is so out of the way of traffic.

I do not understand the new businesses in front of Wal-Mart on Forest Ave. Chico Elite is so out of touch with the majority of people who support Chico that I can see that there will be more stores going out of business.

I agree with the people in North Chico that there needs to be a super store there and why not let it be a Wal-Mart Super Center.

Sandra Atteberry
Durham, CA

36-1

Letter 36

Sandra Atteberry, Resident

Response 36-1

The commenter states her support of the proposed project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 37

Page 1 of 1

Patrick Murphy - Walmart suggestion

From: Kitty Ichelson <kittyi@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 4:38 PM
Subject: Walmart suggestion

Gee, here's a thought...why not enlarge the Walmart in Chico at the southern locate (existing) and see if another is necessary? Then decide where a second one might go, if it is needed.

37-1

Just a thought from a native of Chico who lives in Oroville now, because the rents are too high in Chico.

Kitty Ichelson

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Letter 37

Kitty Ichelson, Resident

Response 37-1

The commenter states that Chico should allow the expansion and see if another Wal-Mart is necessary after the expansion is completed and operational. The commenters do not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 38

Page 1 of 1

Patrick Murphy - Walmart

From: Tony Shafer <tashafer@pacbell.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 2:34 PM
Subject: Walmart

Greetings Patrick,

I just wanted to send a quick comment about the proposed Walmart Superstores being discussed at tonights meeting. While I am unable to attend I would like to lend some comment to these plans.

I have to tell you that part of the charm of Chico is the quaintness of the infrastructure. While the growth rate of our area is steady it needs also to be preserved. The residents of the city and surrounding areas of Chico do appreciate having choices for our shopping needs. Having a Trader Joes, a Chili's, and certainly a Walmart Superstore would fill such a need. But not two Walmart Superstores. What are we thinking? We really don't need this at all. In simple terms, this is extreme overkill. If poeple want "A" Walmart Superstore, fine. Not two!! From one end of town to the other is not that far and takes little time or effort. Relocate Walmart to the new site and make the old site available for some other retailer who could bring something new and exciting to our town. 38-1

We don't want two Walmarts!!!

Thanks for you time,

Tony Shafer
12620 Quail Run Drive
Chico, CA 95928
Tel: 530.864.0429

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Letter 38

Tony Shafer, Resident

Response 38-1

The commenter states that Chico does not need two Wal-Marts. The commenters do not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 39

Patrick Murphy

From: "Abbott, Joe" <AbbottJo@butte.edu>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 5:01 PM

Mr. Murphy;

To this point I haven't weighed in on the Wal-Mart fiasco so I appreciate the opportunity. I won't bother mentioning the vacancies in downtown Eureka, my long-ago hometown, where the construction of the "new" mall (a couple decades ago) resulted in urban decay in what once was a vital, living city center, because I realize that is largely irrelevant to the Chico Wal Mart EIR. Obviously I did just express my dismay over the probable impact of another Wal-Mart (or expansion) on Chico's downtown. Destruction of the healthy downtown infrastructure would ruin this city--in all the important ways--the same way it's ruined other once-vital cities.

So the EIR: Driving into Chico from the north on 99, passing the north entrance to the Esplanade and curving east before approaching the stoplight at the proposed Wal-Mart site at the par-3 golf course, one often finds backed-up traffic and serious possibilities for full-speed rear-end collisions. The location is already a plethora of traffic accidents waiting to occur, and placing a large retail store there will substantially increase probability of fatalities. Similarly, with the advent of a so-called superstore, the north end of the Esplanade will become a traffic manager's nightmare.

39-1

Improving the site's traffic flow will prove ineffective since increased traffic, especially cross-traffic, will negatively impact Hwy 99 and nearby residents. By its very nature, its eventual bottlenecks and crowded roads, the north WalMart site is untenable; there is no way possible to mitigate immediate and future problems. It's too late for a Chico beltline; anyway, I'm uncertain whether citizens would support one if it were feasible. A large retail center at the location would have serious ramifications for Chico, and I'm confident these ramifications would intensify (worsen) over time and eventually create urban blight. In my opinion Chico must prevent construction of the Wal-Mart Superstore at Chico's north end--for the greater good of the entire city and its present and, especially, future citizens. It's they who will damn us for the mess they inherit.

Sincerely,
Joseph Abbott
893-4331

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Letter 39

Joe Abbott, Resident

Response 39-1

The commenter discusses his objections to the North Wal-Mart project. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The commenters do not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 40

Page 1 of 1

Patrick Murphy - walmart

From: Kaitlyn Laczko <babyrock987@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/31/2007 8:21 PM
Subject: walmart

hello. i'm 15 years old and i oppose the two walmarts. i do like to shop, but i believe the only reason people move up here is to get away from that kind of thing. people should move to the city if they want more stores. we live in the mountains where the trees should stay.

40-1

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Letter 40

Kaitlyn Laczko, Resident

Response 40-1

The commenter states her opposition to two Wal-Marts. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 41

Patrick Murphy - Walmart North Chico

From: "Greg Shea" <shea@chico.com>
To: <pjmurphy@ci.chico.ca.us>
Date: 2/4/2007 1:55 AM
Subject: Walmart North Chico

Sir:

A couple of weeks ago the ER quoted someone who was anti-North Chico Walmart. I found it entertaining. His very argument against the Walmart was there perfect reason why the North Chico Walmart should be allowed to go forward. Allow me to paraphrase his comments. He said there was not a need for the North Chico Walmart because it was only 6½ miles and 8½ minutes south of the Garner/99 intersection. I think we could conservatively say 500 people a day from around the Garner/99 intersection would shop at the closer Walmart. Those people would save the 13 mile round trip. If they drive an SUV, that's a gallon of gas (and the pollution it would generate). So, we save 500 gallon a day for say 360 days a year (Walmart does close a few days a year). That saves the environment 180,000 gallons a year.

If Chico is truly serious about wanting to lower green house gas emissions, then the North Chico Walmart must be allowed to go forwarded.

From a purely planning standpoint it got to be a win/win situation. The only possibly reason for turning it down would be purely political. Chico has hundreds, if not thousands of homes in north Chico. The north most grocery stores include three large food retailers on East Avenue and none further north. Tens of thousands of residents live beyond East Avenue. Don't they deserve closer, more convenient shopping access? Chico is worried about the added traffic that a Costco expansion would cause and we all know that 20th Street frequently runs at or beyond capacity (Yes, I have occasionally waited 4 light changes to get through an intersection over by the Mall...for that matter East Avenue and Cohasset suffer similarly). Allowing the North Chico Walmart would help relieve the South Chico traffic congestion. Reducing the mileage people have to drive would also translate into a reduction of the wear and tear on the roadway infrastructure and its maintenance.

A North Chico Walmart would conserve fuel, reduce traffic congestion and infrastructure costs. It would also provide residents with closer, more easily accessed shopping. What's not to approve?

Thank you for your attention in this matter,
Greg Shea

41-1

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Letter 41

Greg Shea, Resident

Response 41-1

The commenter states his reasoning for allowing the North Wal-Mart project to proceed as it would reduce gas consumption, reduce traffic problems at the south Chico Wal-Mart location and reduce roadway infrastructure cost (maintenance). The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 42

Comment Form
North Chico Retail & Annexation EIR (Wal-Mart North)
Draft EIR Public Comment Meeting
Tuesday, January 30, 2007, 6:00 p.m.
City of Chico Council Chambers

FEB - 2

Name: MARILYN PORTER
Address: 779 Linda Lane
Chico, CA 95973
E-mail: SKIPPYRPORTER@yahoo.com

Comments:

I feel that the EIR report does cover traffic. As an employee of Walmart and a Chico resident of Chico for over 45 years, my husband and I own our own home. I also live on the north side of Chico, and by building new retail on the north side it will cut down on the traffic congestion around the 207th street area. Our store is so busy people have to wait to find a parking spot which proves we need another store on the other side of town. The only supermarkets we have are Albertsons (overpriced), Raley's (overpriced in Chico), Safeway very (overpriced 3 in Chico). You tell me why we are fought them the way they fight Walmart. It's called Union supporters.

42-1

Return Comments No Later Than 5:00 p.m., Monday, February 19, 2007, To Patrick Murphy, City of Chico Planning Services Department, P.O. Box 3420, Chico, CA 95927 or to pjmurphy@ci.chico.ca.us

Letter 42

Marilynn Porter, Resident

Response 42-1

The commenter states her desire to see a North Wal-Mart and construction of this store will ease the traffic burden of the south Wal-Mart store. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 43

Comment Form
Wal-Mart Expansion EIR (Wal-Mart South)
Draft EIR Public Comment Meeting
Tuesday, January 30, 2007, 6:00 p.m.
City of Chico Council Chambers

FEB - 2 2007

Name: MARILYN PORTER
Address: 779 Linda Lane
Chico, Ca 95973
E-mail: skippyporter@yahoo.com

Comments:

I work for Walmart - I feel the EIR should be approved. ~~It~~ People already crowd into our stores. If we were allowed to expand to carry more groceries, they could finish their shopping in our area rather than fighting the traffic to get to Costco or Food Max. The customers are already in our store. If not I will continue to drive to Yuba City or Anderson. Even with the cost of gas I still save.

43-1

Return Comments No Later Than 5:00 p.m., Friday, March 2, 2007, To Patrick Murphy, City of Chico Planning Services Department, P.O. Box 3420, Chico, CA 95927 or to pmurphy@ci.chico.ca.us

Letter 43

Marilyn Porter, Resident

Response 43-1

The commenter states her place of employment is Wal-Mart and that the EIR should be approved. Additionally, the commenter declares that people could do their grocery shopping when they are already in the store then which would reduce traffic to other stores. The commenter does not raise any issues related to the adequacy of the Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 44

Patrick Murphy - Walmart- Meeting in the Middle- Everyone Wins

From: Ramon Alfaro <okeeleytea@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 1/26/2007 10:08 PM
Subject: Walmart- Meeting in the Middle- Everyone Wins

Hello,

My name is Lisa O'Keeley, of Chico, CA. I've lived in a city/town with similar size and economic data (called Palmdale, CA of the Antelope Valley- it was a booming 'bedroom community', same stores, city mall, small downtown, same job market scenarios with a few large industry employers, no university- but a community college in the neighboring town, and they even have roughly the same size airport thinking about connecting with LA) and they did fine with one Super Center Walmart. They are still growing and thriving. And I think it is obvious, even to Walmart, that Chico will not do well with two.

It seems to me Walmart is playing a business strategy. Ask for more than you want, create a lot of controversy, which gives you free branding of your name in news and lawn signs. Then "settle for a little less" than originally asked, which is all you really wanted in the first place. In business when you have a goal, you shoot for higher than what you intend. In the end, you usually come out where you need to be, and if you did better than that, then more power to you.

It's a corporate haggle. Do they really think we'd let two Walmart Supercenter's in? That's ridiculous. The impact reports are in, we know this, they know this. I think Walmart would find us crazy to allow both sites, but they'd shrug their shoulders and do it anyway.

I say let them have their one Walmart SuperCenter at their current site, let us not turn away freedom of commerce, but also let us be reasonable, and decline the second site proposal.

In the history of Chico's decision making, I think this decision fits. Allow growth, but not explosive growth. Just moderate reasonable growth.

Thank you for your time. I hope this sheds some light on a solution so we can all be done with reading about Walmart in the paper. Let their free advertising campaign be over.

Sincerely,

Lisa O'Keeley
Chico, CA

44-1

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Letter 44

Lisa O’Keeley, Resident

Response 44-1

The commenter states that Chico does not need two Wal-Marts. One Wal-Mart Supercenter is adequate. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 45

From: Douglas McLendon <thefixer@bigvalley.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 2/12/2007 5:50:26 PM
Subject: Wal-Mart Expansions

Dear Mr. Murphy,

I would like to make some comments and observations concerning the Wal-Mart issues here in Chico. As I see it there is no reason not to approve the expansion of the Wal-Mart on the south end of town provided that all of the issues contained within the draft EIR are addressed to the satisfaction of the planning commission.

45-1

With that being said I am very much opposed to allowing a second Wal-Mart on the north entrance of our town. This project would put the currently established businesses under a huge strain. There are a finite number of dollars that the public has to spend. If these current retailers all lose a large enough percentage of their business some will surly close up shop. Some people think "so what" some other retailer will open in that space and it all equals out. This is not true. The current businesses such as Raleys and Albertsons pay good wages and are the careers that support many of our Chico families. If these shops close up they will be replaced with lower wage college type jobs. Also other retail shops such as Rlite Aid, OSH, Mervyns and Longs Drugs will all be at risk. What will the north end of town look like with all of these shops drying up?

45-2

I don't wish to deny the people that love Wal-Mart their wonderful Super Center but the detriments far outweigh the benefits in having a Wal-Mart on the north end of town. It seems that people are more concerned with their own convenience than with the livellhoods of their neighbors. After all it only takes about eight minutes to get from the north end of town to the south. That's not such a big deal.

Also is this what Chico really wants, the huge Wal-Mart beacon prominently displayed on both the south and north gateways of our wonderful town.

ONCE THIS GENIE or DEMON IS LET OUT OF THE BOTTLE IT'S TOO LATE TO PUT IT BACK!!!

Sincerely
Doug McLendon

Dial Broadband has arrived Nationwide! Up to 5 times faster than traditional dialup connections from \$13.33/month! See the demo for yourself at www.BigValley.net

Letter 45 **Doug McLendon, Resident**

Response 45-1 The commenter approves of the proposed Wal-Mart Expansion project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 45-2 The commenter declares that he is opposed to the North Wal-Mart project as it would place undue strain on existing businesses. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 46

Patrick Murphy - wal-mart

From: Bernadette Maloney <maloney_mcbrayer@sbcglobal.net>
 To: <pjmurphy@ci.chico.ca.us>
 Date: 2/11/2007 11:04 AM
 Subject: wal-mart

The city of Chico is a beautifully small town. It is a safe and comfortable place to raise a family. Adding a second Wal-Mart to this town would be a major mistake. According to the EIR a second Wal-Mart in Chico would impact traffic and our air quality. In a town so focused on environmental conservation and the beautiful trees that surround us, I find it hard to believe that we are considering risking our air quality for such a useless "big box" retail. Although Chico is a relatively conservative town, Chico State is currently in the process of becoming one of the first Green Campuses expressing its ever increasing concern with the environment of Chico. Why risk destroying the environment that, up until now, this town has shown so much pride and concern for? The strategic north and south placements of these "big box" stores is obviously an attempt to choke out the middle. This middle is our beautiful downtown business district. Today, downtown Chico is a bustling community full of relatively smaller business, free from the stagnation found in these bigger corporations. The Wal-Mart corporation has a tendency to choke out any and all local competition. They bring lower prices that any local business find impossible to beat. They offer new jobs to the community, but these jobs are the lowest paying jobs possible, and their benefits packages are so terrible that it makes it impossible for any hard working employee to use, so they are forced to take state aid in order to feed their families. This will mean an dramatic increase in the number of people living in our beautiful little town that rely on money from state aid programs. Wal-Mart claims to be bringing lower prices and new jobs into the community but their slightly lower prices will drive our important local businesses and their new jobs are not the type or quality of job we want for the families of Chico. Chico dosent need a Wal-Mart that offers use those kind of benefits. We are better then that and we have to take pride in our town and protect it from "big box" retail.

46-1

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Letter 46

Bernadette Maloney, Resident

Response 46-1

The commenters states that adding a second Wal-Mart in the City of Chico would be a major mistake. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 47

Patrick Murphy - Wal mart

From: jerry reiblein <reiblein@sbcglobal.net>
To: <pjmurphy@ci.chico.ca.us>
Date: 2/9/2007 1:14 PM
Subject: Wal mart
CC: <info@chicocares.org>

Mr. Murphy,

I am writing to you to state my opposition to the proposed new Wal Mart supercenter and the expansion of the old Wal Mart store. The traffic that will result will be a nightmare around the shopping area by the mall. The traffic resulting in the new store will really overburden the roads near it. That area is not ready for all the additional traffic that will result. Also, Wal Mart , as a whole, does not represent the kind of business ethic we strive for in Chico. We are a small people based community. We like to support our stores that pay a decent wage and the stores that are run by local citizens. The new Wal Mart could create a lot of minimum wage jobs but close other stores where a decent wage and benefits are paid. With Wal Mart not providing benefits to most of their employess, and even encouraging them to seek public assistance, a great financial burden will result. We do not know for sure how many mom and pops will fail if the expansion goes through but I for one would rather shop at Made in Chico than at Made in China. Thank you for listening! Jerry Reiblein

47-1

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Letter 47

Jerry Reiblein, Resident

Response 47-1

The commenter discusses his opposition to the North Wal-Mart and south Wal-Mart Expansion projects. This opposition is based on the increase in traffic and Wal-Mart's perceived business ethics. The commenter is referred to the Section 4.2 of the Wal-Mart Expansion Draft EIR, which discusses traffic impacts to the roadway facilities surrounding the Chico Mall. Impacts 4.2.1 and 4.2.3 analyze the potential traffic impacts and provides mitigation measures for traffic impacts from the south Wal-Mart Expansion project. Additionally, the commenter is referred to the North Wal-Mart Draft EIR and FEIR for a discussion of traffic impacts for that project. The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

The commenter states that businesses that pay a good wage may have to close because of implementation of the proposed project. The commenter is referred to Responses 20-1, 21-1 and subsection 2.6.1 *Response To Opposing Economic Analysis* regarding the potential for business closures. The wage practices for competing stores is not a CEQA issue and therefore not addressed in the EIR.

As far as business ethics, an EIR does not require a discussion of impacts pertaining to business ethics. The commenter is referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 48

January 10, 2007

Chico City Council Members
P.O. Box 3420
Chico, CA 95927



Dear Council Members:

The Butte Environmental Council would like to suggest that the City of Chico, to more fully mitigate for air quality and traffic impacts from all development projects, institute an Air Quality Impact fee to support transit improvements, park and ride lots, bicycle facilities, wood stove change-outs, low emission vehicles, and possibly dust suppression programs. This fee would be similar to assessments by Colusa County's APCD, Placer County's AQMD, San Luis Obispo County agencies, and other counties, cities, and districts in California

If the City had the funding to institute the programs and create the infrastructure with such a fee, the City would be able to lower air quality impacts from increased development. This will not only provide greater service and cleaner air to each new development project, but to all residents in the City and Butte County.

The City might consider additional measures that might garner increased participation by large employers and high frequency destination businesses.

1. Cost sharing agreements with private businesses to pay for nearby bus shelters.
2. Advertising within public rights-of-way
3. Transit contributions in return for recognition
4. Employer-subsidized transit passes
5. Commuter choice tax benefits

Regards,

A handwritten signature in cursive script that reads "B. Vlamis".

Barbara Vlamis, Executive Director
Butte Environmental Council

48-1

Letter 48

Barbara Vlamis, Executive Director, Butte Environmental Council

Response 48-1

The commenter suggest an air quality impact fee to more fully mitigate for air quality and traffic impacts. Currently, the City of Chico or Butte County Air Quality Management District does not have such a fee. Establishment of this fee would require a separate process showing a nexus between the fee and the impact and how the mitigation will reduce a particular impact. Once adopted, this impact fee would be required of all projects not just the proposed Wal-Mart Expansion project. While adoption of an air quality impact fee may be a good idea, currently the City of Chico and/or Butte County AQMD do not have an air quality impact fee and as a result, the proposed project is not required to pay this fee.

The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. Therefore, no further response is necessary. The commenters are referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 49

Patrick Murphy - Wal-Mart Super Center

Page 1

From: <eclark5@mail.csuchico.edu>
To: <PJMurphy@ci.chico.ca.us>
Date: 2/14/2007 12:30:40 PM
Subject: Wal-Mart Super Center

I am concerned about the impact a Walmart Super Center will have on city traffic. In regards to reading the EIR, it have been difficult to get a clear and concise picture of these effects. Since the majority of individuals may not be familiar with reading data printouts, I would encourage clarification on how traffic may be effected, intersection by intersection. Perhaps a map of each Intersection with the expected wait time and anticipated traffic congestion could be beneficial.

After reviewing the EIR, I understand that traffic projections are assigned a grade. Based on the information provided in the expansion site report, It is evident that a lower grade indicates an expected delay of more than a minute. Does this mean that an Intersection with a 61 second wait time is viewed with the same severity as an Intersection with a wait of 5 minutes or more? Is there a possibility to create a more precise and accurate rating scale? This may be accomplished by listing the worst expected wait time on a map or chart.

I greatly appreciate your work in spreading awareness of the impacts this expansion project will have on the city of Chico. Emily Clark, Graduate Student at Chico State.

49-1

Letter 49**Emily Clark, Chico State Student***Response 49-1*

The commenter discusses the rating scales used in the analysis of traffic impacts for the proposed project and asks if there is some better way to show what the impact to each intersection would be than a map with numbers or a table with letters. A discussion of the various traffic signal delay standards is shown in Table 4.2-6 of the Draft EIR. This table indicates that delay times identified for each LOS increases as the letter increases. For example: a delay time for a signalized intersection for LOS B is greater than 10 seconds but less than or equal to 20 seconds while the delay for LOS E is greater than 55 seconds but less than or equal to 80 seconds. Anything over a delay of 80 seconds is LOS F. All traffic analysis information was based on City, Caltrans (for Highway 99) level of service standards (LOS) and industry roadway standards. While the illustrations in the Draft EIR do not identify the LOS with the implementation of the project, the Draft EIR does provide this information in a text form.

The Draft EIR identifies the LOS for each intersection within the project area as well as the on- and off-ramps for Highway 99 in Table 4.2-12 and Table 4-2-14 of the Draft EIR with the project under short-term conditions (2010) and Table 4.2-19 through 4.2-21 for long-term (2018) conditions. Additionally, each intersection and/or roadway segment with the addition of the proposed project operating below acceptable City or Caltrans standards is identified in Impact 4.2-1 and Impact 4.2-3 of the Draft EIR.

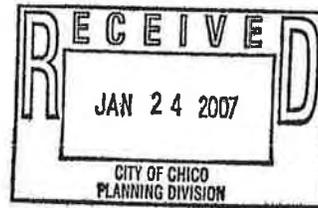
The commenter does not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The commenters are referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The commenter is also referred to Master Response 2.4.2 on page 2.0-9 of this document. The comment is noted and presented here for Planning Commission consideration.

LETTER 50

Patrick Murphy - RE: Walmart Superstores

From: "Dex Sinister" <dex_sinister@pacbell.net>
To: <pjmurphy@ci.chico.ca.us>, <bertfam@sbcglobal.net>, <mflynn@ci.chico.ca.us>, <sgruendl@ci.chico.ca.us>, <tnickell@ci.chico.ca.us>, <aschwab@ci.chico.ca.us>, <lwahl@ci.chico.ca.us>
Date: 1/24/2007 1:01 PM
Subject: RE: Walmart Superstores

David R Tidwell
958-C Kovak Ct
Chico, CA 95973



To: Mayor Andy Holcombe
Steve Bertagna
Mary Flynn
Scott Gruendl
Tom Nickell
Ann Schwab
Larry Wahl

Stop the hypocrisy: Cease obstructing the Walmart Supercenters.

The Chico City Council has, for years, blocked efforts by Walmart to expand their store on their own Forest Avenue land by hiding behind the concept of "environmental impact," while allowing nearly every other square foot of soil in the Forest Avenue corridor to be heavily developed – predominantly by other retail businesses. Please stop misrepresenting the citizens of Chico by pretending that only Walmart, out of all the other businesses, has an "impact on the environment" – and that "environmental impact" is a meaningless catch-all term for "whatever we on the city council do not like."

50-1

The only legitimate purpose of both city governments and businesses is to serve the public - the end consumer. This is true because consumption (not production, employment, or "being in business") is the sole purpose of all economic activity. Somehow, the Chico City Council has come to the economically fallacious conclusion that consumers are served by your continuous efforts to ensure that consumers in Chico must pay higher prices for everything we buy, so that you may express, as our representatives, your own personal preferences in business owners and pressure groups whom you would like to protect.

Government does not serve the consumer by ensuring the health of merchants with high-priced merchandise, by excluding those who would bring consumers low-priced merchandise. If you believe that prosperity can be obtained by paying \$40 for something that can otherwise be obtained for \$10, by all means please follow this dictum in your own personal lives and that of your families: Buy only the most expensive things that you can find, every time you make a purchase, and bring prosperity to your families and the world. You will not, of course have very many things – but you may comfort yourselves by the knowledge that you have transferred your wealth to the merchants from whom you buy, and thereby bettered the world.

50-2

However, please stop imposing this ridiculous fallacy on myself, my family, and all of the other citizens of Chico. As economists have known for over 200 years, I and my family are vastly better off to spend only \$10 on what someone is willing to sell me for \$10, and keep the other \$30 to spend on

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LETTER 50 CONT.

Page 2 of 2

other things that we need. This is, and has been, true for all consumers (except, of course, for yourselves) for all time. It is, and continues to be, true in Chico today.

Stop obstructing Walmart's efforts to serve me as a consumer by providing me with low-priced merchandise. Stop exploiting the economic health of 69,000 consumers to further your fallacious economic pipedreams.

Sincerely,

David R. Tidwell

50-2
cont.

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2.0 RESPONSE TO COMMENTS

Letter 50 **David R. Tidwell, Resident**

Response 50-1 The commenter states his opinion that the City Council has blocked the expansion of Wal-Mart by hiding behind the concept of environmental impact. The commenter does not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The comment is noted and presented here for Planning Commission consideration.

Response 50-2 The commenter states that the only legitimate purpose of city governments and businesses is to serve the end consumer. The commenter does not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The commenters are referred to Master Response 2.4.1 for informational and analytical requirements of Environmental Impact Reports. The comment is noted and presented here for Planning Commission consideration.

LETTER 51

JOHN SHANNON
42 MORAGA DR.
CHICO, CA 95926



February 14, 2007

City of Chico
Planning Services Department
Attn: Sr. Planner Patrick Murphy
411 Main Street
Post Office Box 3420
Chico, CA 95927

Re: Comments on the Draft Environmental Impact Reports for the North Chico Retail and Annexation Project (ANX 04-09 and PM 04-09; State Clearinghouse No. 2004112103), and for the Wal-Mart Parcel Map and Expansion Project (PM 03-17; State Clearinghouse No. 2004012077)

Dear Mr. Murphy:

I am concerned the draft environmental impact reports prepared for the North Chico Retail Annexation Project (North Project) and the Wal-Mart Expansion Project (South Project) are legally deficient, and do not sufficiently evaluate the potential environmental effects from the projects. Because my letter contains comments regarding the North Project and the South Project, please include it as part of the administrative record for each separate project.

The DEIRs do not adequately reflect the economic impact the projects will have on surrounding businesses. The DEIRs include sales data from 2003, but exclude all retail that has been built between 2003 and the present. This skews the economic analysis by minimizing the actual effects of adding approximately 340,000 square feet of additional retail to Chico. This significant influx of new retail in the Chico area may potentially cause many businesses to falter, especially in the Downtown area. These businesses could remain vacant for extended periods of time resulting in unsightly and blighted conditions. Not only is this an economic impact, but also a quality of life impact. The DEIRs must analyze this significant impact.

51-1

The DEIRs also do not sufficiently disclose and evaluate the significant air quality and health related impacts from the projects. Although the DEIRs generally describe the characteristics of various air pollution related ailments, they do not quantify the impact to the general public. And, the DEIRs fail to analyze the projects' impacts on energy consumption and non-renewable energy resources. The North Project DEIR also does not

51-2

51-3

51-4

LETTER 51 CONT.

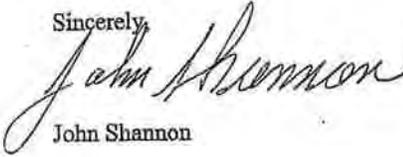
disclose nor analyze the impact eliminating the Sunset Hills Golf Course will have on public services and recreational opportunities for Chico residents.

51-4
cont.

Based on the above, coupled with the traffic burdens these Supercenters will place on Chico, I respectfully request that the City of Chico deny each project. One Wal-Mart discount store is enough for Chico. We certainly do not need two new Supercenters.

51-5

Sincerely,



John Shannon

Letter 51

John Shannon, Resident

Response 51-1

The commenter determines that the Draft EIR is deficient in its examination of potential economic impacts as a result of project implementation. The commenter states that development of the proposed project as well as the North Wal-Mart project will result in business closures, especially in the Downtown area and the buildings will remain vacant for a long period of time which, in turn, will result in blight conditions.

The commenter is referred to the North Wal-Mart Draft EIR and FEIR for responses to the potential for blight conditions as a result of store development.

Regarding the potential affects of the south Wal-Mart Expansion project, Section 4.6, page 4.6-4 of the Draft EIR discusses the requirements under CEQA in examination of economic impacts, as follows:

"CEQA provides that "[i]n evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and *reasonably foreseeable* indirect physical changes in the environment which may be caused by the project." (CEQA Guidelines Section 15064(d) (emphasis added).) "A change which is speculative or unlikely to occur is not reasonably foreseeable." (CEQA Guidelines section 15064(d)(3).)

CEQA further provides that "[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment." (CEQA Guidelines Section 15064(e).) However, "[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes in turn caused by the economic or social changes." (CEQA Guidelines section 15131(a).) In other words, economic and social changes are not, in themselves, considered under CEQA to be significant effects on the environment.

Therefore, "[t]he focus of the analysis shall be on the physical changes." (CEQA Guidelines section 15131(a).) "[S]ocial, economic and business competition concerns are not relevant to CEQA analysis unless it is demonstrated that those concerns will have a significant effect on the physical environment." (Maintain Our Desert Environment v. Town of Apple Valley (2004) 120 Cal.App.4th 396, 422.)

The relevant inquiry concerns whether substantial evidence demonstrates that it is reasonably likely that economic impacts will indirectly cause significant, sustained physical impacts. (Friends of Davis v. City of Davis (2000) 83 Cal.App.4th 104, 1022.)

Since only physical effects are to be considered under CEQA, economic and social changes resulting for a project may be considered if they, in turn, produce changes in the physical environment. In this context, the specific physical effect that would

2.0 RESPONSE TO COMMENTS

be expected to occur as a result of a negative economic effect would be a physical deterioration of the built environment, or urban decay."

The potential for the proposed project to result in unsightly or blighted conditions were analyzed by Sedway Group in their study *Draft Wal-Mart Supercenter Economic Expansion Analysis: South Store Expansion Chico, California*. February 2006. The Draft EIR included language from the Sedway Group report which determined that development of the proposed project would have a less than significant impact on the potential for urban decay, including blighted conditions. The commenter is referred to Impact 4.6.1 and Impact 4.6.2 of the Draft EIR for this discussion.

The commenter states that the Draft EIR uses dated material to determine the economic outcome of project implementation and this information should be updated. The commenter is referred to *Response 32-1* as well as subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR for further information.

Response 51-2

The commenter states that the Draft EIR does not quantify the air quality impacts to the general public. Section 4.3 of the Draft EIR discusses the potential for air quality impacts as a result of project development. Page 4.3-2 through 4.3-4 provides a discussion of the potential health effects related to air pollutants. All air quality impacts are based on standards developed by the U.S. EPA and California Air Resource Board (CARB).

Establishing the number of persons which may develop health problems due to the additional construction, operational vehicular or area air pollutants the proposed project may emit is enigmatic and at best purely speculative as the variables which must be included to determine such a number are enormous. Because of the transient nature of air, meaning that it is not confined by solid barriers but rather moves depending on wind, temperature, pressure, etc., air pollution is thought of on a regional basis and cannot be confined to a specific area. Additionally, poor health conditions which may be related to air pollution also may be exacerbated by other factors such as smoking, poor eating habits, etc. Further, health problems which are linked to air pollution are usually caused by the cumulative effect of living in an area with high air pollution levels over many years. While the proposed project will in fact increase air pollutants due to construction and vehicular travel, the actual increase in air pollutants is very small on a region-wide basis. However, it is the combination of all air pollutant emitters in the air basin that affect the health of persons living in Chico, which is why the U.S. EPA and CARB have established standards for air quality on a regional basis and why all development projects are required to provide mitigation if the project emits air pollutant beyond threshold levels. So, in the greater picture, all air pollutant emitters, including the proposed project, would affect everyone in the Northern Sacramento Valley Air Basin.

Response 51-3

The commenter states that the Draft EIR does not analyze the project's impact on energy consumption and non-renewable energy resources.

The commenter does not provide any information regarding the potential amount of energy the project may use.

Appendix F of the CEQA Guidelines states that an EIR should include a discussion of potentially significant energy impacts of the proposed project, with emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. The Initial Study completed for the project determined that there would not be a significant impact on energy suppliers as a result of project implementation. Additionally, the Draft EIR provides a list of energy saving measures (page 3.0-8 Energy Efficiency Measures/Sustainability) to be included in the proposed project. These measures will increase energy efficiency beyond those required in the California Building Standards Code (Title 24). As a result of the energy impact determinations made in the Initial Study and the inclusion of energy saving measures implemented as part of the project design, the project is not anticipated to impact or consume energy sources beyond those of a typical big box store and in fact, because of the energy efficiency measures, the proposed project will likely use less energy than a typical big box store. Therefore, the project is not considered to result in a potentially significant energy impact nor result in an inefficient, wasteful and unnecessary consumption of energy.

The commenter is referred to Section 2.2 of the Revised Draft EIR which describes the potential energy use of the proposed project including the consumption of electricity, natural gas and petroleum, as well as the project's energy conservation measures. The commenter is also referred to Responses R 3-1 and R 15-1.

Response 51-4

The commenter states that the North Wal-Mart Draft EIR does not analyze the impact of eliminating the Sunset Hills Golf Course. The commenter is referred to the North Wal-Mart Draft EIR and FEIR for responses to this statement.

Response 51-5

The commenter concludes his comments by requesting that the City of Chico deny both Wal-Mart projects. The commenter does not raise any issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary. The comment is noted and presented here for Planning Commission consideration.

LETTER 52

FEB 10 /

February 10, 2007

City of Chico, Planning Services Dept.
Attn: Patrick Murphy, Senior Planner
P.O. Box 3420
Chico, CA 95927

Dear Mr. Murphy:

Thank you for the opportunity to voice an opinion on the proposed expansion of the existing Wal-Mart into a Supercenter in South Chico and the development of a Wal-Mart Supercenter in North Chico.

North Chico Site

As a resident of the area, and a parent of two children at Shasta Elementary School near the proposed North Chico site, I am obviously concerned about how the development of a Wal-Mart Supercenter would impact me and my family. I have several issues that need to be brought up regarding the draft EIR for the North Chico site.

1. Shasta School

The draft EIR does not adequately cover the effect such an enormous project would have on the children that attend Shasta School. Additionally, the draft EIR is outdated and inconsistent when discussing the population of Shasta School. On 4.5-15, it refers to Shasta's 2003-04 school population of 519 students with a practical capacity of 544. It says that the new development would add 26 new students bringing Shasta to capacity. However, on page 4.5-8, they use the more updated figure of 606 based on enrollments in the 2005-06 year. And that isn't even accurate as Shasta's current student population is approximately 650 in 2006-07. Needless to say, with a practical capacity of 544, Shasta Elementary is bursting at the seams. Any additional students brought about because of this development would cause continued stress on the school.

2. Traffic – Shasta School and surrounding area

Anyone who has driven in that area during the school week knows that traffic along the Esplanade is already backed up during morning drop off, and morning and afternoon pick up. Additionally, many children walk to school along the Esplanade. Is it really wise to increase traffic to this degree on this route and endanger our children?

52-1

LETTER 52 CONT.

The draft EIR predicts significant impacts on traffic to the tune of an additional 16,000 car trips per day in the area around the proposed North Chico site. This figure does not include the countless delivery trucks that will be going in and out of the Supercenter. The proposed North Chico site is surrounded by roads like Garner and the Esplanade, roads that are simply not designed to handle such a huge increase in traffic.

The draft EIR details mitigation plans in order to handle the foreseen increase in traffic. Unfortunately, **nearly every single one** of the mitigation measures detailed in the report includes the following sentence: "these improvements are under the jurisdiction of Cal Trans, and Cal Trans has not allocated funding for the project."

In other words, all of these mitigation measures aren't worth the paper they're written on. While Wal-Mart would be responsible for some of the cost of the needed road improvements, the majority of the costs are not funded by any source. So what, in reality, will happen if this project gets approved? The Wal-Mart will be built, but the road system to handle such an enormous project won't and we will have a traffic nightmare beyond comprehension.

3. Air Quality

To construct a 250,000 square foot Supercenter will take a lot of trucks, bulldozers, backhoes, etc. Each and every one of these construction vehicles emits carbon dioxide, carbon monoxide and other dangerous chemicals into the air. The draft EIR on page 4.3-15 shows *significant and unavoidable* impact to the air quality on both a short term and long term basis due to this sort of build out. Additionally, with the projected increase in traffic, that's even more unhealthy pollutants being put into the air just a few hundred yards away from our children.

Also, on page 4.3-20, it discusses the methodology used to determine the potential of increased carbon monoxide levels. It states that modeling "was conducted for intersections on the Esplanade where there would be a combination of the highest traffic volumes...and highest level of congestion." It goes on to state that locations around the North Chico site would have much lower levels of traffic congestion than the sites where modeling was conducted. How can they know this? That would be assuming that ALL of their traffic mitigation ideas come to fruition. But as stated in the draft EIR, and discussed above, most of these mitigation plans **have no guarantee of funding**. I would submit that congestion will be far worse than where they did their modeling on account that the majority of the mitigation plans will never occur.

4. Light and Glare

52-1
cont.

LETTER 52 CONT.

The Chico Municipal Code has a set of restrictions on exterior lighting that demands that "all exterior lighting must be shielded and directed in such a way that light falls only within the site boundaries." I would question how a building that is nearly 250,000 square feet planning to be open 24 hours a day – 7 days a week, along with a lit parking lot of hundreds of spaces could meet these requirements. The impact on neighbors and the whole area will be significant, and for the draft EIR to claim it to be less than significant seems far-fetched.

52-1
cont.

South Side Expansion

Because I live in North Chico on county property, and will be more directly impacted by the development of a Wal-Mart Supercenter less than a mile from my home, my feelings for that project are extremely strong:

However, there are many issues with the proposed South Chico expansion of the current Wal-Mart that could have a serious and long term impact on Chico.

52-2

Air Quality

(South side executive summary) The EIR states in impact 4.3-3 that "the project would generate temporary, localized odors during the construction phases, similar to any other construction project in the city." I must question this phrase as the construction of an additional 97,556 square feet of retail space is not similar to just "any other construction project in the city." This is a large scale project, and its effects on the air quality should not be minimized.

Traffic

On the south end of town, traffic will become worse, if that's even possible. Many intersections – particularly around 20th Street, Forest Ave., and Martin Luther King Jr. Dr. are already rated as a Level of Service that is C or below. Many of the congested intersections that we are all familiar with in that area will only get worse with many dropping to a Level of Service of "F", the worst grade possible. The definition of Level of Service "F" is "stop and go traffic conditions. Excessive long delays and vehicle queuing." And I'm not talking about just one intersection, but several intersections in the area. And this is important to note: the draft EIR concludes that these traffic conditions will remain even if all proposed road improvements are completed.

52-3

To put this another way, if your child came home from school with a report card filled with "F's", would you be okay with that?

Recently, the Chico City Council wisely held off making a decision on approving the Costco expansion because of concerns about traffic in the area. To quote from the Enterprise Record dated Jan. 4; "Larry Wahl, a very business friendly councilor, said he wanted the traffic problem fixed **before** the project is approved." Councilor Steve Bertagna, also a friend of business, said that Chico is already the regional retail hub it once strove to be. That we don't need to

LETTER 52 CONT.

expand retail business unless the infrastructure problems they create can be solved.

52-3
cont.

Impact on Existing Business

This is probably the most serious issue with the development and expansion of Wal-Mart into Supercenters.

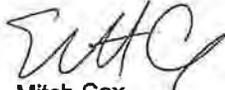
The draft EIR concludes rather breezily that a number of general merchandise stores are at risk of closing and that if "existing (grocery) stores are not strong enough to withstand a potential three-to-four year downturn in sales, then one existing conventional grocery or price impact warehouse store may close."

This simply makes no sense whatsoever! How many businesses, in Chico or elsewhere, can withstand a "three-to-four year downturn in sales?" I'll tell you how many. ZERO! How that projects to only **one** conventional grocery store (where margins are slim to begin with) or warehouse store closing is simply "fuzzy math." It's obvious from Wal-Mart's history that more than one grocery store in the area will be forced to close if both Supercenters go in as desired. That's their plan! To force out the competition and make people have to shop at Wal-Mart.

52-4

In summary, I strongly urge you to listen to what the residents of this town and this area are saying, and reject the Wal-Mart Supercenter expansion in South Chico, and the development of a Wal-Mart Supercenter in North Chico.

Respectfully submitted,



Mitch Cox
4303 Kathy Lane
Chico, CA 95973

2.0 RESPONSE TO COMMENTS

Letter 52 Mitch Cox, Resident

Response 52-1 The commenter discusses his opinions on the North Wal-Mart project. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project.

Response 52-2 The commenter questions the phrase provided in the Executive Summary of the Draft EIR " the project would generate temporary, localized odors during the construction phases, similar to any other construction project in the city." The commenter questions this phrase based on his belief that the construction of an additional 92,556 square feet of retail space is not just similar to just any other construction project in the city as this is a large scale project and air quality impacts should not be minimized.

Construction impacts for development projects are similar in that most projects produce the similar air quality impacts during construction. For example: all projects which involve grading or land clearing regardless of size produce dust, all projects which use construction vehicles produce air pollutants such as ozone and carbon monoxide. Therefore, air emission types are similar during the construction phase of a project for all projects, although the amount of these emissions is dependent on the size and type of project.

The commenter is referred to Section 4.3 of the Draft EIR which discusses the potential air quality impacts for the proposed project. This section provides an analysis of nine potential air quality impacts which may occur as a result of project implementation. Each of these impacts are thoroughly discussed and mitigation measures are provided, where necessary. Impacts 4.3.1, 4.3.2, and 4.3.3 discuss potential air quality impacts during project construction.

Response 52-3 The commenter discusses the additional traffic with project implementation. The commenter states that even with all roadway improvements identified in the Draft EIR completed, the roadways will operate at an unacceptable level of service. However, this assumption is incorrect. As stated under Impact 4.2.1:

"Implementation of mitigation measure **MM 4.2.1** would reduce traffic impacts on the roadway systems listed above to an acceptable LOS and upon completion of the improvements, the proposed project would have a **less than significant** traffic impact under short-term conditions."

And under Impact 4.2.3;

"Implementation of mitigation measures **MM 4.2.1, MM 4.2.2, MM 4.2.3a** and **MM 4.2.3b** would reduce traffic impacts on roadway systems to an acceptable LOS. Therefore, the proposed project would have a **less than significant** traffic impact under cumulative conditions."

However, as stated in the Draft EIR under Impact 4.2.1 (page 4.2-59), the roadway improvements to State Highway 99 are dependent on many factors not within the City's control and as a result the roadway impacts result in a significant and unavoidable impact under short-term conditions.

"The improvements to the SR 99 ramps are included within the needed improvements identified in the *State Route 99 – Chico Corridor Study (Nexus Study)*, and the city is collecting fair share contributions for these improvements as part of the Nexus Fee program. However, Caltrans will determine when these ramp improvements will be constructed, as they are state, not City, facilities. Caltrans will rely upon state (and possibly federal) funding for a portion of the construction costs. When and if these funding sources will be programmed and allocated and construction will be scheduled, is not presently known, at least under near-term conditions. Therefore, this impact is considered to be **significant and unavoidable** in the short-term."

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 52-4

The commenter disputes the Draft EIR concluding that the south Wal-Mart Expansion will have minimal impacts on existing businesses in Chico. The commenter is referred to Responses 20-1, 21-1, 32-1, 51-1 and subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR for further information.

LETTER 53



January 31, 2007

FEB 14 2007

Patrick Murphy
City Planner - Chico
P.O. Box 3420
Chico, CA 95927

Dear Mr. Murphy:

My name is Dr. Kirk Casey. I am a local physician within Chico. I live on the north side of Chico off of Esplanade close to Eaton Road. I am writing this letter in opposition of the proposed expansion of the existing Wal-Mart and I additionally oppose the construction of the proposed new Wal-Mart in north Chico.

53-1

As a business owner as well as home owner, with my house being in the Amber Grove subdivision, and at times both of my children attending Shasta school (one currently), I particularly oppose the construction of the proposed north Chico Wal-Mart. My concerns in this regard are due to several specific reasons. The first being that the character and flavor of Chico is strongly dependent upon individual locally owned businesses rather than "big box" stores. I understand the phase of consideration for these projects is in the EIR phase and consequently I will limit my comments to that. Traffic is a significant concern, as we already have a significant component of traffic on north Esplanade and particularly at Eaton road and the intersection of Eaton road as it crosses highway 99. During the morning and evening hours there is sometimes a prolonged delay and I have personally witnessed several accidents at that particular intersection with the current level of traffic. Additionally, traffic is significant during the morning drop-off and afternoon pick-up of Shasta Elementary School students and adding additional traffic would place those students at increased risk of injury. DeGarmo Park, which is already well along in the construction phase, is going to add additional traffic to that area as well as some of the local farm land adjacent to the Esplanade in that area, not only will continue to be farmed with the associated farm traffic and spraying, but some of that is going to be converted to residential areas with the additional traffic associated with it. Current road size of the Esplanade on the north side of town is only two lanes, is already in poor condition, and would require large expenditure to expand this likely to at least four lanes with the associated traffic lights and instillation of underground utilities. For all of these traffic and infrastructure reasons, I strongly oppose the additional traffic, cost, congestion and potential risk to families and children which by necessity already need to be schooled or are traveling through that area.

53-2

Regarding the potential risk due to farming and exposure, sprays, farm machinery and associated dust and noise are all potential impacts on those individuals that will need to work or commute through that area and consequently placing a Wal-Mart in that area is not the best choice for those of us which live and work in Chico.

An additional component is that of the beauty or attractiveness of Chico and having yet another nitus of "big box" stores beginning on the north side of Chico will likely have a negative impact on the visual appeal of Chico, but will also be a significant contributor to a transition from locally owned businesses to large

Primary Care medicine for the active lifestyle

2030 Esplanade, Suite 500, Chico, CA 95927, 530.879.0400, fax 530.879.0404, www.chicosportsmed.com, Kirk.Casey@chicosportsmed.com

LETTER 53 CONT.



Page Two

corporate ones with significant amount of money exiting Chico.

I am a Chico Chamber of Commerce business member and normally being associated with a pro-business group such as the Chamber of Commerce I might be expected to be supportive of a large business such as Wal-Mart, but in fact I strongly oppose the enlargement of the existing Wal-Mart and have even stronger views of opposition towards the construction of a second totally unneeded and unwanted Wal-Mart in north Chico.

53-2
cont.

The existing Wal-Mart is already in place, at times has a negative effect on traffic, and certainly contributes nothing to the overall visual appeal of Chico. Let's please consider the other locally owned smaller businesses and not detract from their being able to make a living by expanding the existing Wal-Mart.

53-3

I appreciate your consideration of my views, and again, I strongly oppose the enlargement of the existing Wal-Mart and even more strongly oppose the construction of the proposed Wal-Mart in north Chico.

Sincerely,

Kirk C. Casey, M.D.

KCC:kf

Primary Care medicine for the active lifestyle

www.28651CeanobusAvenue, Suite 500, Chico, CA 95926, 530/872-0400, Fax 530/872-0404, www.kccsportsmd.com, A MEDICAL CORPORATION

2.0 RESPONSE TO COMMENTS

Letter 53

Dr. Kirk C. Casey, M.D., Resident

- Response 53-1* The commenter states that he is in opposition of both Wal-Mart projects. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.
- Response 53-2* The commenter discusses his concerns with the North Wal-Mart project. This EIR addresses the potential impacts associated with south Wal-Mart Expansion project. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project.
- Response 53-3* The commenter requests that the City consider the other locally owned businesses in Chico and states that he is opposed to both Wal-Mart projects. The commenter is referred to Section 4.6 of the Draft EIR, as well as *Responses 32-1, 51-1* and subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR which address the potential economic impacts with project implementation. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 54

1-17-07

JAN 18 2007

Mr. Murphy -

I do not think we should have "2" wal-marts in Chico - and I think the one we have should have to pay the same wage Coles and Wines pay their employees instead of giving so much money to the Charters of their Chair, they should be made to take better care of their employees, by providing good insurance, prescription plan and good wages. I do believe the employee should pay for their insurance as Safeway does.

54-1

I retired from Safeway in 1990 - I pay 70⁰⁰ per month for insurance w/ 70⁰⁰ deductible every January for prescriptions, my prescriptions cost 50⁰⁰ - 90⁰⁰ and sometimes 35⁰⁰ per prescription but I have good retirement and make good money with Safeway. I'm thankful I was in a union, where would I be now if I had retired from wal-mart - "on medical".

54-2

The state should not have to give the people who work at wal-mart medical because wal-mart will not pay good wages and offer benefits - so please think this over before we have 2 wal-marts and lots more people on state-aid - (PTP)

54-3

LETTER 54 CONT.

2- Wal-mart is only for their selfs and a few employees who have retired and are very well off, on the backs of you people who make very little money and have no benefits -

Another little thing they do. When you first go to work for them, they line up at they time clock and make you swear you will not try to unionize their company -

Please listen to the people of Chico - 1 Wal-mart is too many, and "2" will be ridiculous -

Thank You
F. D. Willis
Paradise Ca

530-876-1414

54-3
cont.

F. D. WILLIS
J. K. WILLIS
584 CIRCLEWOOD DR.
PARADISE CA 95969

Letter 54

Jackie Willis, Resident

Response 54-1

The commenter states in her opinion Chico does not need two Wal-Mart and the existing one should pay better wages to their employees. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 54-2

The commenter discusses her retirement from Safeway and the cost of prescription medicine. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 54-3

The commenter declares that the state should not have to give the people who work at Wal-Mart medical insurance because Wal-Mart will not pay good wages and benefits. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 55

2-1-07

Patrick Murphy
P.O. Box 3426
Chico, Ca 95921

FEB - 2 2007

Dear Sir,

I am writing to you, since reading the article in the Enterprise Record on January 31, 2007 about a Wal-Mart Supercenter and the expansion of the Forest Ave. store in Chico.

Some of the fears seems to be the impact they would have on traffic and also that it would put stores out of business.

I am in favor of both stores because I live in North Chico and we have to go to South Chico to find any stores that are reasonable in price like Ukia.

Since Raley's, Albertsons, and Safeway are the only stores in our area, I know Wal-Mart will not put them out of business since they are big chain stores.

If traffic and putting stores out of business are the fears of the Chico advocates for a Responsible Economy

55-1

LETTER 55 CONT.

2.
 then why aren't they concerned about
 Costco enlarging their store plus
 adding sixteen gas pumps also.

The ER showed the traffic problem
 on the front page recently at 20th St
 and the new Dr Martin Luther King
 Jr. Pkwy road.

How do they justify the approval of
 Costco plus the business they will
 take away from other stores. Costco is
 of no value to me as I am only a one
 person home.

As far as I am concerned, the traffic
 problem seems to be a flimsy excuse
 for not allowing a retailer who would
 be a help to the lower wage earner and
 Senior Citizens on fixed incomes.

I have lived in Chico 28 years and
 would appreciate the City of Chico
 considering the needs and the convenience
 of a Wal-Mart Supercenter in North
 Chico. Thank you,

Sincerely,
 Alberta Eden #
 3156 Esplanade #272
 Chico, Ca. 95973

55-1
 cont.

2.0 RESPONSE TO COMMENTS

Letter 55

Alberta Glen, Resident

Response 55-1

The commenter states that she is in favor of both stores as she lives in north Chico and has to go to south Chico to do her shopping. The commenter feels that not allowing a project to proceed, which will offer more opportunities to lower income households, based purely on traffic is a flimsy excuse.

The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 56

1/12/07

JAN 12 2007

Sir;

(my family)
Regarding the Wal-Mart expansions - we, are opposed to the North Chico project (Garner Lane).

Blight, sprawl, excess traffic, infrastructure being overwhelmed, putting smaller businesses in danger, etc. 56-1

I'm sure you are familiar with these all too real eventual results, and I fervently hope those with the power to stop this degrading of Chico's quality of life act.

I also hope the expansion of the current Wal-Mart site undergoes strict controls to avoid the inevitable problems with traffic, sprawl, etc. 56-2

While we seldom shop there, I understand that planners cannot pick and choose which companies to "favor". I much prefer the smaller places like Albertsons, ~~Stouder~~ Joes & locals like S. & S. for groceries, and ^{etc.} Colliers, for hardware. Box stores are a fact of life today, but competition should be encouraged - the American Way! - not destroyed. With the Costco expansion underway (we see how these corporations do the minimum amount of planning unless forced to do better) soon, it is imperative that Chico have a rational plan to address the blight, traffic & sprawl headed our way. 56-3

It seems Chico will be saddled with much of the costs associated with the EIR problems being addressed. Projected sales tax figures 56-4

LETTER 56 CONT.

More than likely, I believe, will not increase, as the closing of other businesses will make it a wash. Jobs created will be low paying, possibly a drain on local social services and charities as those employees cannot afford homes in the area.

56-4
cont.

I hope the City & County work together on these issues.

Also wonder what actual power your commission has on this issue?

Thanks -

Sincerely,

Mark J. Janda

1027 Sheridan Ave
Chico 95926

Letter 56 Mark S. Lana, Resident

- Response 56-1* The commenter states that he is opposed to the North Wal-Mart project based on blight, sprawl, excess traffic overwhelmed infrastructure endangering the successfulness of smaller businesses, etc. The commenter is referred to the North Wal-Mart FEIR for responses to comments regarding this project.
- Response 56-2* The commenter also states that the proposed Wal-Mart Expansion project should undergo strict controls to avoid the inevitable problems with traffic, sprawl, etc. The proposed project is required to provide mitigation for any traffic impacts. These impacts are discussed in Section 4.2 of the Draft EIR along with mitigation measures to reduce traffic impacts as a result of project implementation. The proposed project will not add to urban sprawl as it is for the expansion of an existing use and does not require the extension of urban services (i.e. sewer, water, electricity, etc.) which may, in turn, permit additional development. Urban services for the proposed project are already in place. The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.
- Response 56-3* The commenter discusses his preference for smaller non big-box type businesses. The commenter continues on to say that it is imperative for Chico to have a rational plan to address future blight, traffic and sprawl. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. Addressing the potential future of land development in the City is based on the City's General Plan, which is currently beginning the update process. The commenter is urged to voice any concerns regarding blight, sprawl, and traffic in the City of Chico during the public review period for the General Plan. The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document. The comment is noted and presented here for Planning Commission consideration.
- Response 56-4* The commenter states that it seems the City will be responsible for much of the costs associated the EIR problems being addressed. The commenter does not specify to which costs he is referring. The project developer will be required to pay their fair share of roadway improvements based on the transportation nexus study. Additionally, the project developer will be required to pay the City's Development Impact Fees which cover improvements to the various City systems such as wastewater, water, parks, etc. Further, the project developer is required comply with the City of Chico 'no net loss of wetlands' policy (05-G-9). This can be achieved by paying in-lieu mitigation fees to the City, which will be used to purchase credits at an approved mitigation bank.

LETTER 57

Dear Mr. Murphy
Surely the City of Chico can't be
serious in thinking that this
town needs another Wal-Mart
to sell cheap, shoddy products
made by sweat-shop workers.
If you cram Wal-Mart down our
throats we will take it
to a referendum. *Steve Holt*

57-1

Letter 57

Debra Abbott, Resident

Response 57-1

The commenter states her opposition to another Wal-Mart in the City. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 58

To Whom it may Concern,

FEB - 1 2007

"Bring on Wal-Mart"

I am a 78 year old that was born & raised in Chico, went to schools here. In the 1940's there were only a few hundred not thousands attending college. 58-1

Also owned a business on the Esplanade from 1961 until 1989 (husband died)

Rate of Change!

New line on Springfield Dr & Forest near Wal-Mart

We all must go with Change traffic included.

Dorothy Hanson - Hein

2050 Springfield Dr. # 143
Chico Ca. 95928

894-1975

Letter 58

Dorothy Hanson-Hein

Response 58-1

The commenter states her support for the Wal-Mart project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 59

Please keep WAL-MART
in Chico. They are the
best store in town and
have the most helpful
employees in town!

Harriet McDougal
1775 Humboldt rd
Chico - CA 95918

FEB - 2 2007

59-1

Letter 59

Harriett McDougal, Resident

Response 59-1

The commenter states her support for the Wal-Mart project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 60

Feb 3, 2006

PLEASE, PLEASE, PLEASE DO NOT LET A FEW
PEOPLE WHO DO NOT LIKE WAL-MART STORES
KEEP THE REST OF THE THOUSANDS WHO NEED
VALUE, CONVENIENT STORES LIKE A SUPER WAL-
MART FROM COMING TO CHICO. MY HUSBAND
AND MYSELF ARE RETIRED AND ON A FIXED
INCOME AND NEED TO SHOP WHERE WE CAN
AFFORD.

AFTER ALL, IF THE WAL-MART HATERS
DO NOT WANT TO SHOP THERE, THEY DON'T
HAVE TO, IT IS THEIR CHOICE, BUT THE
REST OF US DESERVE THE RIGHT TO HAVE
A PLACE LIKE A SUPER WAL-MART. PLEASE
DO NOT LET US DOWN.

60-1

THANK YOU,
Betty Patrick

FEB - 6 2007

6736 Woodland Dr.
Paradise CA 95969

Letter 60

Betsy Parrott, Resident

Response 60-1

The commenter states her support for the Wal-Mart project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 61

MR. MURPHY FEB - 7 2007 2-3-7

I DID NOT MAKE THE PUBLIC MEETING HELD PAST TUESDAY ON THE WAL-MART STORY. I AM TOTALLY AGAINST ANY WAL-MART EXPANSION. IT WILL DEFINITELY CLOSE UP THE GROCERY MARKETS, WE HAVE SO MANY EMPTY BUILDINGS IN CHICO NOW THIS WILL ADD TO IT. IT COMES DOWN TO ONE THING MONEY ROOT OF ALL EVIL.

CHESTER

Chester Torres
PO BOX 6
Chico CA 95927

61-1

Letter 61

Chester Torres, Resident

Response 61-1

The commenter states his opposition to the proposed Wal-Mart Expansion project based on his belief that it will result in the closure of some grocery stores. The commenter does not raise any issues relating to the adequacy of the Draft EIR. The commenter is referred to Section 4.6 of the Draft EIR as well as *Responses 20-1, 21-1, 32-1, 51-1* and subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR, which address the potential economic impacts with project implementation.

LETTER 62

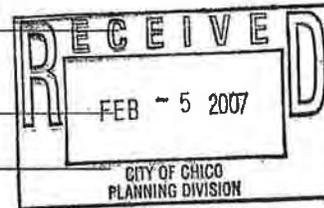
PETITION

I AM OPPOSED TO THE DEVELOPMENT OF TWO WAL-MART SUPER CENTERS IN CHICO.

The extent of the impact on the local business economy, traffic congestion, public safety, and the environment is such that we cannot afford two supercenters in Chico. Equally disturbing is that the proposed plan is for these TWO SUPER CENTERS to be placed WITHIN SEVEN MILES OF EACH OTHER. This will be devastating to Chico's quality of life. I urge the City of Chico to reject the expansion of the Forest Avenue Wal-Mart and to deny the plan for a new supercenter at the Sunset Hills Golf Course. 62-1

I hereby sign and endorse my opposition to both developments and authorize Chico Advocates for a Responsible Economy (CARE) to use my name in support of their effort to protect the character, economy, and safety of our town.

Signature: Terry Contreras
Name: Terry Contreras
Address: 1464 Lucy Way
City: Chico, CA Zip: 95973
Phone: _____ Email: _____



www.chicocares.org

P.O. Box 7647, Chico, CA 95927-7647

email: info@chicocares.org

Letter 62

Terry Contreras, Resident

Response 62-1

The commenter provides a petition stating that he is opposed to the development of two Wal-Marts in Chico based on potential business, traffic, public safety and environmental impacts. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

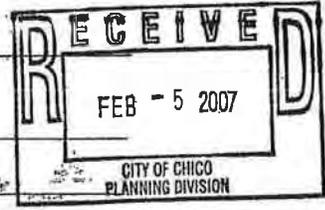
LETTER 63

PETITION

I AM OPPOSED TO THE DEVELOPMENT OF TWO WAL-MART SUPER CENTERS IN CHICO. The extent of the impact on the local business economy, traffic congestion, public safety, and the environment is such that we cannot afford two supercenters in Chico. Equally disturbing is that the proposed plan is for these TWO SUPER CENTERS to be placed WITHIN SEVEN MILES OF EACH OTHER. This will be devastating to Chico's quality of life. I urge the City of Chico to reject the expansion of the Forest Avenue Wal-Mart and to deny the plan for a new supercenter at the Sunset Hills Golf Course. I herby sign and endorse my opposition to both developments and authorize Chico Advocates for a Responsible Economy (CARE) to use my name in support of their effort to protect the character, economy, and safety of our town.

63-1

Signature: Chcontreras
 Name: CARRIE CONTRERAS
 Address: 1464 LUCY WAY
 City: CHICO Zip: CA 95973
 Phone: _____ Email: _____



www.chicocares.org P.O. Box 7647, Chico, CA 95927-7647 email: info@chicocares.org

Letter 63

Carrie Contreras, Resident

Response 63-1

The commenter provides a petition stating that he is opposed to the development of two Wal-Marts in Chico based on potential business, traffic, public safety and environmental impacts. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 64

February 15, 2007

Planning Commission
P.O. Box 3420
Chico, Ca 95927

Dear Patrick Murphy and Commissioners:

Please include this submission regarding the EIR for both the South expansion and for the proposed new development in North Chico.

This submission is in regards to Walmart's national open-door-policy, which allows overnight campers in their parking lots. This item was not addressed in either EIR.

For 10 years, I have witnessed overnight camping in the Chico, Walmart parking lot, when taking my morning and evening walks. From years 2002-2006, I have contacted the City of Chico- Code Enforcement many times regarding this issue. It appears Chico's- Code Enforcement has not the means to follow through or chooses not to discipline Walmart's repeated offenses. I have copies of letters, emails and photos sent to Code Enforcement and my file is available for your review.

Some of the events I have witnessed with Walmart campers:

1. People exit their vehicles to use the parking lot islands and bushes for a toilet.
2. Parking lot islands and bushes are dumping grounds for camper's trash.
3. Some campers return every few weeks. The question should be asked: are some campers rotating and living in Walmart parking lots?)
4. There is one reoccurring camper who was present at the same time our neighborhood had thefts of lawn chairs, hoses and bikes. Similar items were stacked on top of this camper's shell, during the same weekend. Each time this camper returns they have miscellaneous yard and household items on top of the truck bed shell. (Are some Walmart campers using parking lots as springboards into the adjacent neighborhoods ?)

I have included-

- Various articles confirming Walmart campers, nationwide.
- Just a few of the correspondence sent to the City of Chico- Code enforcement, over several years.
- Photographs- *All* photos were taken at the Chico, Forest Ave. location.

Walmart has a short memory when it comes to removing campers. They do it for a time, when I contact Code Enforcement. But, a few weeks later the campers return. During the brief periods where Walmart does remove campers- campers locate themselves behind the Shell gas station, across the street.

64-1

LETTER 64 CONT.

No matter what discussions take place between Walmart and Code Enforcement, Walmart is not consistent with removing campers, as this has been proven over the years.

Please require the overnight-camping-policy to be addressed in both EIR. It is a very real, persistent, health and safety issue.

64-1
cont.

Sincerely,



Nina R. Widlund
1 Sir Andrew Court
Chico, Ca 95928
Email: ninawidlund@yahoo.com
Phone: 530-894-3973

ATTACHMENT TO LETTER 64

Wal-Mart campers like parking lots' low prices

http://seattlepi.nwsourc.com/local/79628_walmart23.shtml

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Walmart campers like parking lots' low prices

Resorts 'can't compete with free'

Tuesday, July 23, 2002

By M.L. LYKE
 SEATTLE POST-INTELLIGENCER REPORTER

MOUNT VERNON -- Forget the caw of the raven. These campers wake to the whoosh of highway traffic and rumbling generators.

And instead of America's amber waves of grain and purple mountain's majesty, they stare at its Dumpsters, abandoned shopping carts, the back of a Home Depot and, everywhere, asphalt.

Glorious, no-fuss asphalt.

"If you camp in a grassy spot and it rains, you've got mud. Here, you've got blacktop. It's clean. There's no mud and sand and dirt," says Minnesota retiree Jan Filipek, in one of eight RVs hauled onto this Wal-Mart parking lot off Interstate 5 early on a weekday evening.

By night's end, another half-dozen recreational vehicles, sleek fifth-wheels, truck campers, converted vans and heater cars loaded to bursting will be settled in for a free night's stay.

To the concern of some campground owners nationwide, a growing number of RVers across the country roll into Wal-Marts every night for this no-cost, no-frills, no-hookup sleepover.

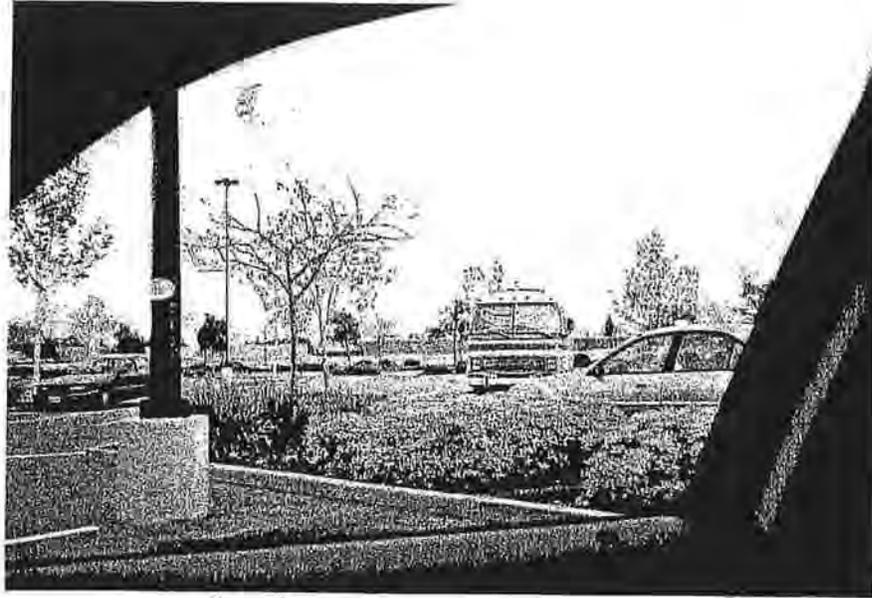
"It's becoming more and more popular," says Sarah Wyatt, editor of Lynnwood-based RV Life magazine, which devotes its September issue to "boondocking" - parking without paying.

Wal-Mart can be a last-resort stop for weary road-trippers, or a first-resort destination for travelers who plan cross-country trips hopping store to store, making new friends and meeting up with old ones who have a Wal-Mart and a highway exit number for a rendezvous address.

"We've probably stayed at 500 Wal-Marts in two years," says Thom Hansen, a full-time RVer who ventured south from Vancouver, B.C., in his 40-foot American Eagle for a three-day local shopping expedition with his significant other, Jane Robbins, and two cocker spaniels, Anthony and Merrill (think "life is but a dream").

"It's great to know you can drive 20 miles down the highway, and there's another Wal-Mart," says Hansen, a retired elementary school principal.

Jan Robbins and Thom Hansen of Vancouver, B.C., travel full-time in a 40-foot RV. "We've probably stayed at 500 Wal-Marts in two years," Hansen says. Gilbert W. Ariza / Seattle Post-Intelligencer



From site:
<http://www.wistv.com/Global/story.asp?S=2263616&nav=0RaPQby1>

Some campers staking out space in Wal-Mart parking lots

(Federal Way, Washington-NBC) Sept. 6, 2004 - Gordon and Laura Bornkamp are proud citizens of Wal-Mart nation who live up to their last name.

Gordon says, "We gotta have our Wal-Mart fix. It comes about two or three times a week."

Laura concurs, "We love Wal-Mart, and all our friends do, too."

So when retirement came, the Texas couple hit the road in their RV and headed for what they call "Wally World." The Bornkamps are among a growing legion of campers who call Wal-Mart parking lots home as they tour the country.

Gordon says, "We're close to attractions. If you're in the woods, you gotta drive 10 or 15 miles. Here, you're in town. Of course, we do our Wal-Mart shopping."

The couple's GPS is pre-programmed to find any Wal-Mart in America. The discount giant not only allows camping in its parking lots, the company even encourages it, allowing people to stay for free for up to three nights.

As you might expect, the world's most profitable retailer manages to make a buck. Laura says, "In fact, I told this lady last night, I said, 'Hey, if you can't sleep, you have to go read a book.' When I can't sleep, I can go shopping at Wal-Mart."

Wal-Mart campgrounds have become so popular that cities in Florida and Illinois have banned them, saying the lots started to look more like homeless camps.

posted 1:02pm by Chris Rees

For complete article:

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/07/19/BAGQ37NRMU1.DTL>

San Francisco Chronicle

BAY AREA

For many, Wal-Mart lots feel like home

Retailer lets RV owners sleep by stores -- cities getting antsy

Maria Alicia Gaura, Chronicle Staff Writer Monday, July 19, 2004

The parking lot surrounding the Napa Wal-Mart store is hot and windy, but after a long trek from Kansas City, it looks like home to the Jandle family.

Full-time RVers who live on the road with their two young children, traveling salespeople Kim and Robert Jandle frequently park their well-appointed, 34-foot trailer overnight next to a Wal-Mart store.

"We have stayed at many a Wal-Mart over the past year," said Kim Jandle, 34, who explained that the family returns to its house in Atlanta to do things like swap winter for summer clothes. "It's clean and safe, and there's usually one within a mile of the interstate."

They're seldom alone. Not just full-time road wanderers but vacationers, workers with killer commutes and even homeless people park for a day or two -- or longer -- outside the sprawling stores.

In the Bay Area, however, where Wal-Mart's very presence has proved controversial, the welcome mat outside some stores is being rolled up.

For years, Wal-Mart has allowed travelers to park overnight, or even for a couple of days, outside stores for free. It's an unwritten policy that used to be passed just by word of mouth and now is spread on the Internet, too.

"We consider it a courtesy to our customers," Wal-Mart Stores Inc. spokeswoman Sharon Weber said. "We think of our stores as a home away from home, and we try and welcome people when we can."

The welcoming attitude of the company, which has almost 3,000 locations nationwide, has been a boon to travelers of all stripes, from traveling salespeople like the Jandles, who sell RV cleaning supplies, to the seasonal flocks of Florida-bound snowbirds.

But in pricey California, with its soaring housing costs, the homeless, working poor and even middle-class workers are sharing the Wal-Mart lots with footloose retirees and vacationing families.

This article is from URL: <http://www.freecampgrounds.com/noparking.html>

Wal-Mart stores that do not allow overnight RV parking

Most Wal-Mart stores — perhaps nine out of ten — graciously allow RVers to stay the night in their parking lots.

But, increasingly, many do not. In fact, hundreds of stores throughout the United States do not allow RVers to stay overnight in their parking lots, and the list of locations is growing every week. In some cases, it's because of a local ordinance, other times because of objections of nearby businesses or residents, or, sad to say, because of abusive behavior by some RVers who have left no choice for store managers but the ban stays.

Currently, Wal-Mart operates 1,494 discount stores, 1,386 Supercenters and 532 Sam's Clubs.

Most Wal-Marts that prohibit overnight stays post signs that say so. But not all. RVers who try to stay the night at a store where it's not permitted may be asked politely to leave, or as often happens, be ordered to leave long after they have gone to sleep. In some cases, where a local law prohibits overnight stays, local police may knock on a door late at night with an eviction notice, or even issue a citation.



Our directory, updated in March, 2006, lists more than 350 U.S. stores that do not permit overnight stays in an RV.

This directory is best used in combination with the [Wal-Mart Locator](#), which lists every store and driving directions to each. Some RVers carry the directory with them and use it to plot overnight stops between campgrounds. Using this list in combination with the directory will prevent the frustration of planning to stay at an off-limits store and then finding "No overnight parking" signs upon arrival.

You can order your list of "No Stay" Wal-Marts right now.

Kim Seidler <KSEIDLER@ci.chico.ca.us> wrote:
Dear Ms. Widlund,

As I recall from last summer, we were going to wait and see whether the improved situation was permanent. Apparently it was not. I will inquire as to what can be done to address the matter, and will try to keep you informed. Please feel free to contact me by email or phone (895-4743) if you'd like an update at any point.

Kim Seidler

>>> Nina 12/12/03 09:40AM >>>
Dear Mr. Seidler,

You and I spoke on the phone, last summer, regarding Walmart's open door policy, allowing overnight campers in their parking lots. This policy was confirmed to me by Walmart's Tim Campbell (assistant to the District Manager) and John Sherman, District Manager. For a while it seemed they were trying to correct the problem at the Chico store. But, within the last few weeks, RV's and campers have returned.

As an example, this morning on my walk, at 7am, there were 4 RV's and one truck camper parked at the east, far-end of the parking lot. These vehicles are separate and distinct from the cars parked closer to the store.

What can be done to stop this violation from continuing to occur? I have personally witnessed these overnight campers, on my morning walks, for over six years.

Sincerely,
Nina R. Widlund
1 Sir Andrew Court
Chico, CA. 95928

2.0 RESPONSE TO COMMENTS

Community Development Department
Scott Armstrong, Enforcement Officer
P.O. Box 3420
Chico, Ca 95927

January 25, 2004

Dear Mr. Armstrong:

Thank you for your letter dated Jan 22, 2004 regarding Wal-Mart's "*national policy*" allowing overnight campers in their store parking lots. This is in response to your letter.

First, I would like to lend some history on Wal-Mart's negligence. I walk every morning and evening. In the summer of 2002, after observing (for several years) overnight campers in Wal-Mart's parking lot, I tried to speak directly with Wal-Mart about this. My concerns were ignored. I then phoned the City of Chico and spoke to someone in the Planning Department. No improvement was made and not knowing what else to do, I set my concerns aside.

An additional year passed. Then, last summer there were as many as 5 to 14 overnight campers in the Wal-Mart parking lot on any given night. This time I phoned (on the same day), the Chico Wal-Mart and Kim Seidler, Planning Director, City of Chico. This was to express my concerns, again, and to inquire about city code. It was my understanding Wal-Mart knew of my complaint to the city and the situation improved for a few months.

As Thanksgiving approached, greater numbers of overnight campers showed up again in Wal-Mart's parking lot. I phoned Kim Seidler and expressed my concern that Wal-Mart was again neglecting the city code. After my call to Mr. Seidler, the campers were less, but there still were some overnights 3-4 times a week. Whatever policy Wal-Mart had in place during the 2003 holidays, was working moderately, at best.

As of present, the situation has improved again, but I fear it is only because I recently asked for your follow-up. Apparently on your December 18th visit to Wal-Mart, they said they would get back to you in writing "after the holidays". Consequently you told me, you would send me your assessment when you received Wal-Mart's letter. On January 15th, I was still waiting for a response to my December complaint; so that day I emailed you. You said you would call them and thanked me for the reminder. Directly in response to my January inquiry, once again Wal-Mart's parking lot was free from campers. From these past months, it appears Wal-Mart only complies with city code when their feet are held constantly to the fire.

Hopefully this brings you up to date.

Now in response to the contents of your January 22, 2004 letter, I have addressed your letter's statements (from Wal-Mart) which are in italics:

1. "*Ms. Turner stated that she was aware of the complaint and due to their commitment to be part of the neighborhood, she had decided not to allow overnight parking of campers...*" I do not understand what her commitment has to do with the city code. My understanding is Wal-Mart is not licensed to be a campground, by law, period.

2. "she had decided not to allow overnight parking of campers and travel trailers in the parking lot, even though this is contrary to the national policy of Wal-Mart to allow such activity" Why would Wal-Mart care about being neighborly when they set up a national policy which is in direct opposition to most city and town laws? At the very least, Wal-Mart is reckless and unlawful to allow this *national policy* to exist. Wal-Mart benefits on the odds that citizens will not complain, nor pursue and *continue* to pursue rectification once this problem is noticed. Overnight travelers too cheap to stay in a licensed campground and transients living out of their vehicles may be good business for Wal-Mart but this isn't acceptable on many levels for the City of Chico and my neighborhood.

3. "If the occupants refuse," (to remove their camper) "they" (Wal-Mart) "contact the Chico Police Department and they are escorted off the property." Why are my local tax dollars being spent to enforce Wal-Mart's *national policy* that has no regard for local laws? Wal-Mart has admitted, to you, in your own letter that they have a national-open-door-policy for their customers to camp in their parking lots. Why would their remedy be acceptable to your department, for our local police money to be spent on rectifying a problem they have admitted to creating?

It is my observation over years of morning walks, past this store, that Wal-Mart is only now making an attempt, to comply with code, because they are trying to put a super store in Chico. As soon as they accomplish their objectives, what will stop them from resuming this irresponsible behavior?

One last item of note: I am confident there is an environmental issue here which is not being addressed- Does Wal-Mart's national RV friendly policy create an inconsistency with surrounding land uses (i.e. my residential dwelling)? As a homeowner in this neighborhood I expected to live adjacent to retail commercial, not an RV park.

I look forward to your written response, to my concerns. I also hope this item will be brought up at the February 19th, Planning Commission Meeting.

Sincerely,

Nina R. Widlund
1 Sir Andrew Court
Chico, Ca. 95928
Phone/fax (530)894-3973

cc: Kim Seidler
Tony Baptiste

Print

<http://us.f348.mai>

From: Tony Baptiste
To: ninawidlund@yahoo.com
Date: Saturday, December 4, 2004 8:37:39 AM
Subject: Re: unauthorized camping

Hi Nina-- The meeting took place late Thursday afternoon and I did not have time yesterday to let you know the outcome. In attendance with me were one of our city attorneys, code enforcement officer Scott Armstrong, and the Walmart manager and assistant manager. We explained that while we recognize their prior efforts, the measures they have been taking were not working and extra effort must be taken to avoid further enforcement action by the city. We suggested they hire a security company to occasionally patrol the lot. While not agreeing to this suggestion, they offered instead to assign an employee in a vehicle to patrol the lot and monitor it for vehicles which may be overnight campers. They acknowledged that it is better to notify potential campers to move along before they settle in as opposed to trying to wake them when it becomes obvious they are planning an overnight stay. They will do this until 11 pm and will also place an emphasis on contacting any vehicle occupants as early as possible after daylight. They will still maintain the signage at the parking lot entrances and will continue to place flyers on unoccupied vehicles notifying them that they cannot camp overnight at this location. We are going to assist them with a modification of the flyer by providing them with a map and address information of approved overnight campgrounds and RV parks in the area so they can direct people to appropriate locations they may be able to stay overnight at. This was acceptable to our city attorney as a reasonable attempt on their part to try to address the problem. We are hopeful that this will have a positive result on reducing the number of uninivited overnight campers. If it doesn't work reasonably well other measures may have to be taken to address this matter.

December 4, 2004

Tony Baptiste, Community Development Director
City of Chico
411 Main Street
P.O. Box 3420
Chico, California 95927

Dear Tony,

It has been through personal observation, since 1996, that Walmart has allowed overnight campers in their parking lot. For the last 3 years, I have been diligent in communicating to the City of Chico through letters, emails, photos and phone calls regarding these campers in their lot. I am dismayed the City of Chico feels the items listed below are solutions to Walmart's violation of city code.

Since, I am in the position or vantage point of witnessing Walmart's abuse on a daily basis and have given years of effort trying to document this to the City, I must speak frankly regarding your email of December 4th.

You referenced the results of the last City of Chico/Walmart meeting, December 2nd. I have some concerns regarding the statements pertaining to that meeting:

1. *"We explained that while we recognize their prior efforts,..."* With the exception of cutting down four bushes and posting three signs to the parking lot (signs not enforced) what *successful* efforts has Walmart made in the last 3 years? If *efforts* had been made then why are there still campers (going on 8 years) and why did code enforcement (again) and the city attorney meet with Walmart, last Thursday, over this issue?
2. *"We suggested they hire a security company to occasionally patrol the lot. While not agreeing to this suggestion,..."* Who is dictating to whom? Why have city code enforcement met with Walmart, many times, and Walmart doesn't correct the violation? And when the city authorities make a suggestion, Walmart *tells Chico* how things are going to be? When do the meetings end and the City of Chico requires or disciplines Walmart to comply?
3. *"...they offered instead to assign an employee in a vehicle to patrol the lot and monitor it for vehicles which may be overnight campers..."* Why will this work now when it hasn't worked in the past. Walmart has already offered this option and it hasn't work. Why are you or the attorney accepting the same old ill-solutions as if they are new ones?

4. *"They will do this until 11 pm and will also place an emphasis on contacting any vehicle occupants as early as possible after daylight."* Previously, Walmart stated they didn't like sending employees out to deal with the campers, after dark. Now, *it is safe?* But it wasn't for the last 8 months? And up till 11:00 P.M is ok to patrol, but after 11:00 it isn't? You and I both know, that even today (ie. My earlier email), there are 2 campers out there this morning, 1 hour after daylight. This response too, sounds like we are "backtracking" from where we were a few months ago.

Does this also mean Walmart has an open window of time of approximately 8 hours during the night that they don't have to comply with city code? Let me get clear on this- city residents and/or Corporations only have to comply with city codes during certain hours within a day? Why is this period of time being given to Walmart, as an exclusion to remove campers, over and over again?

5. *"They will still maintain the signage at the parking lot entrances..."* Is this some sort of new *effort*- leaving signs up?

6. *"...and will continue to place flyers on unoccupied vehicles notifying them that they cannot camp overnight at this location..."* As I have stated in previous correspondence: Over the years, I have never seen 1 flyer on a window, have never seen 1 employee ever posting flyers. You would think in eight years of daily morning and evening walks, one would see a posted flyer, at least once! And flyers are a solution to what? If you have someone sleeping inside an RV, truck or car, why is a flyer the answer to an illegal camped vehicle? This doesn't deem an effort for removal. Why isn't Walmart knocking on the door of these campers and making these people leave? And if there is no one inside the vehicle where do you think they are? Why not page them on the intercom inside the store?

7. *"We are going to assist them with a modification of the flyer by providing them with a map and address information of approved overnight campgrounds and RV parks in the area..."* Here we have the largest and richest corporation in the world and the City of Chico will waste more man hours and local tax dollars to help Walmart modify an appropriate flyer?? Why isn't Walmart doing their own research to find local campgrounds, with maps, for their flyer? The flyer won't be used, it never has, and what's most important- it *doesn't remove existing violators*. Why isn't code enforcement leaving the flyer design to Walmart and do what code enforcement should do- enforce code?

I feel sad and frustrated from your response to my years of effort to gain action from the City, regarding this illegal campground. We have a corporation, with no respect for city codes, or their neighbors. Walmart will continue to allow overnight campers/transients'. They will spring-board into our neighborhoods (nights and weekends) fleecing us of our belongings and use the parking lot and perimeter as a bathroom and at the same time denying your law abiding campground parks, in this area, *their right* to these lost dollars.

Why are you accepting these transparent solutions from Walmart management, year after year, and not enforcing the code? It seems there is a movement backward and not forward since last we met.

Nina Widlund
1 Sir Andrew Court
Chico, CA 95928

2.0 RESPONSE TO COMMENTS

Hi Scott,

As I mentioned in the email to Tony (see below), a weeks worth of checking should show there is still a problem. Also, any time one of you would be willing to give me a phone #- I could leave a message to it on my morning walks, when the campers are present.
Nina Widlund

----- Original Message -----

From: Scott Armstrong <sarmstro@ci.chico.ca.us>
To: ninawidlund@yahoo.com
Cc: Tony Baptiste <TBAPTIST@ci.chico.ca.us>
Sent: Friday, November 17, 2006 12:14:20 PM
Subject: Re: campers

Nina, I checked on Wed. night and Thurs. morning and there were no campers.

>>> Nina Widlund <ninawidlund@yahoo.com> 11/16/06 5:06 PM >>>

Tony,

That would be great. I think if your people could check for about a week straight, they will see campers. Some nights there are none and some nights there are 3-4. It isn't as bad as it used to be (before you and I started talking), but there seems to be a backward trend in the last few months. And I would hate to see a dozen or more campers there, once again, as they have become more lax.

Nina

----- Original Message -----

From: Tony Baptiste <TBAPTIST@ci.chico.ca.us>
To: ninawidlund@yahoo.com
Sent: Thursday, November 16, 2006 4:19:53 PM
Subject: campers

Hi Nina-- I just wanted to check in and let you know that we are trying to follow up on your concerns. While I cannot provide someone to be available for you to be able to contact before business hours, we are concerned that the manager may not be doing all they said would be done to monitor and notify unauthorized campers in the parking lot of city regulations concerning overnight camping. A staff member has volunteered on their own time to monitor the situation a few evenings and then the following mornings on the way to work to see if we can verify that proper notice is not being provided.

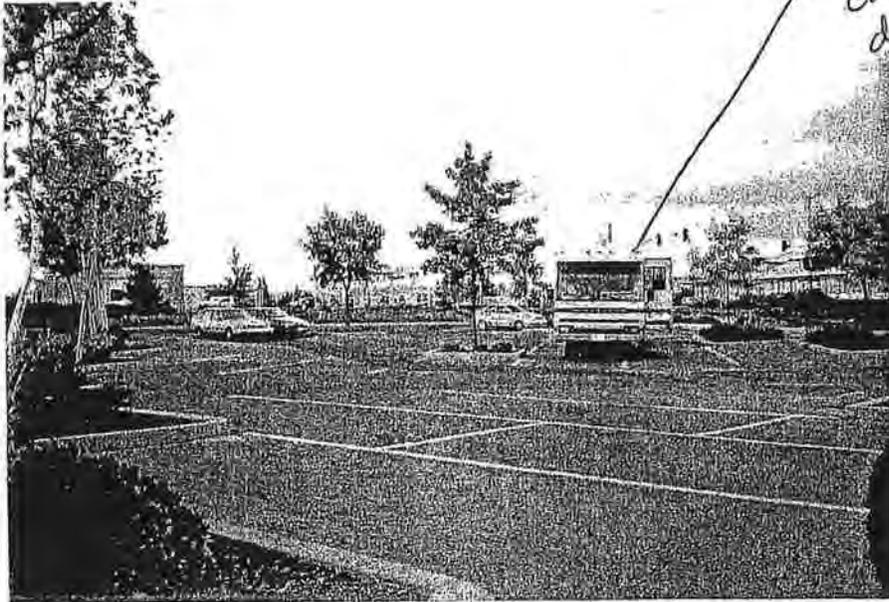


2.0 RESPONSE TO COMMENTS

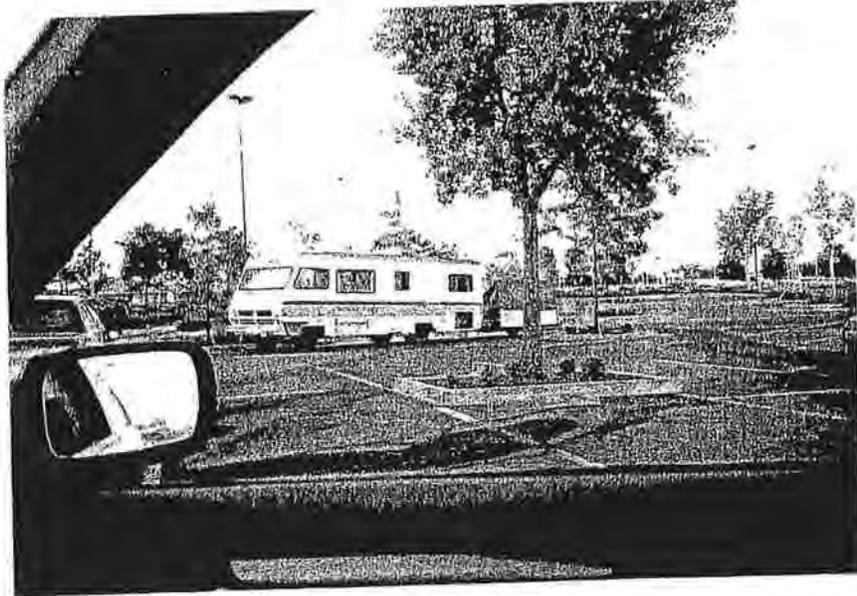
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2.0 RESPONSE TO COMMENTS

Letter 64

Nina R. Widlund, Resident

Response 64-1

The commenter expresses her concern about overnight camping in the existing Wal-Mart parking lot. The commenter provides copies of letters, emails and photos which she submitted to the City on previous occasions regarding this issue. While such overnight camping in a store parking lot may be a code enforcement issue, it does not result in an environmental effect that is required to be analyzed in an EIR. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

LETTER 65

Karen Masterson - Forest Ave. WalMart expansion

Page 1

From: "Carolyn Dorn" <briar@c-zone.net>
 To: <rschrein@ci.chico.ca.us>
 Date: 2/20/2007 3:07:50 PM
 Subject: Forest Ave. WalMart expansion

1687 Park View Lane
 Chico, CA 95926

February 20, 2007

Chico Planning Commission
 Commissioner Susan Manasian

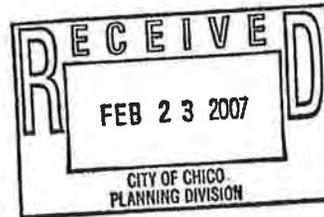
Dear Commissioner:

I am writing as a citizen concerned about the impact of the proposed WalMart expansion at Forest Avenue on traffic delays and air pollution control and probable closure of existing grocery stores such as the South Raleys and Food Max. Because these impacts appear to be considerable I recommend that this EIR be denied by the Planning Commission.

A traffic study said that the wait time at the intersection of Forest and 32 would increase to five and a half minutes if the Forest Avenue WalMart were expanded into a supercenter. I live in the area and I drive through there frequently.

Sincerely,
 Carolyn Dorn

65-1



*Received by Renee Schreindel
 (delayed as was in her junk mail box)*

** email was sent to all Commissioners*

Letter 65

Carolyn Dorn, Resident

Response 65-1

The commenter states that she is opposed to the development of south Wal-Mart Expansion based on potential business, traffic, and air quality impacts.

The commenter states that the traffic study states that the wait time at the Highway 32 and Forest Avenue intersection will be five and one half minutes if the Wal-Mart were to be expanded. The Draft EIR and the Traffic study completed for the project do not identify the Highway 32 and Forest Avenue intersection as an intersection which will be impacted from development of the project. In fact, this intersection is not mentioned in the Draft EIR or traffic study. The Forest Avenue intersection with the longest delay would be the Forest Ave/E. 20th intersection. This intersection current operates with a 78.8 second Saturday peak hour delay (see Table 4.2-1 of the Draft EIR). Under Short-term (2010) with project conditions, operation of this intersection would increase to a delay of 252.3 seconds (4.2 minutes) during the Saturday peak hour (Table 4.2-12). This is an increase of 91.1 seconds over the short-term without project conditions. Under cumulative (2018) with project conditions, the Saturday peak hour delay at this intersection would be 353.4 seconds (5.9 minutes), which is an increase of 94.0 seconds over cumulative without project conditions. In other words, expansion of the existing Wal-Mart store would increase the delay at the Forest Ave/E. 20th intersection by approximately one and one half minutes at the Saturday peak hour. The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

VERBAL COMMENTS

The following are verbal comments received during the January 30, 2007 Public Meeting discussing, the Wal-Mart Expansion Draft EIR. Each comment is numbered and individually responded to following the comments. Comments from the public meeting relating to the North Wal-Mart project are not included.

1/30/2007

1 yesterday of the exact buildings listed in
 2 Dr. King's reports. You should be happy to know, and
 3 your economic impact report should take into account,
 4 that the furniture store is now occupied with a
 5 tenant doing business. The grocery store that went
 6 out of business has opened as an Asian supermarket.
 7 The building is being refurbished, and it is in
 8 business. The graffiti that he makes reference to on
 9 page 13 was actually the new tenant blacking out the
 10 old tenant's sign, and now the new tenant has put
 11 their sign up for the business.

12 So in Dr. King's reports on pages 12 and 13,
 13 the photo exhibits, I believe if you're to take them
 14 into consideration in the record, should be updated.
 15 And I have copies of the photos for you.

16 The area in general -- I've included
 17 photographs of the area which he describes as
 18 blighted. And the photographs of the neighborhood
 19 around the supercenter and around the area zoned
 20 commercial in Stockton is actually a very nice
 21 neighborhood. And I have photos that show that.

22 But I have -- I want to make this clear.
 23 Specifically, I went to every business he took a
 24 picture of and took a picture yesterday. And those
 25 businesses are operating now with current tenants who
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66-2
cont.

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1 are doing business, and the parking lots have cars in
2 them.

3 Also, I would submit to the record a press
4 release from SaveMart Supermarts that indicates that
5 as of November 27th, they were building five Stockton
6 and Lodi full service stores. S-Marts they call
7 them. SaveMart bought Albertsons, is occupying
8 Albertsons in Stockton. And of course, the latest
9 press release from Raley's indicating they're
10 building a new store in Stockton.

11 So it seems to me that Dr. King's report,
12 though it was prepared August 25th, looking at the
13 photographic evidence that we will submit, is out of
14 date.

15 Also, I would note that the Sepco study did
16 a survey of Northern California cities who have
17 received a Wal-Mart supercenter. And that study
18 indicated, and those who were interviewed indicated
19 there had not been this incredible urban blight
20 destruction of all retail areas in the community. In
21 fact, their study showed that it was the opposite.

22 So I personally have yet to find evidence of
23 a supercenter wiping out an entire retail district,
24 much like your EIR says. So I would speak in support
25 of the city's EIR, and would offer amendments to
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66-2
cont.

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1 Dr. King's report.

2 MR. MURPHY: Okay. Thank you. We will
3 provide those to our consultants.

4 THE SPEAKER: All right. I'm speaking to
5 the south side. Just had one thing to add here for
6 this one.

7 Again, just addressing the issue of
8 pedestrian access.

9 The south side has designated a sidewalk on
10 one side of the parking lot to the bus stop. And I
11 don't think that adequately addresses the Chico
12 general plan, which calls for access to nearby
13 residential, commercial and retail areas, not just an
14 on-site sidewalk. And that needs to be taken into
15 consideration. Thank you.

16 MR. MURPHY: Thank you.

17 THE SPEAKER: Mitch Cox back to talk about
18 traffic. And I feel bad that I didn't read the EIR
19 on Stockton.

20 On the south end of town, traffic is going
21 to become worse, if that is even possible. Many
22 intersections, particularly around 20th Street,
23 Forest Avenue, and Martin Luther King Junior, are
24 already rated as a level of service that is C or
25 below. Many of the congested intersections that we
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1 are familiar with in that area will only get worse,
2 with many dropping to level of service of F, which is
3 the worst grade possible.

4 The definition of level of service F is,
5 quote, stop and go traffic conditions, excessive long
6 delays, and vehicle cueing. And I'm not talking
7 about just one intersection, but several
8 intersections in that immediate area.

9 And this is important to note. The draft
10 EIR concludes that these traffic conditions will
11 remain, even if all proposed road improvements are
12 completed.

13 So to put this another way, if your child
14 came home from school with a report card filled with
15 Fs, would you be okay with that?

16 Recently, the Chico City Council held off
17 making a decision on approving the Costco expansion
18 because of concerns about traffic in the area.

19 Larry Wall is a very business-friendly
20 councilor, and he was quoted in the ER as saying he
21 wanted the traffic problem fixed before the project
22 is approved.

23 Councilor Steve Bertagna, also a friend of
24 business, said that Chico is already the regional
25 retail hub that it once strove to be, and that we
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67-1
cont.

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1 don't need to expand retail business unless the
2 infrastructure problems that they create can be
3 solved. Thank you.

67-1
cont.

4 MR. MURPHY: Excuse me. Mitch? Mitch,
5 would you go sign in, please?

6 THE SPEAKER: I signed in the first one.

7 MR. MURPHY: This is a new one. We're
8 starting a new list to provide to a different
9 consultant. Thank you.

10 THE SPEAKER: My name is Melinda Fornier.
11 And I actually, at this moment, live in Butte Valley
12 across the street from Butte College, and am in the
13 process of moving up to Magalia.

14 But there are some things that Chico has
15 that nowhere else has in this area. One of those
16 things is Butte College. And the Wal-Mart is very,
17 very close to Butte College. And so a lot of the
18 things that have been brought up, like air quality
19 and traffic, and how are these going to impact the
20 college and any extensions that the college might
21 want or need.

68-1

22 And I'm sorry. I don't know what's in the
23 EIR. Because as was already mentioned once, it's
24 somehow pretty difficult to get through some of that,
25 especially if you have a young kid and you're a

68-2

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1 single parent.
2 But I am concerned a great deal, in fact, as
3 a parent who often is at Butte College both for
4 myself and for my son. I do most of my shopping at
5 Winco. I really like Winco, and I would be very
6 distraught to see anything happen to it. And in some
7 ways, I would hate to think that things we already
8 have in place would be disrupted by something new,
9 unless we know it's going to be something better.
10 So I'm really concerned about the college
11 and what impact expanding that store will have on the
12 college.
13 MR. MURPHY: And just to -- so I'm clear,
14 are we talking impacts as far as traffic, or health
15 care?
16 THE SPEAKER: Traffic, congestion, noise.
17 MR. MURPHY: Okay.
18 THE SPEAKER: You know. And maybe -- I
19 don't know. In the long run, maybe space, you know.
20 There's -- there's very little outside space around
21 the college where you can go outdoors and just take a
22 break. So I'm concerned about the quality of the
23 college.
24 MR. MURPHY: Thank you.
25 THE SPEAKER: I have one or two short
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68-2
cont.

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1 remarks. I'm Alan Gair from Chico.

2 One of the reasons that some of the members
3 of the public are finding it difficult to find the
4 website is because your files are corrupted. I did
5 tell you a week ago that your website files were
6 corrupted. They are still corrupted as of ten
7 minutes before I left. So it's very difficult to
8 access all the tables. Some of the appendices are
9 available, but some of the main file data is not.

10 Now, what I would like you to do on the EIR
11 is to extend your range a bit. You've probably heard
12 of the North Valley project and the way it has
13 scenarios, which actually look at the plausible
14 outcomes for the valley, because we are part of it.

15 You have only one scenario. That is that
16 inflation will continue to be about 3 percent, and
17 that the place will be a romping success
18 economically. That is not the way it looks to a lot
19 of economists, especially those outside this country,
20 which are looking at an \$8 trillion deficit, and are
21 looking, therefore, I would think, you should look at
22 other scenarios. What happens if we move into
23 deflation? And those things are more noticeable by
24 their absence than their existence.

25 I think you should look also to see what
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cont.

69-2

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1 happens when you consult actual retailers.

2 I'm a consultant, and I have run an actual
3 big chain of department stores in Britain. And I can
4 tell you, the two jobs are very different. One will
5 tell you how it's done, but the other poor guy has to
6 go and do it. So I suggest you talk to some
7 retailers about the actual impact of these two
8 massive stores taking \$500 million of retail turnover
9 from the area.

10 One of the things that's completely ignored
11 in the hierarchical study of shopping is the effect
12 of one-stop shopping. Now, every woman here knows
13 that if she knows a particular retail shop has not
14 got what she wants, she won't go there. If she goes
15 to somewhere where it has got what she wants, she
16 also picks up everything else she can possibly gather
17 at the same time.

18 And that's what's going to happen. You are
19 going to actually pull traffic out of every existing
20 retailer. Because Wal-Mart is becoming an
21 extraordinarily powerful and efficient retailer. It
22 does a wonderful job. It is a vertical colossus.
23 And as I look at those pictures up there, they're now
24 putting a very nice makeup on the front of this
25 enormous machine. And I suggest to you, be very wary
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69-2
cont.

69-3

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1 about this. Because it will destroy the character of
2 this city and everything that's around it.

69-3
cont.

3 If you look at, for instance, traffic. If
4 you go into the big shopping centers in Europe,
5 you'll find that they have roundabouts at their
6 intersections. Noticeably, not a single traffic car
7 coming or roundabout is mentioned in your report.

69-4

8 All that's mentioned is that we've got to put up with
9 a 30-second average delay in the intersection caused
10 by traffic lights.

11 So I think really, we ought to be a bit more
12 professional about this. You've produced an
13 absolutely wonderful house of cards. But it is
14 nevertheless a house of cards. Thank you very much.

15 THE SPEAKER: My name is Johnny Loff, and
16 I'd like to comment about the traffic deficiencies
17 within the report.

18 Throughout my college career at Butte and
19 Chico State, I have lived behind the Chico Mall, the
20 apartments there. And now I live close to the park
21 off of Forest. And I think that seasonal traffic is
22 a big issue, in that from Thanksgiving on through
23 early January, traffic is horrendous on East 20th.
24 And so when we would come home and our neighbors
25 would come home, we go other routes, and we take 32
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1 or we take somewhere else. And I don't think that
 2 the compounded effect of the traffic that builds up
 3 on East 20th is explored deep enough in this report.
 4 There are families picking up their children
 5 at Marsh School, and the traffic is horrible on
 6 Forest at 3:00. At 5:00, we have people coming home
 7 along 32. And then, this is -- these are my
 8 observations before Butte College was built. That's
 9 when I experienced most of this problem before. We
 10 don't have the Galleria yet. That's coming in.
 11 East 20th beyond Winco, most of that is undeveloped,
 12 but it's commercial land. That's not developed yet.
 13 There's also apartments that may be going in on other
 14 parts of this area.
 15 Also, this was before the houses were built
 16 at the end of East 20th. So traffic has gotten
 17 significantly worse since then, and will continue to
 18 get worse. And I think that we need to look at that
 19 a little bit more in this report.
 20 THE SPEAKER: Hi. My name is Kathleen. And
 21 I want to address a couple of things.
 22 I was most interested, as I tried to read
 23 the report, which I want to appreciate the City of
 24 Chico for giving us this opportunity to talk about
 25 it, it was difficult to read through. It is very
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70-1
cont.

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1 lengthy. And I'm certainly not a technical expert.
2 But as a mom who raised four kids in this town and
3 who has three grandchildren, I am concerned about
4 environmental issues. And they're everybody's
5 concern, I think. So my concerns were about traffic,
6 and also the impact on small businesses downtown.

7 As you can see, I have a Wal-Mart happy face
8 on. But I am a person who shops based on -- well, I
9 just have to tell you, I'm part of this community
10 because I love the small businesses downtown as much
11 as I like the convenience of the big -- bigger
12 stores.

71-1
cont.

13 So when I read the study, I was pleased that
14 the suggestion is there will not be a significant
15 impact on the small businesses downtown. And that's
16 as it should be. There's not two worlds out there,
17 Wal-Mart and the rest of you. We are all part of the
18 same community. So that was a good thing. And I'm
19 pleased to see that that was addressed.

20 Also, regarding the traffic, I understand
21 that traffic is really congested in many areas in our
22 community before we expand. And those were
23 addressed.

71-2

24 And so as I took it, the study covered the
25 potential increase in wait times or delays around the
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1 southern store. And they were measured in seconds.
2 We've all shopped around the mall, and we already
3 know that there are delays and congestion. But I
4 believe that those are mitigated by the mitigated
5 suggestions. Don't make it any worse. Measuring it
6 in a few seconds seemed to be covered by the study.
7 And I just had to say that, because I do
8 work at Wal-Mart. And thank you for giving us this
9 opportunity.
10 THE SPEAKER: Good evening. Mark Lance.
11 My question to you is, does the scope of the
12 report cover the cost to the public of -- the
13 economic cost to the public of projects such as this?
14 For example, people who would, say, qualify
15 for food stamps, welfare, medical care, indigent --
16 need medical care that they couldn't afford, is that
17 economic aspect covered in this report, or is that a
18 separate?
19 MR. MURPHY: Can you please state that
20 again? It was a little unclear.
21 THE SPEAKER: Does the scope of this project
22 include in the economic aspect how the public would
23 -- the economic cost to the public would be
24 addressed?
25 MR. MURPHY: Okay. For the purposes of the
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71-3
cont.

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1 EIR, and as CEQA requires, the extent to which you
2 look at any economic impacts, as far as an
3 environmental issue versus a social issue, is to the
4 extent that there is a cause and effect of blight
5 where you cause actual businesses to close. That in
6 turn has a cause and effect on deterioration of a
7 neighborhood, the built environment.

8 So I guess the quick response to your
9 question is, CEQA doesn't really steer us towards
10 looking at these social aspects of -- something
11 you're getting to. That would be an item -- a
12 legitimate item that you and others can bring up that
13 would be more appropriate for City Council, Planning
14 Commission, further consideration as far as, you
15 know, the social implications versus the true
16 environmental impacts.

17 THE SPEAKER: Okay. That makes sense.
18 well, kind of makes sense. But anyway. I won't get
19 into that.

20 But I would submit that also, the costs that
21 have been covered before as far as specifically
22 traffic and road improvements and stuff, I would
23 consider that to be a form of corporate welfare. If
24 we, as the public taxpayers, are paying for these
25 improvements, that that money could be going

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1 elsewhere to fix the potholes on our streets, et
2 cetera, for this type of project that -- I think that
3 should be addressed, and -- seemed like it would be,
4 from what has been said.

5 MR. MURPHY: Yeah. And I don't want to get
6 into too many responses tonight. But the quick
7 answer is the city has -- as I mentioned before, the
8 city has an established program for dealing with
9 roads. Capital improvement program. Wal-Mart,
10 Costco, downtown businesses.

11 Any new development comes in, they pay their
12 fair share of traffic fees proportionately. Those
13 all go into a big pot of money that are used
14 city-wide. That's it in a nutshell.

15 Some of the EIR mitigations in here are
16 site-specific issues that Wal-Mart will be funding
17 themselves. It won't be, you know, as far as new
18 traffic signals right outside of the store, you know,
19 dealing with that site. Other areas further down the
20 street are city-wide issues for which we get pots of
21 money from all development that pays for it.

22 THE SPEAKER: Hello. My name is Emerald
23 Behrens. I believe you received my previous letter
24 to you and your Planning Services Department. And I,
25 of course, support the no-project alternative

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72-2
cont.

73-1

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1 concerning the north site of the wal-Mart
2 development.

3 One point of the Environmental Impact Report
4 that I wanted to point out that wasn't fully covered
5 was the environmental and health impact of the sewage
6 pipe that is planned to run through one of the
7 creeks. I believe it is Mud Creek that runs through
8 there. And my concern was, if it ruptured or leaked,
9 it would spill fecal matter right into the creek,
10 which would eventually run through agricultural land,
11 and eventually the Sacramento River. And that has
12 huge implications.

13 It does not say how this problem would be
14 solved, if such a disaster should occur. I think we
15 should consider all environmental and health issues
16 that may result from this sewage system being built
17 that isn't fully covered in this Environmental Impact
18 Report. And the city could face health lawsuits.
19 And it would be very costly to repair a sewage system
20 that is damaged. And I just want you to consider
21 that, because it's not fully discussed in the
22 Environmental Impact Report.

23 MR. MURPHY: Okay. Thank you. And since
24 that one was more geared towards the north site, can
25 we have you sign this sheet for wal-Mart North

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cont.

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1 comments?

2 THE SPEAKER: Hi. Nancy Park again. I
3 didn't expect to speak again tonight. But I wanted
4 to very quickly address the gentleman who spoke just
5 prior.

6 The fact that there are people who work at
7 Wal-Mart, who work very hard, who work very long
8 hours, who are eligible for food stamps, Medi-cal, et
9 cetera, it seems to me to be an economic issue. But
10 I guess maybe under CEQA it isn't.

11 I just wanted to very quickly say that I've
12 worked for Butte County for seven years in various
13 social services capacities. And the case loads there
14 for Medi-cal, in particular, are filled with cases
15 where one or both parents work for Wal-Mart. This is
16 not to say that Wal-Mart doesn't have some good jobs.
17 But it was a very significant thing that we would see
18 again and again and again. And we, the taxpayers,
19 pay for it, because Wal-Mart is not providing for its
20 employees.

21 THE SPEAKER: Hello. My name is Benn
22 Davenport. And I'm glad to know that there are
23 people on the Wal-Mart payroll who are here to
24 participate in public dialogue. That is important
25 for all people and all corporate interests to be
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1 represented in our public dialogue.

2 I'm equally glad to know that Stockton has
3 recovered from the Wal-Mart supercenter. However,
4 one example does not negate all others, as there are
5 many examples of Wal-Mart causing urban blight and
6 damaging communities in general.

7 And again, I'm glad to hear that a new
8 business moved in after the initial businesses were
9 shut down as a result of Wal-Mart expanding in the
10 community. However, there's no guarantee that those
11 businesses will remain in business, as new businesses
12 that start up frequently tend to shut down within
13 only a few years of having started up.

14 In the area surrounding East 20th Street,
15 there are several grocery stores, including Winco and
16 Wal-Mart. And it's my belief that having two grocery
17 stores of a considerable size in an urban area, as
18 such, already sufficiently serve our current needs.

19 Additionally, grocery stores employ lots and
20 lots of students, and they provide good jobs. In the
21 case that Wal-Mart moves in, there would be a grocery
22 store that -- well, if Wal-Mart expands to provide
23 groceries, they would be paying less. And I don't
24 have proof of that, of course. But it goes without
25 saying that they do have the lowest prices, and they
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cont.

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1 do have lower wages.
2 So that would have an impact on the downtown
3 businesses. Because students who are employed by
4 small businesses and by grocery stores spend a lot of
5 money downtown. So it should be considered, the
6 student financial impact on the downtown and how
7 wal-Mart expanding would wipe out small businesses
8 that employ those students.
9 Additionally, wal-Mart caters primarily to
10 consumers who drive their cars there, whereas
11 downtown is primarily ped -- well, downtown is
12 pedestrian, bicycle, and public transit friendly.
13 More traffic results in more dangers for pedestrians.
14 And although the city may be able to put a liability
15 price on public safety, for us, the citizens' public
16 safety is priceless.
17 Additionally, by wal-Mart expanding their
18 business and having an impact on downtown businesses,
19 primarily they would shut down, it should be
20 considered that that would have a considerable impact
21 on city income, because there would not be cars
22 parked downtown, and there wouldn't be people
23 plugging the meters. And that, of course, could
24 impact our parks, and that could impact our quality
25 of life, and many other things.

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75-1
cont.

75-2

75-3

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1 wish to speak, if we can just have people line up,
2 that would be much appreciated.

3 THE SPEAKER: The gentleman that spoke
4 earlier talked about how the City of Stockton has
5 recovered from what I think I heard referred to as
6 the economic blight zone. This is good news and all,
7 yeah. But what about in the meantime?

8 A person who's recently been employed at a
9 place like wal-Mart, chances are, is earning just a
10 bit above minimum wage, whereas a person that's been
11 working a long time at a small store, presumably, is
12 being paid quite a bit more.

13 what's more is that people that have been
14 employed at a store for a long period of time and
15 have a steady income start to do things like get
16 loans, you know. Take a mortgage on their house.
17 And when this business dies, they can't pay those
18 things anymore. And that really hurts them. I just
19 wanted that to be thought about when considering
20 whether or not we want wal-Mart to move into our
21 community. Thank you.

22 THE SPEAKER: Hi. I'm Allison Stoddard. I
23 just had a question. I know that we're just bringing
24 up questions about the EIR. But I want to actually
25 just ask you a question.

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76-1
cont.

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1 How does the draft of the EIR actually
2 affect the community of Chico? Like, what is this
3 going to actually bring to the table? I mean --
4 like -- sorry.

77-1
cont.

5 How is this report going to actually affect
6 the way -- the outcome of the supercenter? Is it
7 already --

8 MR. MURPHY: The process -- this is the
9 first kind of component of the public process. So
10 this draft EIR attempts to address all of the
11 environmental impacts that could occur. And we'll go
12 through the final EIR, respond to these comments.
13 And so we'll give a response.

14 All of that together will be what's called a
15 final EIR. That document is then given to the final
16 decision-makers, who will be either the Planning
17 Commission or City Council. So they'll take this
18 document, and they'll decide whether to approve the
19 project or deny the project. This will be one piece
20 of the information that they'll use to make their
21 decision. So it's really an information gathering
22 exercise so they have all of the information before
23 them so they can make an informed decision.

24 THE SPEAKER: So it's left up to who,
25 actually?

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cont.

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1 MR. MURPHY: To the Planning Commission.
2 The City of Chico Planning Commission, or City
3 Council. And when it gets to that point in time,
4 there will be additional public notices in the
5 newspaper, neighbors, everybody that signed the
6 sheet. So there will be a full public process
7 throughout.

8 THE SPEAKER: Okay. Thank you.

9 MR. MURPHY: I guess, with no one else, that
10 concludes for this evening. And hopefully, you got
11 the information you needed as far as what the process
12 is, where we go next.

13 If you have any questions, feel free to call
14 me, e-mail me. I'll be more than happy to go over
15 that with you. And we can just track it as it comes
16 along through the process. So again, thank you very
17 much.

18 (The proceedings ended at 8:00 p.m.)

19 --o0o--

20

21

22

23

24

25

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Comment 66 **Josh Cook, Resident**

Response 66-1 The commenter submits information disputing the California Economic Research Associates study titled *Economic Analysis for Two Proposed Supercenters in Chico, California*.

Response 66-2 The commenter describes photographic exhibits that he has submitted disputing the *Economic Analysis for Two Proposed Supercenters in Chico, California*. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 66-3 The commenter states that the sidewalk on one side of the proposed project's parking lot which provides access to the bus stop does not adequately address the requirements in the Chico General Plan calling for access to nearby residential, commercial and retail areas. The Draft EIR presents project consistency with General Plan goals and policies related to environmental issues in each related analysis section. The adequacy of access to nearby residential, commercial and retail uses is not an environmental issue but rather a City planning issue and therefore not addressed in the Draft EIR. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Comment 67 **Mitch Cox, Resident**

Response 67-1 The commenter states that traffic in the south end of town will become worse and that some of these roadways/intersections will operated at LOS F even with proposed roadway improvements. However, this statement is not necessarily correct. As stated on page 4.2-59 of the Draft EIR:

“Implementation of mitigation measure **MM 4.2.1** would reduce traffic impacts on the roadway systems listed above to an acceptable LOS and upon completion of the improvements, the proposed project would have a less than significant traffic impact under short-term conditions. There is a gap in timing between the planned opening of the store and the completion of the SR 99 ramp improvements. The improvements to the SR 99 ramps are included within the needed improvements identified in the *State Route 99 – Chico Corridor Study (Nexus Study)*, and the city is collecting fair share contributions for these improvements as part of the Nexus Fee program. However, Caltrans will determine when these ramp improvements will be constructed, as they are state, not City, facilities. Caltrans will rely upon state (and possibly federal) funding for a portion of the construction costs. When and if these funding sources will be programmed and allocated and construction will be scheduled, is not presently known, at least under near-term conditions. Therefore, this impact is considered to be significant and unavoidable in the short-term.”

2.0 RESPONSE TO COMMENTS

As stated above, if all roadway improvements are completed under short-term conditions, roadways/intersections will operated at acceptable levels, however improvements to Highway 99 are solely dependent on Caltrans and associated funding. Under long-term conditions these improvements are expected to be completed and therefore, as stated on page 4.2-88:

"Implementation of mitigation measures **MM 4.2.1**, **MM 4.2.2**, **MM 4.2.3a** and **MM 4.2.3b** would reduce traffic impacts on roadway systems to an acceptable LOS. Therefore, the proposed project would have a **less than significant** traffic impact under cumulative conditions."

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

Comment 68 **Melinda Fornier, Resident**

Response 68-1 The commenter discusses the close proximity of the Wal-Mart site and Butte College and that environmental impacts caused by the proposed project will also affect Butte College. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 68-2 The commenter states her concern that the Wal-Mart Expansion project may affect the viability of the Winco store. The commenter is referred to Section 4.6 of the Draft EIR, as well as *Responses 32-1, 51-1* and subsection 2.6.1 *Response To Opposing Economic Analysis* of this Final EIR which address the potential economic impacts with project implementation.

Comment 69 **Alan Gair, Resident**

Response 69-1 The commenter states that he City's website files for the proposed project is corrupted. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 69-2 The commenter would like to see more than one scenario for the economic analysis showing what would happen if there is a downturn in the economy. The comment is noted and presented here for Planning Commission consideration.

Response 69-3 The commenter states that the economic study completed for the ignored the effect of one-stop shopping. The economic analysis completed for the proposed project included all shopping trips as a whole as a part of the analysis and does not separate one-stop shopping trips form other shopping.

Response 69-4 The commenter suggests that roundabouts are an efficient way to improve traffic flows around large shopping centers. The commenter does not raise any issues related to the adequacy of the south Wal-Mart

Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Comment 70 **Johnny Loff, Resident**

Response 70-1

The commenter discusses the holiday traffic on East 20th and states that it is horrendous and that the Draft EIR does not discuss the compound effect of existing and future development in the area. The Section 4.2 of the Draft EIR discusses the cumulative effect of traffic in the area. This discussion includes existing and anticipated future projects in the area. The commenter is referred to page 4.2-62 of the Draft EIR which is the beginning of the discussion of the cumulative traffic impacts in the area and Table 3.1 of the Draft EIR for pending projects, as well as other regional growth and background growth used in this analysis.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document.

Comment 71 **Kathleen, Resident**

Response 71-1

The commenter states that she is pleased that the proposed project would not have an impact on the downtown businesses. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Response 71-2

The commenter states that delays and congestion around the mall are existing conditions and implementation of the project would not make it any worse when roadway improvements are in place. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Comment 72 **Mark Lance, Resident**

Response 72-1

The commenter asks; does the scope of this project include the economic cost to the public for providing medical care, welfare, food stamps for Wal-Mart employees? The cost to the public to provide social assistance for economically distressed persons is not an environmental issue. The commenter is referred to Master Response 2.4.1.

Response 72-2

The commenter suggests that improvements to roadways would be considered corporate welfare by using taxpayers money for these improvements. The commenter is referred to Section 4.2 of the Draft EIR which discusses the proposed project responsibility for paying their fair-share of roadway improvements. The City of Chico has an established program for roadway improvements in the City. The proposed project is required to pay what is considered its share of the cost of these improvements based on the amount of traffic the project will produce, both from customers and product delivery.

2.0 RESPONSE TO COMMENTS

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as Responses R 4-2 and R 19-6.

Comment 73 Emerald Behrens, Resident

Response 73-1 The commenter discusses impacts of the North Wal-Mart project. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Comment 74 Nancy Park

Response 74-1 The commenter discusses the Wal-Mart employee wages and Medi-Cal. The commenter is referred to *Response 72-1*.

Comment 75 Benn Davenport

Response 75-1 The commenter states the proposed Wal-Mart Expansion project would affect downtown businesses. The economic study completed for the project, *Wal-Mart Supercenter Economic Expansion Analysis: South Store Expansion*, determined that the proposed project would not have an impact on downtown businesses:

"Downtown Chico is a niche market focused on specialty items, services, and entertainment. A majority of Downtown retailers provide a product or service not found at a Wal-Mart Supercenter store. With the exception of Chico Natural Foods Stores, there are no major food stores in Downtown. As a result, the grocery component of the proposed Wal-Mart Expansion project is projected to have no negative impact on Downtown businesses. Furthermore, due to the nature of the Downtown retail market, the incremental addition to the general merchandise component of the project is also insignificant. Downtown retailers provide specialized products and services that the Wal-Mart Supercenter Store will not, and any impacts as a result of the general merchandise component of the Project were likely already experienced with the opening of the existing Wal-Mart Discount Store. For this reason, the economic analysis concluded there would be no potential for economic impacts from the proposed Wal-Mart Expansion project." (see page 4.6-3 of the Draft EIR).

Response 75-2 The commenter suggests that an increase in traffic caused by implementation of the proposed project will result in pedestrian safety issues. The commenter is referred to *Response 4.2* and *5.2*.

The commenter is referred to Master Response 2.4.2 on page 2.0-9 of this document as well as the discussion under Impact 2.3.2 of the Revised Draft EIR.

Response 75-3 The commenter states that those downtown businesses that have to close because of implementation of the proposed project would impact City income. The commenter is referred to *Response 75-1* regarding the

potential for downtown business closures. Additionally, the loss of revenue by a City is not an environmental impact and therefore not discussed in the Draft EIR. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Comment 76 **Walter Ballin, Resident**

Response 76-1 The commenter discusses the potential financial effects to persons when existing stores may close due to project implementation. The commenter does not raise any issues related to the adequacy of the south Wal-Mart Expansion Draft EIR. The comment is noted and presented here for Planning Commission consideration.

Comment 77 **Allison Stoddard, Resident**

Response 77-1 The commenter asks whether the Draft EIR will affect the outcome of the Wal-Mart Expansion project. An Environmental Impact Report is an informational report used to identify a project's potential impact to the physical environment. This report is used by the decision makers (City Council and Planning Commission) as information to assist in their decision to approve or deny a project. If it is determined by the City that a project will have a substantial impact to the environment, the City can deny the project. If implementation of a project would result in significant and unavoidable impacts to the environment, the approving agency, in this case the Chico Planning Commission, is required to provide a Statement of Overriding Considerations. This Statement of Overriding Considerations identifies all of the reasons a project was approved despite the significant impacts caused by the project.

Environmental review is just one of many steps a project has to undergo prior to implementation of a project. A project also has to comply with existing City General Plan, zoning, engineering, building, fire safety standards, etc.

2.0 RESPONSE TO COMMENTS

2.6.1 RESPONSE TO OPPOSING ECONOMIC ANALYSIS

The following is a Master Response relative to the Wal-Mart Parcel Map and Expansion Project EIR urban decay discussion and is a response prepared by Sedway Group, authors of the economic analysis for the Chico South Expansion Project EIR.

On September 7, 2006, California Economic Research Associates published a report entitled *Economic Analysis of Two Proposed Supercenters In Chico, California* (CERA Report). See **Appendix A** of this Final EIR. There are currently two Wal-Mart Supercenters planned in Chico, the expansion of the existing Wal-Mart Discount Store into a Supercenter and a North Chico Wal-Mart Supercenter. The CERA Report provides statements relative to the South Chico Wal-Mart Supercenter expansion and the cumulative impacts of this expansion combined with the planned Wal-Mart Supercenter in North Chico. These statements are identified and responded to below relative to the urban decay analysis conducted for the Wal-Mart Parcel Map and Expansion Project EIR (also referred to as the South Chico Wal-Mart Store). This urban decay analysis was conducted by Sedway Group (now dba CBRE Consulting), included in a report titled "Wal-Mart Supercenter Economic Impact Analysis: South Store Expansion, Chico, California," February 2006 (Revised). Henceforth, this report is referred to as the "Urban Decay Study." The CERA topics are identified by their heading in the CERA Report, matched with page number references. Where there are direct quotes from the CERA Report they refer to the page(s) cited in the heading unless otherwise noted. The topics are discussed in the order presented in the CERA Report.

EFFECT OF A SUPERCENTER ON GROCERY RETAILERS IN CHICO (PAGES 2-3)

The CERA Report analyzes self-reported annual retail sales (reported by local food store managers) among Chico's major grocery retailers and compares them to a national industry figure. Their conclusion is that several of the stores are performing poorly relative to a benchmark figure, in this case a 2006 national annual average estimate prepared by CERA based upon reported figures for 2004.

CBRE Consulting believes there can be a large margin of error in self-reported sales performance figures, and hence does not consider the figures reported by CERA to be reliable. Local managers are not necessarily objective, third-party resources, especially if they have a vested interest in the outcome of the analysis for which their reported sales are collected. There is a built in motivation in such cases for erroneous reporting. In addition, CERA's 2006 national average sales estimate is high. This figure was derived by CERA pursuant to an estimated inflationary adjustment of 6 percent applied to a 2004 figure reported by the Urban Land Institute (ULI). Subsequent to the preparation of CERA's report, ULI published a 2006 figure. The published 2006 figure of \$401.16 is less than the CERA estimate of \$414 per square foot.² Therefore, CERA over-estimates the extent to which select stores were under performing in 2006. While this differential is relatively minor, it translates into an over-estimation of poor store performance.

Absent the influence of the Trader Joe's store and Costco cited in the CERA Report (the Trader Joe's store because of their high sales and the Costco because of its unreported grocery square footage), aggregation of CERA's grocery sales figures suggests that benchmarked to the more accurate 2006 ULI figure, Chico's food stores on average performed above the national average. CERA's figures indicate the stores totaled 479,800 square feet with \$214.5 million in

² "Dollars and Cents of Shopping Centers, 2006," Urban Land Institute, Table 5-28.

sales, resulting in annual sales performance of \$447 per square foot. On average, this is 11 percent above the national average. Comparing this above average performance to CERA's individual store findings suggests that some stores in Chico are already performing especially well to the detriment of existing stores. CERA's figures would suggest this is occurring with the Winco, demonstrating that a high volume, discount grocery store similar to Wal-Mart's grocery operation is presently the most successful and appropriate model for Chico's grocery consumers. However, what this level of analysis lacks is a more store-specific examination, looking at store performance relative to each operator's typical performance or expectations. Not every grocery chain seeks or expects to perform at a national or even regional average. Therefore, if a store-by-store analysis is conducted, CBRE Consulting believes it would be more appropriate to benchmark each store to its own chain's national or regional average, rather than a generic national average that does not take into consideration regional or other significant differences.

In the Urban Decay Study, CBRE Consulting conducted a similar analysis to CERA's grocery store analysis using data available through public resources. Due to confidentiality requirements, sales performance data were only available in aggregate. CBRE Consulting's total store sales estimate was derived from reported taxable sales, since only taxable sales are publicly reported. A metric was applied to gross up sales to include all estimated grocery sales. The result indicated that the identified stores were performing at the national average but below the regional average (see Exhibit 16 in the Urban Decay Study). Since the CERA findings indicate that the stores in aggregate are performing above the national average, the findings included in the Urban Decay Study are more conservative than the CERA Report findings.

IMPACT OF SUPERCENTERS ON GROCERY RETAIL (PAGES 3-5)

The CERA Report develops a type of retail gravity model to assess the extent to which the Wal-Mart Supercenter grocery sales will impact existing grocery stores. This analysis assumes both the expansion of the existing South Chico Wal-Mart store to a Supercenter as well as development of a planned Wal-Mart Supercenter in North Chico. In this manner, the CERA analysis is a cumulative impact analysis of the two stores. In conducting their analysis, CERA developed Wal-Mart Supercenter grocery sales estimates, formulated estimates of the share of sales new to Chico versus displaced from existing grocery stores, and calculated sales losses benchmarked to the national annual industry average of \$414 per square foot.

CERA concludes that \$57.9 million in grocery store sales will be displaced from existing grocery stores. This conclusion is predicated on CERA's many assumptions, including net new Wal-Mart Supercenter grocery sales totaling \$70.9 million. The CERA displaced sales estimate is greater than the estimate included in CBRE Consulting's Urban Decay Study, which is \$17.9 million in 2008 dollars (see page 26 of the Urban Decay Study). Many factors contribute to the difference in estimated sales impacts, including the following:

- CBRE Consulting's lower cumulative Wal-Mart Supercenter **net** food store sales estimate of \$50.5 million (comprising \$23.8 million in food sales for the South Chico store net of the existing Discount Store food sales pursuant to Exhibit 3 in the Urban Decay Study and \$26.7 million in food sales for the North Chico store pursuant to Exhibit 18 in the Urban Decay Study);
- consideration of new food demand generated by population growth between the study's benchmark year and 2008 (a factor not considered by CERA); and
- assumptions regarding the geographic origin of demand.

2.0 RESPONSE TO COMMENTS

CBRE Consulting believes the CERA Report overstates Wal-Mart food sales because of its reliance on the publication "Progressive Grocer" as a sales source. Since data regarding the sales split between food and other items at Wal-Mart Supercenters are not publicly available, the Progressive Grocer estimates cannot be independently validated or reviewed for reasonableness. Moreover, analysis included in Appendix B of the Urban Decay Study demonstrates how reliance on Progressive Grocer data can result in an over estimation of Wal-Mart food sales on a per square foot basis, which CBRE Consulting estimated to be on the order of at least 10 percent. Instead, CBRE Consulting developed a food sales estimate derived from Wal-Mart's 10-K, a legal document filed with the United States Security and Exchange Commission. Moreover, the CBRE Consulting Urban Decay Study was conservative given that it assumed sales at the two Wal-Mart Supercenters benchmarked to national averages. However, given that two Wal-Mart Supercenters are planned in Chico, it is likely that performance at each store will be less than estimated. Thus, Wal-Mart Supercenter sales, and the portion comprising food sales, may be overstated. This is especially the case going forward given that subsequent to the preparation of the Urban Decay Study plans for yet additional Wal-Mart Supercenters have been identified in the region, such as Oroville and Paradise (see later discussion relevant to *The Proposed Projects in Relation to Chico's General Plan* section of the CERA Report).

GROCERY STORE CLOSING IN SOUTHERN CHICO (PAGE 5)

The CERA Report says the following about grocery store closures in Southern Chico: "CERA's analysis predicts that the expansion of the southern Wal-Mart into a Supercenter will close the Food Maxx and southern Raley's store. The Raley's store anchors a shopping center which will decline after the Raley's closes, hurting the neighborhood."

The CBRE Consulting Urban Decay Study concluded that if stores cannot withstand a temporary downturn in sales, it is possible that the opening of the expanded South Chico Wal-Mart Supercenter alone could cause one existing conventional grocery or, less likely, a price-impact warehouse store to close (see page 20 of the Urban Decay Study and Exhibit 24). While different stores are cited as potential casualties of the Wal-Mart Supercenter, the Urban Decay Study suggests some store closures could occur. In contrast to the CERA Report, however, the Urban Decay Study does not believe existing grocery store closures will hurt their neighborhoods.

In Southern Chico, the CERA Report specifically identifies the Food Maxx and the Raley's store as at-risk food stores. The Food Maxx store is one of many large retailers in an established sub-regional shopping center located proximate to Highway 99. Other major tenants include Circuit City, PETCO, Bed Bath & Beyond, Office Depot, Hometown Buffet, and Barnes & Noble. This center is located adjacent to Chico's expanding Costco, making this area a strong, attractive retail node. Telephone conversations with active Chico commercial real estate brokers indicate that this Food Maxx store attracts a large volume of Hispanic customers, many from outside Chico. While this market demographic could serve to insulate this store, CBRE Consulting does not believe its closure would hurt the center in the long-term. This center is occupied by other strong, national tenants, and a vacant Food Maxx space would comprise an opportunity for another retailer to expand or locate in the Chico market. Chico is a growing community, characterized by an attraction-based retail market as documented in the Urban Decay Study (see page 11 of the Urban Decay Study). Therefore, a retail vacancy such as the Food Maxx space would likely be backfilled, minimizing any potential for the center to decline to the point of deterioration and urban decay.

The Raley's store is located in Skypark Plaza, a small, neighborhood-oriented shopping center across the street from a Lowe's Home Improvement Warehouse. This center is north of Skyway Road, east of Highway 99. A nearby Home Depot store is situated south of Skyway Road, along

with a 99 Cent store that located after a year in vacated Office Max space. This area is already characterized by one existing major vacancy, an Austin's Furniture store located across from Skypark Plaza in front of the Lowe's. Most market participants indicate this space is poorly configured for retail, with an insufficient amount of parking to successfully transition to another retail use like a restaurant. Other tenants in Skypark Plaza along with the Raley's include Dress For Less, Dollar Tree, Jo-An Fabrics, and Tuesday Morning. This tenant mix indicates the center is generally positioned as a discount shopping location. As such, if the Raley's store closes, other discount type retailers would likely find the space of interest. Given the area presence of Lowe's and Home Depot, there is intrinsic strength in this area. Prospective retailers identified by one commercial real estate broker active in the market include Sports Authority and Michaels.

Grocery chains have developed strategies to effectively compete with Wal-Mart. Therefore, Chico's grocery stores may be more resilient than perceived by CERA. A recently published Wall Street Journal article (June 6, 2007) detailed market share and sales gains that supermarkets are making over Wal-Mart Supercenters, as they implement new competitive strategies. The article is entitled "Not Copying Wal-Mart Pays Off for Grocers," and its main focus is that:

"The Supermarkets are winning back shoppers by sharpening their differences with Wal-Mart's price-obsessed supercenters, stressing less-hercic stores with exotic or difficult-to-match products and greater convenience. Last year, sales at supermarkets open at least a year rose 4%, the biggest increase in five years..."

The article goes on to indicate that the perceived notion that chain grocery stores are unable to compete with supercenters and membership clubs is not supported by recent experience, as well-run chains have managed to stay in business and increase market share, while those refusing to adapt to new consumer tastes have failed.

"Earlier this decade, the hidebound supermarket business was expected to fall before Wal-Mart's aggressive supercenter rollout and the rise of membership clubs like Costco Wholesale Corp., and high-end specialty chains like Whole Foods Market Inc. Many chains did collapse – 26 filed for bankruptcy earlier this decade, unable to match the falling prices of their better-run rivals – and a wave of consolidation swept the business. But the survivors rallied by redesigning stores, introducing a more relaxed shopping experience and marrying low-priced staples with higher-margin breads, meats, and wine."

Other strategies to combat Wal-Mart that supermarkets are trying include:

"...cutting back on drugs and health and beauty products, which are Wal-Mart strengths, to stress fresh produce, higher-quality meat, and easy-to-prepare foods. Subdued lighting and high-end selections buttress the nonsupercenter experience. Instead of the rows of aisles with commonplace brands, the supermarkets are adding tables providing ingredients for planned meals, luring the kind of customer who shops for dinner instead of stocking up on groceries once a week..."

This article documents how grocery chains can compete and thrive by differentiating themselves from Wal-Mart, providing insulation from Wal-Mart Supercenter sales impacts.

2.0 RESPONSE TO COMMENTS

Finally, closing a retail location is a complex corporate decision, based on factors such as the lease/ownership arrangement of a given store as well as store sales volume. Therefore, even if a store's sales volume is significantly impacted due to Wal-Mart Supercenter sales, this does not necessarily mean the store's only course of action is closure. For example, a May 2007 interview with a former grocery store official conducted by CBRE Consulting indicated that this traditional grocery chain with a strong California presence typically achieved stores sales of \$20 million. Yet, this grocery store chain on at least one occasion kept stores open that were grossing as little as \$7 million because closing such a low volume store was actually more expensive than keeping it open. This was especially the case where payments were required on a long term lease, regardless of whether the store was open or not. Closing a store also meant a significant drop in market share, which was a complex corporate decision that affected the operation of stores within an entire region, rather than simply a single location. Therefore, even if store sales decline significantly, this may not necessarily lead to store closure, as corporate decisions may result in a grocery store chain choosing to keep the store open.

GROCERY STORE CLOSING IN NORTHERN CHICO (PP 5-6)

The CERA Report says the following about grocery store closures in Northern Chico: "CERA estimates that the Albertson's and Raley's (East Avenue) will close soon after the opening of the northern Wal-Mart Supercenter. Both these stores anchor shopping centers which will deteriorate substantially after these closings."

The South Chico Wal-Mart Supercenter Urban Decay Study did not analyze the impact of the North Chico Wal-Mart Supercenter absent development of the South Chico store expansion. The North Chico store impacts, however, were analyzed cumulatively. On a cumulative basis, the Urban Decay Study suggested that one or two existing Chico grocery stores could close if they could not sustain a temporary downturn in sales until such time as new demand is captured from new household growth (see Exhibit 24 in the Urban Decay Study). Therefore, the Urban Decay Study concludes, as does the CERA Report, that existing Chico grocery stores may close due to the Wal-Mart Supercenter sales impacts.

However, as with the findings relative to just the South Chico store expansion, the Urban Decay Study found real estate market conditions in Chico to be robust enough to backfill vacated retail spaces (see Chapter VI, Urban Decay Study). Recent market research conducted in May and June 2007 further supports this finding. Existing retail vacancies in Chico typically comprise poorly configured or poorly-parked spaces (such as Austin's Furniture near the Skypark Plaza Raley's or Chevy's), smaller spaces whose tenants could not sustain high lease rates negotiated at a time of peak market performance, or select downtown spaces. Generally, larger spaces located in retail shopping centers or new centers successfully meet with market demand. For example, the Office Max vacancy in South Chico near the Raley's Skypark Plaza shopping center was vacant for only a year before new tenant 99 Cent store opened.

Experienced Chico commercial real estate brokers indicate that major retailers, including national tenants, are actively looking in the market, such as Sports Authority and Beverages & More. In addition, Target is reputedly interested in expanding. Interest from these and other retailers will be fueled by Chico's housing growth. Therefore, the market is not anticipated to begin the downward spiral leading to deterioration and decay as a result of Wal-Mart Supercenter development.

THE CUMULATIVE IMPACT OF BOTH SUPERCENTERS (PAGE 6)

The CERA Report forecasts that the cumulative impact of both Supercenters relative to grocery stores will additionally close one of Chico's main Safeway stores, "most likely the one on East Avenue, which anchors a mall which is already struggling somewhat." They further suggest that closure of this store, or a decline in sales short of closure, will create "conditions for physical decay and urban deterioration."

As with the preceding comments, the Urban Decay Study and subsequent market research suggest that the Chico retail market is robust and new tenants will likely occupy space like the referenced Safeway store. This could even possibly include a new and different grocery store, such as a niche market targeting a particular market demographic, such as Chico's small, but growing Asian population. Recent experience in Chico itself demonstrates the potential for this type of re-tenanting, as Chico's Grocery Outlet recently expanded and relocated into vacated Lucky grocery store space at the Almond Orchard Shopping Center, adjacent to Chico's Big K-Mart.

NON-GROCERY RETAIL (PAGE 6)

CERA estimates that the two Wal-Mart Supercenters will displace close to \$78 million in sales among existing Chico non-grocery retailers. They further indicate a belief that the Chico Mall Sears will close if both Supercenters are built, and that either the Chico Mall JC Penney or Sears will close pursuant to the South Wal-Mart expansion. Under both scenarios, they believe the Chico Mall would suffer, with declining traffic leading to lower sales and poorer maintenance, contributing to physical deterioration and urban decay.

The CBRE Consulting Urban Decay Study found that existing general merchandise stores in Chico in aggregate were outperforming regional performance standards (see page 21 of the Urban Decay Study). Accordingly, the study findings suggested this over performance, coupled with population growth, would serve as a buffer against Wal-Mart Supercenter sales impacts, with no existing general merchandise stores at risk of closure due to the South Wal-Mart expansion. With the addition of the North Chico Wal-Mart Supercenter, however, the Urban Decay Study findings concluded that "at minimum one mid-sized store in Chico is at risk of closing, with the maximum potential of three or more stores, depending upon their size (see page 26 of the Urban Decay Study." Therefore, CERA's beliefs about store closure relative to both Wal-Mart Supercenters are consistent with the Urban Decay Study findings.

The Chico Mall is an older Mall. As an indoor mall, it comprises an obsolete format of mall development. Since 2005, only three such malls have been developed in the country, with none currently in planning.³ As recently as 2001, 19 percent of malls included in a study by the nonprofit Congress for the New Urbanism and PricewaterhouseCoopers were either "grayfields," meaning their sales performance was below \$150 per square foot, or "on their way to the grave."⁴ This trend suggests that any difficulties the Chico Mall may experience in the future will likely be far more associated with changing consumer tastes and trends in retail development in general than with any level of Wal-Mart Supercenter development.

³"Retail ghosts; The enclosed mall is a dying breed," The Columbus Dispatch, July 15, 2007. See article at: <http://www.thedailygreen.com/2007/07/16/the-death-of-the-american-mall-but-not-suburban-shopping/3881/>

⁴ Ibid.

2.0 RESPONSE TO COMMENTS

For example, the Kohl's store that opened in May 2007 almost adjacent to the Mall is likely a far greater threat to the performance of the Mall's anchor tenants than expansion or development of new Wal-Mart stores, a type of retailer the Mall has already had to contend with. In contrast, the Kohl's store is much more directly competitive with the Mall's anchor tenants and poses a greater competitive risk than Wal-Mart. However, the presence of the Kohl's store also provides synergy for the Chico Mall, enhancing the area's critical mass of retail. Recently, the Mall's store Troutman's closed. As of May 2007, the Troutman's space was occupied by Furniture Depot, a short term replacement tenant. A representative of Chico Mall at that time mentioned to CBRE Consulting that the mall is considering expansion from this location. The Mall representative optimistically referenced this being an exciting time for the Mall, and that they are looking at future possibilities. Thus, even without the new development of Wal-Mart Supercenters the Chico Mall is looking to its future and trying to reposition itself within the marketplace. This suggests strong efforts to minimize potential negative impacts associated with future retail growth in Chico, including the Wal-Mart Supercenters, and no associated risk of physical deterioration or urban decay.

DOWNTOWN CHICO (PAGE 7)

The CERA Report indicates that the South Chico Wal-Mart expansion, and especially the North Chico Wal-Mart store, may cause existing businesses in the "relatively healthy" downtown to close, which will lead to further decline of an area they believe is bordered by existing urban decay. The CERA Report further suggests that both the South and North Wal-Mart Supercenter projects will have a significant impact, but that "the new Supercenter in the north will have a more significant impact on downtown than the expansion project."

In supporting this statement, CERA indicates that there are many stores downtown that provide products and services that overlap with what is available at a Wal-Mart Supercenter, such as bicycles, music CDs, beauty stores, and nail finishing. In the CBRE Consulting Urban Decay Study, the downtown area was studied and the Downtown Business Association was conferred with regarding the prospect for negative impacts on existing retailers. The conclusion presented in the report was that the non-food portion of new sales occurring at the expanded South Chico Wal-Mart would not have a significant impact on existing retailers because Downtown retailers provided specialized products and services that the Wal-Mart Supercenter does not. The study stated that any impacts Downtown stores might experience attributable to Wal-Mart were likely already experienced with the opening of the existing store.

Follow-up market research and discussions with the Executive Director of the Downtown Business Association affirm the findings in the Urban Decay Study.⁵ Downtown merchants do not believe they compete in the same market as Wal-Mart, with the Downtown merchants being more boutique- and local-oriented, aiming at creating a sense of place in Downtown Chico. Downtown merchants believe their goods are different and of a higher quality than the goods available at Wal-Mart. Therefore, CERA's comments about Downtown being at risk from the Wal-Mart Supercenter, especially the North Chico Supercenter, appear unfounded and unsubstantiated.

⁵ Katrina Davis, Executive Director, Downtown Chico Business Association, May 30, 2007.

OVERALL IMPACT OF SOUTH CHICO SUPERCENTER EXPANSION ON NON-GROCERY RETAIL (PP 7-8),
OVERALL IMPACT OF NORTHERN CHICO SUPERCENTER ON NON-GROCERY RETAIL (PAGE 8),
CUMULATIVE IMPACT OF BOTH SUPERCENTERS (PAGE 8)

The CERA Report comments under these headings summarize prior comments and therefore have been responded to previously.

EXPERIENCE IN OTHER TOWNS AND SMALL CITIES (PAGE 8)

Studies Cited by CERA

The CERA Report indicates that experience in other towns and small cities and studies indicate that supercenter development impacts the viability of commerce in the surrounding area. To support this comment the CERA Report cites reports by Edward B. Shils, Kenneth Stone, and David Rodgers. The report prepared by Edward Shils⁶ is prospective in nature, focusing on retailer expectations of impacts, and does not analyze any economic impacts following the market introduction of retail supercenters.⁷ As such, it does not empirically demonstrate any historical town or small city experiences. The Kenneth Stone and David Rodgers studies were conducted in communities that have little in common with major urbanized areas in California like Chico, i.e., Iowa cities and Oklahoma City, respectively. For example, the Kenneth Stone study pertains to a sample of Iowa cities cited in the CERA Report as "small Iowa towns." Moreover, the CERA report indicates the Kenneth Stone study pertains to supercenters, which is not the case. This study, examining impacts during the 1983 to 1993 timeframe, analyzed more traditional Wal-Mart Discount stores, not supercenters. In fact, Wal-Mart's first Supercenter was not built until 1988 in Washington, Missouri. Thus, the findings of the cited Kenneth Stone study, as well as the David Rodgers study, are not directly applicable to Chico.

Relevant Comparative Analysis

There are two types of studies that would be most relevant to Chico and analysis of the potential for urban decay associated with the South Chico Wal-Mart Supercenter and the cumulative impacts of the North Chico Supercenter. One type of relevant study would be to conduct a customized objective analysis of the anticipated economic and urban decay impacts of the Wal-Mart Supercenter similar to the study conducted by CBRE Consulting in the context of the EIR. This type of study takes into consideration the characteristics specific to Chico and subjects them to focused analysis regarding the prospective local impacts of the planned stores. While a prospective analysis of the nature of the above-referenced Shils report, it is superior to extrapolating the findings from other communities because it is customized, closely examining retail market and demographic trends and projections specific to new planned stores and their customized market areas.

A second type of study would be case study analysis of comparable communities that have already experienced the market entry of one or more Wal-Mart Supercenters, with the case

⁶ "The Shils Report: Measuring the Economic and Sociological Impact of the Mega-Retail Discount Chains on Small Enterprise in Urban, Suburban and Rural Communities," The Wharton School, University of Pennsylvania, February 7, 1997.

⁷ A very extensive survey included in the Shils Report surveyed over 600 small businesses in California, Pennsylvania, New York, and Illinois, querying businesses about how they thought the siting of a big box retailer close to their business location would impact their operations. Because it asked businesses about their expectations rather than actual experiences, the results have no relevancy to actual business impacts.

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study city or cities paired as closely as possible to Chico. Community characteristics relevant for matching purposes would be community size, retail inventory size, mix of retail, growth profile, retail market vacancy, and ethnic composition, among others. Given the many unique attributes of Chico, it would likely be very difficult to find a sufficient number of case study cities to conduct a meaningful analysis.

In the absence of ideal case study cities, CBRE Consulting conducted research into four other California communities where Wal-Mart Supercenters have been built. In three of these cases, CERA provided analysis in advance of the store openings regarding their prospective impacts. These three communities include Gilroy, Hanford, and Yuba City. The fourth community comprises La Quinta, where the first California Wal-Mart Supercenter opened in March 2004. Following are findings relevant to Gilroy, Hanford, and Yuba City as of June 2007, including a summary of projected CERA impacts and subsequent impacts identified by local economic development representatives. Also following is information about La Quinta, primarily derived from quantitative data compiled by the State of California Board of Equalization.

City of Gilroy

In the 2004 report, "Economic Analysis of a Proposed Wal-Mart Super Center in Gilroy, California," CERA asserts that the opening of the Wal-Mart Supercenter will have a significant negative effect on the downtown and other Gilroy retailers, particularly grocery stores. More specifically, CERA declared that the PW Market, Arteaga's, and the Gilroy Village mall would be forced to close within a year of the Supercenter's opening.⁸ The report additionally includes a list of 74 retailers that would feel serious impacts. CERA claims these impacts would lead to higher vacancy and blight in the City of Gilroy. Other concerns that CERA raises include a potential rise in unemployment and the opportunity cost to shoppers of more traffic in the area.⁹

Through conversations with the Gilroy Economic Development Corporation, occurring most recently in June 2007, about 1.5 years after the Supercenter opened its doors, it was clear that the retail market, as well as the overall health of the community, continued to prosper. The Economic Development Corporation estimates that retail occupancy citywide is 99 percent. The predictions made by CERA did not come to fruition: the downtown is experiencing significant redevelopment, the City's population is growing, unemployment is down, retail center occupancies are high, and the Arteaga's market and Gilroy Village mall (properly identified as the Gilroy Village Shopping Center) is still in operation, with the latter anchored by Rite Aid as it was at the time CERA authored their report.¹⁰

Gilroy has a unique downtown that was greatly affected when Interstate Highway 101 was redirected around the City more than 10 years ago. The area suffered from lost visibility to through traffic and the City went from a prime real estate market to a Class C market. Gilroy does not have a Redevelopment Agency; consequently, Gilroy has struggled to retain the charm of its downtown and help businesses survive in the absence of the benefits of redevelopment. Recent growth in the housing market, combined with an incentive for retail whereby developers may build housing provided that it has ground floor retail space, has ignited interest in Gilroy's downtown. New housing units (above required retail space on the

⁸ "Economic Analysis of a Proposed Wal-Mart Super Center in Gilroy, California," February 17, 2004, page 6.

⁹ Ibid, pages 10 & 11.

¹⁰ The PW Market is addressed separately below.

ground floor) have been tenanted quickly, attracting young singles as well as couples without children. In October 2006, 12 units in the Heritage Bank Building were released and absorbed within six weeks at prices of \$299,000 to \$318,000 for 800- to 1,000-square-foot units.

The majority of the downtown area retail comprises small boutiques and services. While some of the retail space has had trouble leasing, with downtown vacancy at 20 percent as of June 2007,¹¹ the December 2006 reopening of the main thoroughfare (Monterey Road), after months of streetscape renovation has spurred a number of planned retailer openings, with 7-10 expected to be announced in the next six months, including restaurants seeking outdoor dining space. Spaces for these retailers are currently under construction. This reopening has also spurred interest and excitement in residential development, with 24 condominiums planned to be constructed over the City's Garlic Festival retail space and another downtown mixed-use project with 210 units planned over the next three years. In all, 1,570 new residential units are anticipated to be built downtown over the next 10 years.

Future commercial plans, such as Westfield Group's plan to build a more than a 1.0-million-square-foot mall, which site includes the former Wal-Mart Discount Store that was vacated when Wal-Mart opened the Supercenter, demonstrate the attention that Gilroy has generated from investors in recent years. Westfield has not yet released names of specific tenants, but the plans call for a lifestyle center with not only shops, but also restaurants, an entertainment component with a movie theater, and possibly condominiums. According to the local Council of Governments (the Association of Bay Area Governments, "Projections 2007"), the City is expected to add 6,400 residents between 2005 and 2015 (13 percent growth). Coupled with a dramatically decreased unemployment rate (down to 7.1 percent in June 2007¹² from a recent high of 13.0 percent in 2003 and 7.5 percent in September of 2005 when the Supercenter opened), this growth indicates that Gilroy's economy is on the upswing.

The Gilroy Economic Development Corporation attributes the City's ability to attract retail shoppers to two factors: the presence of the Premium Outlets and the big box stores. The Gilroy Premium Outlets, which opened in 1989, have always been close to 100 percent occupied. The City's big box retailers (Costco, Target, Lowe's, Kohl's, Wal-Mart, and Best Buy) created a regional draw that attracts shoppers from northern Salinas to southern San Jose, Hollister, and Los Banos. However, Gilroy residents travel to San Jose to grocery shop at Whole Foods and to Morgan Hill to patronize Trader Joe's. To counteract this retail sales leakage, the City is working to attract those grocers to the market.

Gilroy has been able to re-tenant most of its empty retail space. About a year before the Wal-Mart Supercenter opened, in November 2004, the PW Market closed its doors in the Gilroy Village Shopping Center. This followed more than a year of sales declines. A 99 Cent Store and Smart & Final took over the vacant PW Market space. See's Candy has also moved into the neighborhood center and it is currently 96 percent occupied. The Town Center Shopping Center, anchored by Grocery Outlet, is also 96 percent occupied.

Appendix 1 of CERA's report, titled "Businesses we believe will be significantly impacted by [the] proposed Super Center" lists 74 retailers.¹³ Of those, more than half are located in the fully occupied Outlet Center and a number of the retailers, in fact, are food manufacturing operations and/or office headquarters. The list also includes a Shell Gas Station Food Mart, three

¹¹ This vacancy rate is not markedly different from when the Wal-Mart Supercenter opened.

¹² See <http://www.calmis.ca.gov/file/lfmonth/santcsub.xls>.

¹³ Ibid.

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7 Eleven locations, and a classic car shop, none of which face competition from the Supercenter. Thus, CBRE Consulting believes the list compiled by CERA for the purpose of their analysis is a gross overstatement of the number and type of retailers likely to be impacted by the Supercenter.

City of Hanford

In the 2004 report, "Economic Analysis of a Proposed Hanford Station Planned Commercial Development Project in Hanford, California," CERA asserts that the opening of the Wal-Mart Supercenter will lead to at least two supermarket closures in Hanford, which would cause the smaller tenants in those centers to close, resulting in blight.¹⁴ CERA also predicts that the downtown area will experience signs of urban decay and that the Sears building shows little potential for redevelopment.

Based upon conversations with the Hanford Economic Development Department, occurring about one year after the Supercenter opened, it appears that the retail market in Hanford is doing well. None of the three grocery stores that CERA asserted would most likely close have done so, and of the eight major supermarkets, only one no longer exists and it shut its doors before the opening of the Supercenter.

The Hanford Economic Development Department indicated that the local market has been booming for the last three years and that the downtown in particular is thriving. The Target and Home Depot are attributed with attracting merchants and shoppers to the local area and the nearby Hanford Mall, as well as bringing recognition to the City. The downtown retailers that CERA concluded would close include a bar and pawn shop, both of which are still operating, and a store named Harold's,¹⁵ which the City had not heard of. Additionally, the old Sears building was partially redeveloped as a medical facility and title company, with remaining availability attracting market interest. Finally, the old Wal-Mart Discount Store is vacant, but market interest in the space is strong. Although no development program has yet been approved, development applications have been filed with the City.

City of Yuba City

In the 2004 memo titled "Reply to Economic Analysis of Yuba City Wal-Mart Supercenter prepared by the Sedway Group, June 2004,"¹⁶ CERA declared that "the expansion of retail in Yuba City, in particular the proposed Wal-Mart Supercenter will lead to or exacerbate blight in Yuba City."¹⁷ Information gathered from the Yuba-Sutter Economic Development Corporation (EDC) in June 2007, 14 months after the Supercenter's April 2006 opening, indicates that this is not the case. The Yuba City-Marysville area has experienced tremendous population growth coupled with increasing household incomes and the area is thriving. As of June 2007, the EDC indicates no major retailers have closed in Yuba City, although one small hardware store is on the verge of closing, potentially due to its poor location, characterized by distance from established retail nodes and no nearby complementary retailers.

¹⁴ "Economic Analysis of a Proposed Hanford Station Planned Commercial Development Project in Hanford, California," May 18, 2004, page 7.

¹⁵ Ibid, page 11.

¹⁶ Please note that CBRE Consulting, the author of this report, previously used the business name Sedway Group. Thus, CERA was responding to a report prepared by the authors of the current project's Urban Decay Study.

¹⁷ "Reply to Economic Analysis of Yuba City Wal-Mart Supercenter prepared by the Sedway Group, June 2004," August 12, 2004, page 4.

The lack of existing store closure in Yuba City is the case even in light of the opening of another Wal-Mart Supercenter in nearby Marysville, just a few miles from the Yuba City Supercenter. In addition, the EDC further indicated that the existing Grocery Outlet is upgrading and relocating within the market, making its prior space available to be filled by another tenant. A representative of the EDC did speculate that if any grocery location were to close, it would likely be the Albertson's in Yuba City, which CBRE Consulting noted at the time of its June 2004 study was an undersized, outdated store, and likely to be the store most at risk of closure. However, even if this store closes, the EDC believes there would be no problem filling the space with another retail tenant. Thus, more than a year after the Yuba City Wal-Mart Supercenter opened, no existing grocery stores have closed, and one existing store is relocating and expanding, demonstrating no negative impacts on the existing grocery market in Yuba City attributable to the Wal-Mart Supercenter.

City of La Quinta

The La Quinta Wal-Mart Supercenter opened in March 2004. A year later, an article in the local newspaper, the Desert Sun, indicated that "Since the March 2004 debut of Wal-Mart's first California Supercenter, a steady parade of other retailers has moved into the Highway 111 corridor to serve this growing east valley city. Shopping and dining choices have boomed,"¹⁸ The article proceeds to cite examples of retailers opening or seeking to open in La Quinta. This suggests that the La Quinta Wal-Mart Supercenter did not have a negative impact on the local viability of commerce.

La Quinta is located in the eastern part of the Coachella Valley. Nearby cities include Indio and Indian Wells. Among the Wal-Mart Supercenters that have opened in California, the La Quinta store is the best positioned to analyze relative to quantitative data regarding retail store operations and sales given that two full years worth of data are available following the opening of the store – year-end 2004 and year-end 2005 data. CBRE Consulting therefore examined the data for La Quinta, Indio, and Indian Wells to assess the pattern of store growth or decline and the associated change in taxable retail sales.

Examination of the City of La Quinta's pattern of the number of retailers from 2003 through 2005 identifies a net gain in the quantity of retailers in all but one of the major retail reporting categories. According to the State of California Board of Equalization, the total number of retail outlets in La Quinta increased from 277 at year-end 2003, before the Wal-Mart Supercenter opened, to 403 at year-end 2005, more than 1.5 years after the Wal-Mart Supercenter opened.¹⁹ Among the retail categories reported at the city level, all showed an annual increase in the number of outlets, with the exception of building materials, which increased from 6 in 2003 to 10 in 2004, but then dropped modestly to 8 in 2005. However, on an inflation-adjusted basis, taxable sales in this category increased from 2004 to 2005, despite the drop in the number of outlets. This consistent gain in the number of retailers suggests that few, if any, existing La Quinta retailers closed following the market entrance of the Wal-Mart Supercenter. Instead, retail opportunities expanded significantly, with a 46 percent increase in the number of retail operators in La Quinta over the 2003 to 2005 time period. During the same time period, total taxable sales increased

¹⁸ "Wal-Mart built it, others have come," Lou Hirst, The Desert Sun, March 6, 2005.

¹⁹ State of California, Board of Equalization, "Taxable Sales in California Report, 2003, 2004 and 2005," Table 5. Taxable Sales in the 272 Largest Cities, by Type of Business."

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from \$376.9 million to \$603.1 million, greatly outpacing the rate of inflation, and more than would be accounted for by the Wal-Mart Supercenter alone.²⁰

Of note relative to La Quinta's experience is that the neighboring City of Indio also experienced strong growth over this time period in the number of retailers, with total retail outlets increasing 13 percent, from 743 at year-end 2003 to 840 at year-end 2005.²¹ As with La Quinta, taxable retail sales increased at a rate in excess of inflation, from \$504.2 million in 2003 to \$675.7 million in 2005. Indio's increase in retail outlets and taxable sales occurred consistently from 2003 to 2004 and then again from 2004 to 2005. Thus, there appear to be no negative spillover effects in Indio associated with neighboring La Quinta's attraction of a Wal-Mart Supercenter. Finally, detailed taxable sales data are not readily available for the much smaller neighboring city of Indian Wells. However, between 2003 and 2005, Indian Wells also experienced growth in the total number of outlets and in taxable retail sales, with the number of retailers increasing from 57 to 61, and with taxable retail sales increasing from \$24.3 million to \$27.9 million.²² Hence, just like Indio, Indian Wells does not appear to be experiencing any negative impacts associated with the La Quinta Wal-Mart Supercenter.

These findings indicate that in La Quinta, the California city with the longest operational history with a Wal-Mart Supercenter, there has been no net evidence of negative effects of Wal-Mart on existing businesses. This finding seems to refute the CERA assertion that the experience in other towns indicates that Supercenter development impacts the viability of commerce in the surrounding area.

Conclusion Regarding California Case Study Cities

The case study review of the experiences in Gilroy, Hanford, Yuba City, and La Quinta indicate that thus far, Wal-Mart Supercenter development in these communities has not negatively impacted the viability of commerce in the surrounding areas. Gilroy, Hanford, Yuba City, and La Quinta are all different kinds of retail markets relative to Chico. Therefore, their experiences will not necessarily be repeated in Chico. However, these findings suggest that the CERA statement that experience in other towns and small cities indicates that supercenter development impacts the viability of commerce in the surrounding area is not uniformly the case.

Stockton (pages 8-11)

Wal-Mart Supercenter Grocery Store Closures. The CERA Report includes a section regarding Stockton, California to demonstrate the validity of academic study findings regarding the negative impacts of retail supercenters (referenced in their *Experience in Other Towns and Small Cities* section). In addition, the CERA Report indicates there is a rule of thumb that for every new supercenter constructed in a city, two traditional grocery stores/supermarkets will close (CERA Report, page 1). Experience in Stockton is cited to support this comment, with the CERA Report indicating that two traditional supermarkets (S-Marts) closed following the opening of a Wal-Mart Supercenter and are now each located in a "shopping center that has been left to decay by the landlord (CERA Report, page 1)." The CERA Report includes photographs of the latter property (a shopping center with a closed S-Mart at the northeast corner of Hammer Lane and West Lane, pp. 9 and 11) and further indicates that once a supermarket closes in a center it

²⁰ Ibid.

²¹ Ibid.

²² Ibid, Table 6. Taxable Sales in all Cities Except the 272 Largest.

brings the whole center down as "traffic to the shopping center and investment in maintenance dry up (CERA Report, page 11)."

CBRE Consulting visited Stockton in May 2007 for the purpose of examining the properties discussed and photographed in the CERA Report. The field visit findings, supported by market-based research, indicate that while the CERA Report states that two supermarkets closed in Stockton following the opening of the Wal-Mart Supercenter, both vacated store spaces were the subject of reinvestment and have since been tenanted by other grocery stores, including one new to the Stockton market.

Hammer Lane S-Mart. One of the vacated S-Mart stores in Stockton is the Hammer Lane S-Mart at Normandy Village Center, at the northeast corner of Hammer Lane and West Lane. This store is now occupied by SF Supermarket, which opened in June 2007. The grand opening ceremony for this store can be seen at <http://www.youtube.com/watch?v=RdxK8J-Dg8k>). CBRE Consulting's fieldwork and May 2007 photographs presented on the following pages of the Normandy Village Center indicate the following:

- The S-Mart space has been tenanted by SF Supermarket, an Asian-oriented grocery store.
- The center's monument sign (noted as being covered by graffiti in the CERA Report, page 14) has been updated to reflect the new anchor tenant. CBRE Consulting believes the sign graffiti cited in the CERA Report was the property owner's attempt to remove the prior anchor tenant's name from the sign until such time as the sign could be updated to reflect the new anchor tenant.
- The center's Carl's Junior restaurant (pictured with graffiti in the CERA Report, page 14) has been repainted to remove prior graffiti.
- The façade of the new SF Supermarket anchor tenant was repainted to match the rest of the center.
- There is evidence of plans for minor expansion of the shopping center.

As the May 2007 photographs of Normandy Village on the next two pages and subsequent grand opening of SF Supermarket indicate, the vacated S-Mart store was successfully re-occupied by not only a new tenant, but a new grocery store tenant. Because this tenant is new to the Stockton market, it represents an expansion of the grocery options available to Stockton shoppers, enriching market opportunities. Thus, closure of this S-Mart has likely resulted in an expansion of the grocery retail market in Stockton.

The prior S-Mart operations at Normandy Village Center closed in 2006. Real estate records indicate that the store space changed ownership in late August 2006, when it was purchased by the current owner. The new owner required only 10 months to obtain both the necessary public approvals to redevelop the space and to retrofit it prior to the grand opening. The short duration of these steps, resulting in only a short term vacancy, indicates that the Stockton retail market is strong and that urban decay did not result from the closure of this S-Mart store. This market strength is further demonstrated by retail development occurring on Hammer Lane immediately across the street from Normandy Village, where spaces for 12 new tenants are being developed, including Walgreens, El Pollo Loco, H&R Block, Western Dental, and other tenants.

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Vacated S-Mart at Normandy Village now tenanted by SF Supermarket



Redesigned Normandy Village sign featuring the new anchor tenant



Exterior of repainted Carl's Jr. at Normandy Village



Monument sign for Normandy Village featuring SF Supermarket

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View of additional Normandy Village tenants



View of additional Normandy Village tenants

S-Mart Northeast of Downtown Stockton. According to the CERA Report, another S-Mart store closed after the opening of the Stockton Supercenter. This S-Mart is cited as being located "to the northeast of downtown Stockton" (page 1). It is also cited as being "poorly performing (CERA Report, page 4). CBRE Consulting believes this is the S-Mart location now occupied by a Grocery Outlet, photographed below.



Grocery Outlet in former S-Mart space northeast of downtown Stockton

Because the CERA Report indicates this S-Mart store performed poorly, it is not clear its closure was directly linked to the opening of the Wal-Mart Supercenter, which is approximately 5.3 miles from this location, somewhat distant relative to neighborhood-serving grocery store market areas. This statement is primarily based on the standards created by the International Council of Shopping Centers (ICSC), which estimates that the average primary trade area for a grocery-anchored neighborhood center is 3 miles.²³

The Grocery Outlet moved into this closed S-Mart space beginning April 2006. Thus, this closed S-Mart store did not result in urban decay in Stockton, and provides an opportunity for another grocery operator in Stockton to relocate within the market. Moreover, when Grocery Outlet relocated to its current site, its prior space on March Lane was immediately reoccupied by a pet supply store, which began negotiating for the space before Grocery Outlet vacated the premises. This provides further evidence of the strength of the Stockton retail market.

Grocery Store Closure Rule of Thumb. In summary, the CERA Report indicates that as a "rule of thumb" two grocery stores close for each Wal-Mart Supercenter (CERA Report, page 1). The experience in Stockton does not bear out this rule of thumb, as the cited closed S-Mart store locations were both tenanted by new or relocated grocery stores, indicating that the Stockton food market remains strong with opportunities for other grocery operators able to meet the needs of Stockton consumers. Moreover, it is unclear to CBRE Consulting from information presented in the CERA Report the extent to which closure of these S-Mart stores was directly linked to the opening of the Wal-Mart Supercenter. Further, the interim closure of the anchor tenant at Normandy Village does not seem to have harmed the balance of the center. The center is fully occupied and there are no visible signs of graffiti on the Carl's Junior restaurant.

²³ "Shopping Center Definitions," International Council of Shopping Centers, New York, 2004, page 4.

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Closed Stockton Wal-Mart Store. The CERA Report further indicates that the Wal-Mart Discount Store vacated in Stockton following opening of the Supercenter collected graffiti and rotted for several months (CERA Report, page 1) before being partially tenanted by a short-lived furniture store (CERA Report photos, page 10). As of May 2007, the prior Wal-Mart store on Hammer Lane appeared vacant, and remained in a condition similar to the photographs included in the CERA Report. The furniture store that occupied the space following Wal-Mart's closure is no longer in business and has sold the property. However, the commercial real estate broker representing the furniture store in their sale of the property indicated to CBRE Consulting in July 2007 that the store was operational for about three years before disposing of the property in June, 2007. The property sold after being on the market for three months and will be redeveloped by its new Southern California owner. According to this same real estate broker, lease agreements were signed in mid-July 2007 with two retailers that will occupy the site. One of these retailers is Burlington Coat Factor while the other is an electronics retailer. Both stores seek to be open by Christmas 2007. Thus, this property is in the process of being re-occupied, which will undoubtedly result in upgrading of the building exterior, removing any likelihood of long-term decay of the property.

CBRE Consulting's research indicates that the Stockton retail market is strong, with well-located properties readily re-occupied and new retail development occurring. Market participants indicate that most retail vacancies are concentrated among older, weak retail product. While the prior Wal-Mart space is currently in the process of being re-occupied, CBRE Consulting believes vacancy of this space is attributable to poor site characteristics relative to retailer requirements.

The prior Wal-Mart site is surrounded by other strong retail uses, including the Wal-Mart Supercenter and adjacent Lowe's on the north side of Hammer Lane (the old Wal-Mart site is on the south side of Hammer Lane), a Home Depot to the east, and auto dealerships to the west. Hammer Lane is clearly a strong retail corridor, with many major national tenants present. However, the entire prior Wal-Mart retail site, including existing retail tenants such as Sally Beauty Supply, Radio Shack, Dollar Tree, Quiznos Sub, A-1Cut, and other retailers, has no visibility from Hammer Lane. The vacated Wal-Mart store is considerably set back from Hammer Lane and many of the existing retailers have their back to Hammer Lane, obscured by other development immediately located on Hammer Lane. Thus, any major retailer located at this site will not have visibility from Hammer Lane. Even opportunities for signage appear limited. While CBRE Consulting does not know the age of this center, it appears to be somewhat aged. This, combined with the poor site attributes, qualifies the property as the type of older, weak retail product with the most concentrated vacancy. However, despite these characteristics, recent activity indicates the property still has potential for retail, proven by the anticipated upcoming occupancy by Burlington Coat Factory.

THE FISCAL AND ECONOMIC IMPACT OF SUPERCENTERS (PAGES 12-13)

The CERA Report has a section where it cites summary findings from other studies about the fiscal and economic impact of Supercenters. These findings include the following:

- economic loss due to lower wages and benefits and associated economic impacts due to multiplier effects;
- the lower sales taxes attributable to food stores versus other retailers because most food items are not taxable; and
- municipal finance and public service impacts.

None of these topics have bearing on the likelihood of the Chico Wal-Mart Supercenters resulting in significant physical deterioration of properties or structures and leading to urban decay. Hence, these topics are not germane or relevant to CEQA and are not addressed herein.

ENVIRONMENTAL PHYSICAL DETERIORATION AND URBAN DECAY (PAGE 13)

CERA states that because of their findings, they believe "there is a serious and significant likelihood that the commercial space created by" the Wal-Mart Supercenters "will create physical deterioration and urban decay in the immediate area surrounding the sites as well as lead to a less healthy business climate in the rest of the City and exacerbate the physical deterioration and urban decay adjacent to the downtown area."

As presented earlier in this response, the Urban Decay Study findings do not corroborate this conclusion, and the Wal-Mart Supercenter projects are not anticipated to lead to urban decay and deterioration in Chico. The Chico real estate market is robust and retail development will be fueled by population growth and changing consumer tastes in retail.

THE PROPOSED PROJECTS IN RELATION TO CHICO'S GENERAL PLAN (PAGES 13-14)

General Plan Goals

CERA cites a belief that the proposed Wal-Mart Supercenter projects will "seriously and significantly impede" three goals from the City's General Plan cited in their report. These goals pertain to building preservation and enhancement, reinforcing the role of Park Plaza as the civic and cultural heart of Downtown, and supporting commercial strip beautification and encouraging infill and adaptive reuse of transitioning commercial developments. These goals are not germane to CEQA, and therefore do not need to be addressed in the EIR. However, it is interesting to note that if existing stores do close as a result of negative Wal-Mart Supercenter sales impacts, their subsequent backfilling by alternative retailers will comprise adaptive reuse of transitioning commercial developments, one of the General Plan goals cited by CERA.

Other Planned Regional Wal-Mart Supercenters

Under this report heading, CERA also indicates that the impact of several other planned or built Wal-Mart Supercenters in the Chico trade area (Willows, Oroville, Red Bluff, and Anderson) should be considered, especially relative to reducing the demand for retail in Chico. The market area for the Supercenter analyzed in the DEIR included the City of Chico as the primary market area and Glenn County, Tehama County, and the balance of Butte County (excluding Chico) as the secondary market area. Of the planned stores referenced by CERA, all are included in the secondary market area. The Anderson store is now open.

At the time the North Chico Wal-Mart Urban Decay Study was initiated, none of these stores were built and plans were in the formative stages for some, and not public for others. There are also now plans for a Paradise Supercenter that appear more firm than when the Urban Decay Study was conducted. Therefore, there are now five existing or planned Wal-Mart Supercenters in the secondary market area defined for the South Chico store. Consideration of these additional planned stores effectively results in a shrinking of the market area for the Chico Wal-Mart Supercenters. At the most conservative level, assuming all these other stores are built, the most appropriate market area for the stores is the defined primary market area, the City of Chico. Much of the assumed demand from the defined secondary market area would be directed to the other regional Wal-Mart Supercenters, except for demand generated by

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shoppers from these areas shopping in Chico because of the City's comparatively stronger, significantly larger retail base, establishing Chico as the region's major retail attraction market. However, if not all these stores are built, then the Chico Wal-Mart Supercenter market areas would geographically extend beyond the City of Chico.

In addition to the market area shrinking, the proliferation of other Wal-Mart Supercenters throughout the Northern California region including Butte, Glenn, and Tehama counties is also likely to impact projected Wal-Mart store sales performance. As Wal-Mart adds stores, it will divert sales from other nearby Wal-Mart stores and, therefore, the stores will not achieve full sales potential in their first few years of operations, if at all. This phenomenon has been observed when Wal-Mart has added several stores in a market area. Locating several Wal-Mart Supercenters or General Merchandise Stores in the same market area is a strategy that is recognized as helping alleviate potential overcrowding, assure cleanliness, offer adequate stock on hand, and serve as a convenience for customers. More stores in the Northern California region including Butte, Glenn, and Tehama counties should allow Wal-Mart to operate more efficiently.

The press has described the diversion or "sales cannibalization" by Wal-Mart in other market areas as follows:

- Citing Wal-Mart sources, a columnist in the San Francisco Chronicle noted that sales at two existing San Francisco Bay Area Wal-Mart General Merchandise stores declined 23 and 32 percent immediately following the opening of a new Wal-Mart General Merchandise store in a neighboring city.²⁴
- According to an article in the Wall Street Journal, Wal-Mart Stores, Inc. indicated that in Benton, Arkansas, Wal-Mart was operating three stores and opened two new stores in 2005. Following the opening, "same store sales at each of the established stores were down an average 7.4 percent by September."²⁵
- According to an article from SmartMoney.com, when a new store opens in the same market area, "[the] impact on existing stores is heaviest in the first month of a new store's existence, when cannibalization cuts business by 10% to 13% at the older store, though the hit shrinks to an 8% drop by the end of the first year after a new store opens."²⁶

Based on the precedents set in other market areas, CBRE Consulting believes that the Wal-Mart Supercenter stores in Chico will achieve lower stabilized sales than estimated in the Urban Decay Study. Therefore, the Urban Decay Study overstates the estimated sales potential for the stores. At minimum, this overstatement is likely in the order of 8.0 percent, which reflects the experience of two market areas cited by the aforementioned articles. However, the overstatement could be substantially higher, pursuant to the 23 to 32 percent sales reduction experience cited for the San Francisco Bay Area stores.

According to the Urban Decay Study, the South Chico Wal-Mart net store sales derived from the primary and secondary market areas in 2008 estimated at \$17.6 million in general merchandise sales and \$21.4 million in food sales (see Exhibit 10, Urban Decay Study). These sales figures were

²⁴ "Sometimes, Wal-Mart Can Be a Good Thing;" Chip Johnson; San Francisco Chronicle; www.sfgate.com; September 19, 2005.

²⁵ "Wal-Mart Sticks with Fast Pace of Expansion Despite Toll on Sales;" Kris Hudson; Wall Street Journal; www.wsj.com; April 13, 2006.

²⁶ Big Bargains at Wal-Mart;" Will Swartz; www.SmartMoney.com; February 15, 2005.

net of additional sales contributed by a tertiary market area, estimated at 10 percent of total sales. The study further estimated \$11.1 million in general merchandise sales and \$8.3 million in food sales diverted from Chico retailers. With the introduction of the North Chico Wal-Mart store these sales diversion figures increased by \$39.6 million and \$9.6 million, respectively (see Exhibit 20, Urban Decay Study). These figures were derived presuming that the diversions from Chico retailers were proportionate to Chico's share of combined primary and secondary market area sales.

Given the probable shrinkage of the primary market area given the number of other planned Wal-Mart Supercenters, these sales diversion figures are likely low. At least four factors, however, will counterbalance the increase in the potential retail sales diversion. These include the following:

- a lower Wal-Mart sales estimate given the greater market penetration of Wal-Mart;
- the likelihood that the Wal-Mart stores will not achieve full sales stabilization until one to two years or more following store opening, as is typical among retailers;
- the likelihood that the Chico Wal-Mart Supercenter primary market areas will extend beyond Chico until such time as the other planned Regional Wal-Mart Supercenters are all developed; and
- future demand generated by Chico's strong forecasted population growth.

These counterbalancing factors can be significant. For example, the population forecasts included in the Urban Decay Study indicate a forecasted population increase of 6,118 in Chico between 2008 and 2010 (derived from Exhibit 5, Urban Decay Study). Based on the per capita forecasted grocery store sales of \$1,890 in 2008 dollars (see Exhibit 7, Urban Decay Study), this new population alone could support over \$11.5 million in grocery sales (in constant 2008 dollars, which is the same year dollars as the Wal-Mart Supercenter sales estimates). In addition, the proposed Chico Wal-Mart stores are much further along in the entitlements process than the other proposed regional Wal-Mart Supercenters in Paradise and Oroville. Therefore, if approved, the Chico stores are likely to be operational well in advance of these two other stores at least, enabling demand to be captured from beyond Chico as originally projected in the Urban Decay Study for an indeterminate time period. While the length of this time period is unknown, significant increases in the projected level of existing Chico store sales diversions could be staved off from demand generated by an increasing Chico population.

However, if existing Chico store sales diversions are greater than estimated in the Urban Decay Study despite the preceding counterbalancing factors, CBRE Consulting continues to believe there will be no potential for urban decay and deterioration attributable to the Wal-Mart Supercenters. This is due to the Chico retail market's inherent strengths. As documented in Chapter VI of the Urban Decay Study, Chico's retail market is "strong, growing, and has the attention of many national retailers" (see page 29, Urban Decay Study). This strength is proven by many cases of vacant retail spaces being filled by new retail tenants. Many such cases are cited in the Urban Decay Study as well as cited earlier in this response, e.g., Grocery Outlet moving into the vacant Lucky space at the Almond Orchard Shopping Center and the 99 Center store moving into the vacant Office Max south of Skyway Road and east of Highway 99. These factors, compounded with retail demand fueled by population growth, will serve the Chico retail real estate market well, eliminating the potential for urban decay and deterioration.

2.0 RESPONSE TO COMMENTS

COSTS AND BENEFITS FOR THE CITY OF CHICO (PP 14-15)

This section of the CERA Report discusses CERA's estimate of the net sales tax revenues that will accrue to the City of Chico following expansion of the South Chico Wal-Mart store to a Supercenter and development of the North Chico Wal-Mart Supercenter. This section also qualitatively discusses the likelihood that the net revenues are small considering the costs incurred by the City to provide municipal services to the stores and that property tax revenues will decline because the resulting urban decay and deterioration will reduce residential property values. CERA further suggests the possible need to form a redevelopment project area to rehabilitate the predicted deterioration and associated expenditure of public funds, all comprising a cost to the City of Chico. Other costs cited by CERA include failed businesses, the increase in retail vacancy, and reduced retail demand.

The primary focus of this CERA Report section is a qualitative discussion of the costs to the City due to reduced tax revenues. It indicates there will be no compensating benefit from the South Chico Wal-Mart Supercenter expansion. However, it does not include analysis of increased property tax revenues due to improvement of the South Chico Wal-Mart property or the improvement of the parcel reserved for the North Chico Wal-Mart store. Both of these real estate development activities would result in increased property tax revenues to the City of Chico, as well as retail sales taxes associated with the non-grocery sales.

Regardless of what municipal costs and benefits are considered, information relative to the City of Chico's municipal budget is not relevant to CEQA. Therefore, discussion of this section of the CERA Report is not warranted.

CONCLUSION (PAGE 15)

The CERA Report comments under this heading summarize prior comments and therefore do not require a separate response.

REFERENCES

California Air Pollution Control Officers Association (CAPCOA, 2009). *Model Policies for Greenhouse Gases in General Plans*. June 2009.

California Air Resources Board (ARB, 2009). Website: *Heavy-Duty Idling Emission Reduction Program*. <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm> (accessed June 9, 2009).

Greenaction Health and Environmental Justice. 2009. Website: *California Diesel Anti-Idling Law and Regulations*. <http://www.greenaction.org/diesel/documents/LawRegulations.pdf> (accessed June 9, 2009).

3.1 INTRODUCTION

As stated in Section 1.0 of this document, the Wal-Mart Parcel Map and Expansion Project Draft EIR was published in December 2006 but has not yet been certified by the City. Since the time of the publication date, new significant information has become known to the City regarding the transportation and circulation system of the City. As a result, a revision of the traffic study was necessary, which consequently resulted in a need for a revision of Section 4.2 *Traffic and Circulation* of the Draft EIR. In addition, since the publication of the Draft EIR and Final EIR, the concern for global warming and climate change has been brought to the forefront of public awareness. As a result, an analysis of the proposed project's climate change impacts as well as energy use was included in the Revised Draft EIR, released in April 2009.

Following the close of the public review period for the 2009 Revised Draft EIR, the City received 23 individual comment letters from agencies, interest groups and the public regarding the Revised Draft EIR. Responses to these written comments have been prepared and are included in Section 2.0 Responses to Comments as part of this Final EIR (FEIR). Edits to the 2009 Revised Draft EIR are included in this Section as follows under 3.2 Errata to the Revised Draft EIR.

Edits to the 2006 Draft EIR are also included in this Section as follows under 3.3 Errata to the 2006 Draft EIR.

3.2 ERRATA TO THE 2009 REVISED DRAFT EIR

Listed below are the complete changes, additions, and deletions that have been made to the text of the Revised Draft EIR as a result of public and staff review. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strike-out~~ for deleted text).

COVER AND TITLE PAGE OF REVISED DRAFT EIR

No changes were made to the cover and title page.

1.0 INTRODUCTION

No changes were made to Section 1.0.

2.0 INTRODUCTION TO THE ENVIRONMENTAL IMPACT ANALYSIS

No changes were made to Section 2.0.

2.1 Climate Change

No changes were made to Section 2.1.

2.2 Energy Conservation

No changes were made to Section 2.2.

3.0 ERRATA

2.3 Traffic and Circulation

The following change has been made to the footnote on page 2.3-9:

Footnote: ¹ ~~Warrant 3 - Minimum Pedestrian Volume. Peak Hour Warrant.~~ A traffic signal may be warranted where the pedestrian volume crossing the major street at an intersection or mid-block location during an average day is: 100 or more for each of any four hours; or 190 or more during any one hour. The pedestrian volume crossing the major street may be reduced as much as 50% of the values given above when the predominant pedestrian crossing speed is below 1 m/s. In addition to a minimum pedestrian volume of that stated above, there shall be less than 60 gaps per hour in the traffic stream of adequate length for pedestrians to cross during the same period when the pedestrian volume criterion is satisfied. Where there is a divided street having a median of sufficient width for the pedestrian(s) to wait, the requirement applies separately to each direction of vehicular traffic. Where coordinated traffic signals on each side of the study location provide for platooned traffic which result in fewer than 60 gaps per hour of adequate length for the pedestrians to cross the street, a traffic signal may not be warranted. This warrant applies only to those locations where the nearest traffic signal along the major street is greater than 90 m and where a new traffic signal at the study location would not unduly restrict platooned flow of traffic. Curbside parking at nonintersection locations should be prohibited for 30 m in advance of and 6 m beyond the crosswalk. A signal installed under this warrant should be of the traffic-actuated type with push buttons for pedestrians crossing the main street. If such a signal is installed within a signal system, it shall be coordinated if the signal system is coordinated. Signals installed according to this warrant shall be equipped with pedestrian indications conforming to requirements set forth in other sections of ~~this Manual (Caltrans, November 2002).~~ California Manual on uniform Traffic Control Devices 2006 (CA MUTCD).

The following change has been made to Table 2.3-4 on page 2.3-19:

**TABLE 2.3-4
CITY OF CHICO GENERAL PLAN - TRANSPORTATION-RELATED POLICY SUMMARY**

Policy	Policy Description	Consistency with General Plan Policy	Analysis
T-G-11	Strive to maintain traffic LOS C on residential streets and LOS D or better on arterial and collector streets, at all intersections, and on principal arterials in the CMP during peak hours.	Consistent, with mitigation	Mitigation Measures MM 2.3.2a and 2.3.3 would include improvements to improve LOS where it falls below these standards.

The following change has been made to the second paragraph on page 2.3-25:

Traffic Signal Warrant Analysis Criteria

To determine whether "significance" should be associated with unsignalized intersection operations, a supplemental traffic signal "warrant" analysis was also completed. The term "signal warrants" refers to the list of established criteria used by Caltrans and other public agencies to quantitatively justify or ascertain the need for installation of a traffic signal at an otherwise unsignalized intersection location. This analysis employed the signal warrant criteria presented in the latest edition of the ~~Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD), as amended by the MUTCD 2003 California Supplement, California Manual on Uniform Traffic Control Devices 2006 (CA MUTCD),~~ for all study intersections. The signal warrant criteria are based upon several factors including the volume of vehicular and pedestrian traffic, frequency of accidents, location of school areas, etc. ~~Both the FHWA's MUTCD and the MUTCD 2003 California Supplement~~ The CA MUTCD indicates that the installation of a traffic signal should be considered if one or more of the signal warrants are met. Specifically, this analysis utilized the Peak Hour Volume based Warrant 3. ~~Warrant 3 criteria are basically identical for both the FHWA's MUTCD and the MUTCD 2003 California Supplement.~~

Figure 2.3-8 on page 2.3-59 has been updated. The reader is referred to Page 3.0-5.

The following change has been made to Mitigation Measure 2.3.2 on page 2.3-70:

Mitigation Measures

MM 2.3.2a The following measures currently included as part of project design shall be fully implemented and funded by the project developer. The project circulation improvements will be in place before the opening of the expanded Wal-Mart Supercenter.

The following change has been made to the last sentence on page 2.3-71:

Implementation of mitigation measure **MM 2.3.2a** would reduce traffic impacts to **less than significant**.

The following change has been made to Mitigation Measure 2.3.3 on page 2.3-72:

Mitigation Measures

MM 2.3.3a The following measures currently included as part of project design shall be fully implemented and funded by the project developer:

The following change has been made to the sentence following Mitigation Measure 2.3.3 on page 2.3-73:

Implementation of mitigation measures **MM 2.3.2a** and **MM 2.3.3a** described above would reduce all private roadway operation and site safety impacts to **less than significant**.

Figure 2.3-13 on page 2.3-89 has been updated. The reader is referred to Page 3.0-7.

The following change has been made to the third paragraph on page 2.3-97:

Private Intersections

As mentioned previously, a discussion of the impacts at the private intersections which were included in the *Short Term Plus Project* conditions section, applies to the *Cumulative Plus Project* conditions as well. Mitigation measure **MM 2.3.2b** would reduce all cumulative site safety impacts to a less than significant level.

The following change has been made to the sentence following Mitigation Measure 2.3.3 on page 2.3-100:

Implementation of mitigation measures **MM 2.3.1a** and **MM 2.3.3** would reduce traffic impacts on roadway systems while implementation of mitigation measure **MM 2.3.2b** would reduce site safety impacts to less than significant.

3.0 REPORT PREPARERS AND REFERENCES

The following changes have been made to Section 3.1 on page 3.0-1:

3.0 ERRATA

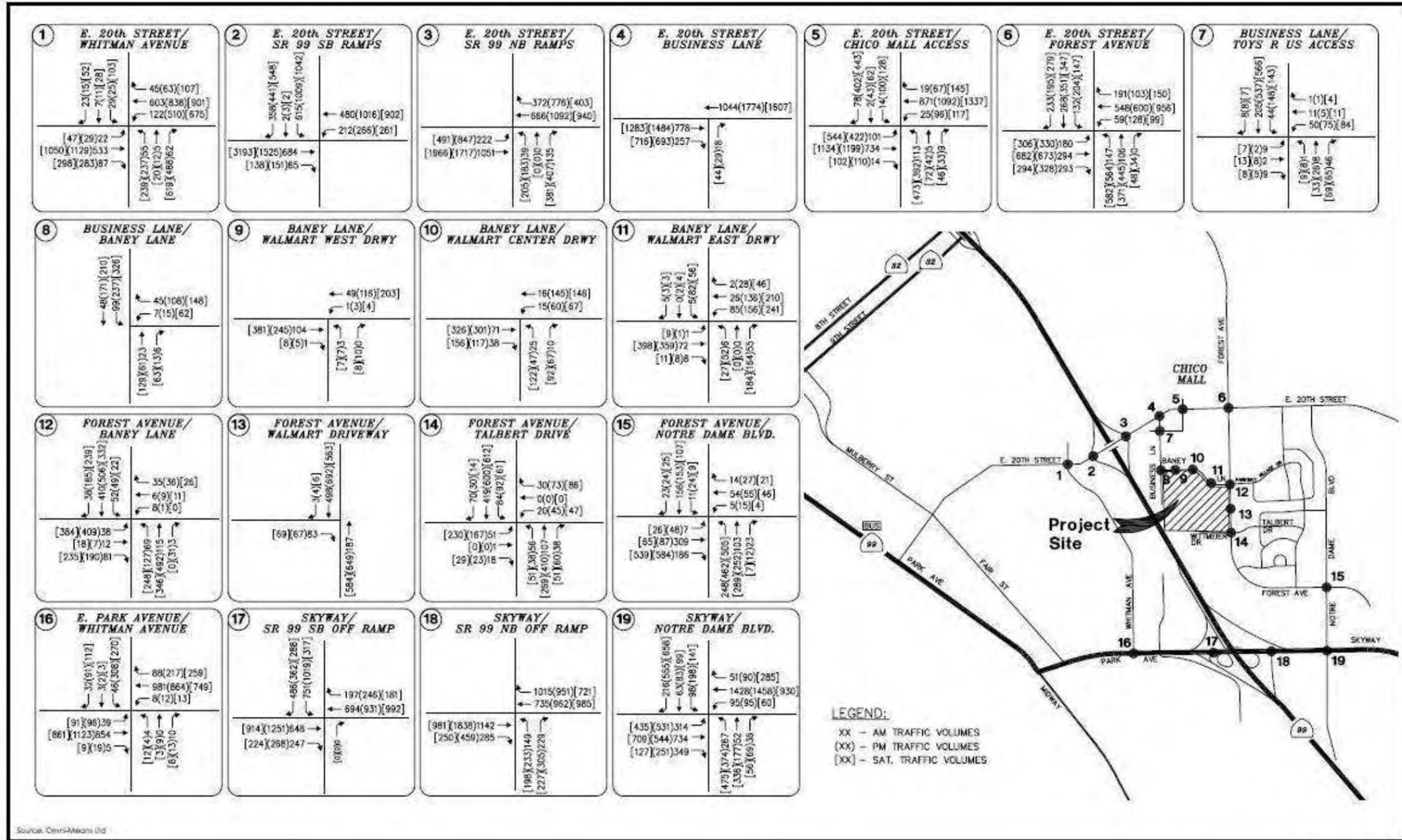
PACIFIC MUNICIPAL CONSULTANTS – EIR CONSULTANT

Project Manager

Mark Teague

Associate Planner

Lana Adler



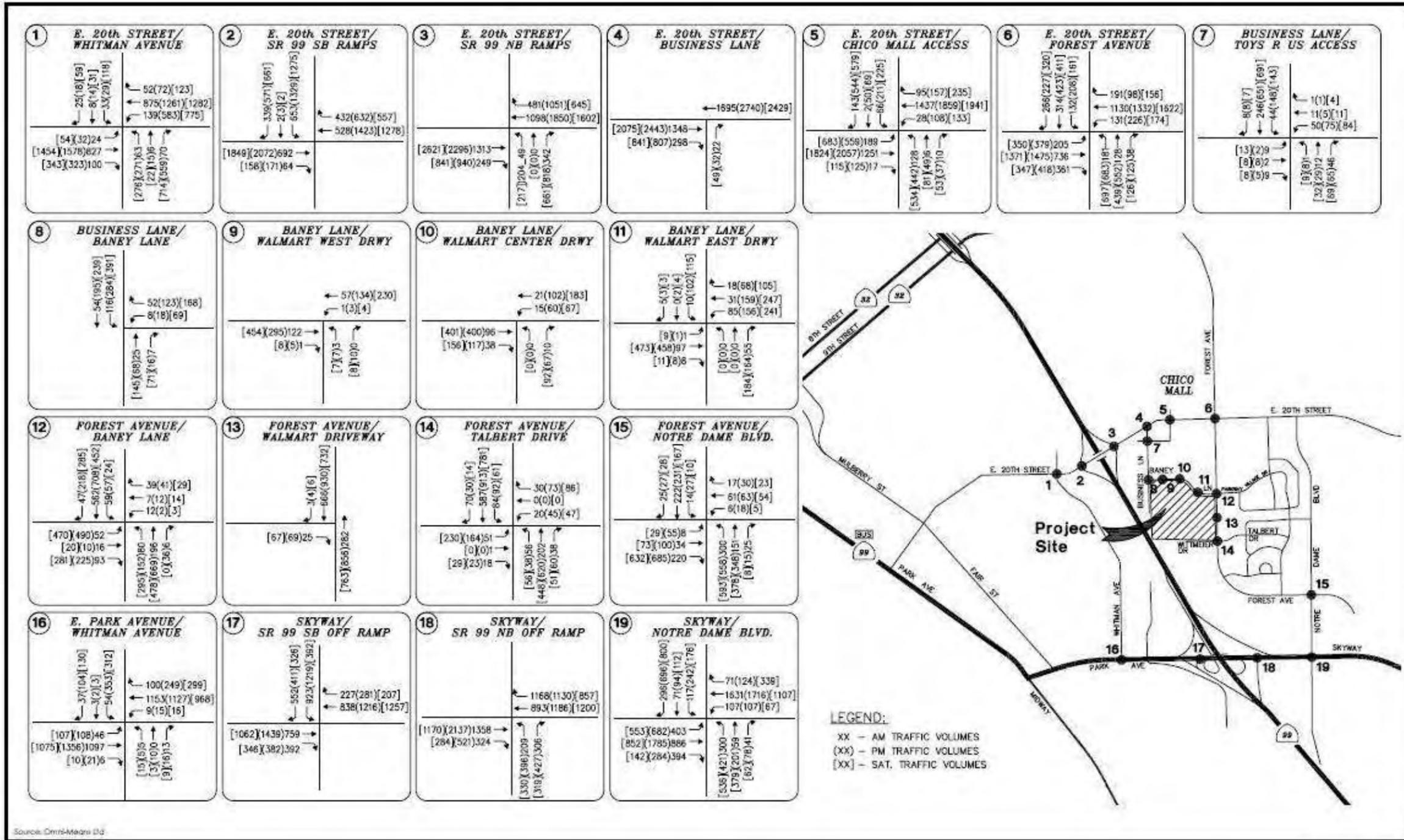
Source: OmniMeans Ltd

NO SCALE



Figure 2.3-8
Year 2010 No Project Traffic Volumes

PMC



Source: Orris-Morris LLC

NO SCALE



Figure 2.3-13
Year 2020 No Project Traffic Volumes

PMC

3.3 ERRATA TO THE 2006 DRAFT EIR

Listed below are the complete changes, additions, and deletions that have been made to the text of the 2006 Draft EIR as a result of public and staff review. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strike out~~ for deleted text).

COVER AND TITLE PAGE OF DRAFT EIR

No changes were made to the cover and title page.

1.0 INTRODUCTION

No changes were made to Section 1.0.

2.0 EXECUTIVE SUMMARY

The following change has been made to page 2.0-9 Mitigation Measure MM 4.2.3a:

Ramp Junctions			
SR 99/SR-32 Interchange – Northbound Off-Ramp ⁴	Provision of an either a two lane ramp (two lanes exiting the freeway) or an additional through lane, <u>as an auxiliary lane</u> , on the mainline.	Nexus Fee	Nexus Fee

3.0 PROJECT DESCRIPTION

No changes were made to Section 3.0.

4.0 INTRODUCTION TO THE ENVIRONMENTAL IMPACT ANALYSIS

No changes were made to Section 4.0.

4.1 Land Use

No changes were made to Section 4.1.

4.2 Traffic and Circulation – Superseded by Section 2.3 of the Revised Draft EIR

It is important to note that the Wal-Mart Parcel Map and Expansion Project Draft EIR was published in December 2006 but has not yet been certified by the City. Since the time of the publication date, new significant information has become known to the City regarding the transportation and circulation system of the City. The relationship between the proposed project's impacts to surrounding roadways and the ability for these impacts to be reduced by the payment of the City's Nexus fees was not correct as some of the roadways and intersections originally thought to be covered in the Nexus Study were not. As a result, a revision of the traffic study was necessary, which consequently resulted in a need for a revision of Section 4.2 *Traffic and Circulation* of the Draft EIR. This revision is presented in Section 2.3 of the Revised Draft EIR. Section 2.3 of the Revised Draft EIR completely replaces Section 4.2 of the 2006 Draft EIR.

3.0 ERRATA

4.3 Air Quality

The following change was made to the last row in Table 4.3-2 on page 4.3-5:

Particulate Matter (PM _{2.5})			
Maximum 24-hour concentration (µg/m ³)	56.1	76.3	82.7
National ^b annual average concentration (µg/m ³)	10.5	15.1	12.3
State ^c annual average concentration (µg/m ³)	15.9	16.5	13.8
Number of Days Standard Exceeded			
NAAQS 24-hour (>65 µg/m ³)	0	0	10

4.4 Biological Resources

No changes were made to Section 4.4.

4.5 Cultural and Paleontological Resources

No changes were made to Section 4.5.

4.6 Economic Analysis

No changes were made to Section 4.6.

5.0 CUMULATIVE IMPACTS SUMMARY

No changes were made to Section 5.0.

6.0 ALTERNATIVES TO THE PROJECT

No changes were made to Section 6.0.

7.0 OTHER SECTIONS REQUIRED BY CEQA

No changes were made to Section 7.0.

8.0 REPORT PREPARERS AND REFERENCES

No changes were made to Section 8.0.

APPENDIX

The following was included as reference material in Appendix D:



17 April 2003

Mr. Mike Neer
PacLand
606 Columbia Street, Suite 106
Olympia WA 95801

Re: Proposed Duncan Shopping Center Expansion, Forest Avenue, Chico, Butte Co., CA

Dear Mr. Neer,

On 14 April 2003 Hanover Environmental Services, Inc. (Hanover) conducted a biological resources survey of the project site. The following letter report summarizes the findings of the biological resources survey as related to special status species. Special status species are plants and animals that are legally protected under the California Endangered Species Act (CESA), the federal Endangered Species Act (ESA), or other regulations, as well as species considered sufficiently rare by the scientific community to qualify for such listing. Botanical survey results are found in Appendix B.

Special status plants and animals are species in the following categories:

- Species listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.11) and notices in the Federal Register.
- Species which are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (61 FR 40:7596-7613, February 28, 1996)
- Species which are listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (14 CCR 670.5)
- Fully protected animals listed in California Fish and Game Code sections 3511 (birds), 4700 (mammals) and 5050 (reptiles and amphibians)

Description of Action

The proposed Duncan Shopping Center Expansion project is an expansion of the existing Wal-Mart shopping center (Figure 2). The development of the property will increase the size of the existing structure by 97,675 sq. ft. and will increase the size of the parking lot by 370,695 sq. ft. Development of the site will convert approximately 11.05 acres of predominately grasslands, including 0.269 acres of seasonal wetlands, to a shopping center and associated parking lot, landscaping, and infrastructure.

Site Description

The Duncan Shopping Center Expansion property (referred to as "subject property" or "site") consists of approximately 11.05 acres located on the north side of Talbert Drive, east of State Highway 99 and west of Forest Avenue in the City of Chico, Butte County, California (see attached Figure 1 for site location map). The subject property is currently a vacant lot located between the existing Wal-Mart shopping center to the north and Wittmeier Auto Center to the south. The site is characterized by native and nonnative grasses with small willows and cottonwoods located along the northern property border. The nearest surface water is Crouch Ditch located approximately 1000 feet south of the property.

A wetlands delineation was performed by Hanover in October 2002 (Appendix A). The delineation found 0.269 acres of seasonal wetlands near the northern border of the property.

ENVIRONMENTAL SCIENCE

HYDROLOGY

HAZ-MAT CONTRACTING

REGULATORY COMPLIANCE

HANOVER ENVIRONMENTAL SERVICES, INC.
2205 NORD AVENUE
CHICO, CALIFORNIA 95926

PH 530.342.1333
FAX 530.342.1490
EMAIL HAN_ENV@PACBELL.COM

The site is, in effect, a biogeographical island and is largely dysfunctional due to its small size and urban location. However, shrubs and small trees along the northern border could provide some escape, roosting, nesting and perching cover for birds and small mammals.

Survey Methodology

Several site inspections/field surveys were performed on the subject property in October 2002 and April 2003 in association with the wetlands delineation and biological resources survey. Ms. Lyna Black, Biologist/Environmental Scientist; Mr. Will Bishop, Environmental Regulatory Specialist/Wildlife Biologist; and Dr. Kingsley Stern, Botanist, conducted field surveys and a literature search to determine the presence or absence of special status species on the site. The field portion of the survey was conducted using general observation survey techniques in the early morning and early evening hours. General observations on species and habitat were noted throughout the survey. Shrubs and small trees were surveyed for the presence of stick nests and the ground was observed for evidence of ground nesting or burrowing species.

Results and Conclusions

Approximately 0.269 acres of wetlands were discovered and delineated in October 2002 (Appendix A). Portions of the site appear to have been disked and/or mowed. Due to the biogeographical isolation of the property and on-going disturbance of the vegetation by weed abatement activities, the wildlife resources associated with the parcel are limited.

Vegetation on the site consists of both native and non-native upland and wetland species such as Johnson Grass (*Sorghum halepense*), Oats (*Avena* sp.), Annual Ryegrass (*Lolium multiflorum*), Barley (*Hordeum leporinum*), Willow-leaved Lettuce (*Lactuca saligna*), Soft Chess (*Bromus hordeaceus*), Cottonwood (*Populus fremontii*), Sandbar Willow (*Salix exigua*), Marshpepper Smartweed (*Polygonum hydropiper*), Purple Lovegrass (*Eragrostis pectinacea*), Tall Flatsedge (*Cyperus eragrostis*), Barnyard Grass (*Echinochloa crusgalli*), Red Willow (*Salix laevigata*), Rough Cockle-bur (*Xanthium strumarium*), Spikerush (*Eleocharis* sp.), Shining Willow (*Salix lucida*), Curly Dock (*Rumex crispus*). See the attached Botanical Survey, Appendix B, for a complete listing of vegetation found on the site.

Wildlife observed during the surveys included turkey vultures (*Cathartes aura*) flying at high altitudes over the subject and adjacent properties, white crowned sparrows (*Zonotrichia leucophrys*), American crows (*Corvus brachyrhynchos*), scrub jays (*Aphelocoma coerulescens*), European starlings (*Sturnus vulgaris*), and American robins (*Turdus migratorius*).

No special status species or nesting raptors were identified during the site surveys. However, grasslands provide suitable foraging habitat for several raptor species including Swainson's hawks (*Buteo swainsoni*) and may provide nesting habitat for northern harrier (*Circus cyaneus*) and white tailed kite (*Elanus leucurus*). Nesting raptors are protected under the California Fish and Game Code, Sections 3503.5. Migratory birds, including northern harriers and western meadowlarks are protected under the Migratory Bird Treaty Act.

Project construction would result in the direct, permanent removal of approximately 11.05 acres of 1) annual grassland vegetation; 2) potential Swainson's hawk foraging habitat; 3) other raptor potential foraging and nesting habitat on the subject property; and 4) removal of 0.269 acres of seasonal wetlands.

Discussion

1) The removal of annual grassland, a common and widespread habitat type in the Chico area, would not result in a substantial regional decrease in that habitat type.

2) A known occurrence of a Swainson's hawk nest site is located within 3-5 miles of the subject property on the Chico State Farm, west of the Midway and south of Hegan Lane (CDFG, Natural Diversity Database, Occurrence No. 699, 1998). California Department of Fish and Game (1994) identifies permanent loss of foraging habitat within a 10-mile radius of a known Swainson's hawk nest territory that has been occupied at least once during the past 5 years to be an effect requiring mitigation. The direct,

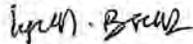
permanent loss of Swainson's hawk foraging habitat is considered an adverse effect (through habitat loss) on a species listed as threatened under CESA.

3) Project construction could result in effects on migratory birds and nesting raptors in the project area. The field surveys found no evidence of nesting raptors however, suitable nesting habitat occurs on-site for small raptors (i.e. white tailed kite) and ground-nesting migratory birds. The loss of foraging habitat for these species is considered minor because grassland and other foraging habitats are abundant in the project vicinity and region. Raptors and burrowing owls are considered unlikely to nest in the project area and vicinity due to the biogeographical characteristics of the site and the lack of suitable habitats.

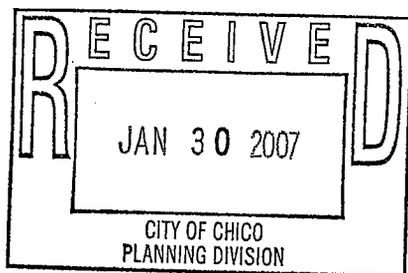
4) See Appendix A for Wetlands Delineation results.

If you have any questions please feel free to contact our office at 530-342-1333.

Thank you,



Lyna R. Black
Biologist/Environmental Scientist



Economic Analysis of Two
Proposed Supercenters in
Chico, California

Prepared for Brett Jolley
Attorney at Law
Herum Crabtree Brown
2291 March Lane, Suite B100
Stockton, CA 95207

Prepared by:

Philip G. King, Ph.D.
Economics Department, San Francisco State University

Sharmila King, Ph.D.
Economics Department, University of the Pacific

September 7, 2006

Executive Summary

In General:

- This report uses real data and objective case studies to analyze the impact of two proposed Wal-Mart Supercenters¹ in Chico, California.
- The two proposed Supercenters will have a devastating impact on Chico's grocery and other retail, closing many businesses and leading to the deterioration of many shopping centers. The resulting blight will far outweigh any small benefits.
- It is common for some to assume, "It won't happen here." City officials in Stockton and elsewhere have said this, yet store closings have inevitably occurred in California as Supercenters have arrived.
- Economists, business owners, and appellate courts agree that a Supercenter is qualitatively different from other retail uses and has *much* more intense economic and environmental impacts.

Forest Avenue Expansion:

- The Forest Avenue Supercenter expansion will close the Food Maxx store and the Raley's in southern Chico, and place severe pressure on nearby non-grocery retailers, especially the struggling Chico Mall. Should the Sears or JC Penney close as a result, the Chico Mall will deteriorate significantly. The shopping center anchored by Raley's will suffer and the center and surrounding neighborhood will deteriorate.

Northern Chico Annexation:

- The new Supercenter in northern Chico will close the Albertson's and the other Raley's (East Avenue). Both of these stores anchor shopping centers which will deteriorate substantially after these closings.
- The new Supercenter in northern Chico will also lead to the closing of several other (non-grocery) retail stores, most likely K-Mart and other strip malls in the area. Ironically, the northern Chico Supercenter will also place the Chico Mall at great risk since it expands Chico's non-grocery retail significantly. The Chico Mall will deteriorate and likely close if the northern Supercenter is built.

¹ As used in this report "Supercenter" identifies Wal-Mart's superstore brand, whereas "supercenter" refers to a superstore use type – which combines general merchandise and full grocery sales in a single big box format and describes but is not necessarily specific to Wal-Mart's brand.

Cumulative Impacts of Two Supercenters

- The combined impact if both Supercenters open will be greater than the sum of the two, since some businesses that could withstand one opening will not be able to withstand two Supercenters. If both Supercenters are built, one Safeway will likely close, in *addition* to the stores mentioned above. The Chico Mall (20th St.) will close and other retail centers will deteriorate further.
- Even if store closings don't occur, the decline in sales will lead to an underinvestment in routine maintenance and repairs, leading to a decline in the physical appearance of the store/shopping center and, eventually, to urban decay.
- Downtown Chico is quite small and bordered by marginal stores and urban decay. Nevertheless the core area is attractive and worth preserving. The two Supercenters will lead to urban decay downtown. The northern Supercenter will cause more harm than the southern expansion. Many of the stores downtown (picture stores, beauty salons, bike stores etc.) do compete with Supercenters for the ancillary services provided. As downtown shoppers decline, other businesses will suffer, even if they do not compete directly with the Supercenters.

Examples in other Communities:

- These store closings have been observed in other cities and towns. A number of academic studies have documented the severe losses from Supercenters in places such as Iowa and Oklahoma City.
- In Stockton, California, site of northern California's first Supercenter, two grocery stores closed and a number of other retail stores near the Supercenter have since closed and remain vacant, with the property deteriorating.

Zero Sum Game:

- Chico already serves as a regional retail magnet. Consequently, neither of these Supercenters will generate substantial gains in sales tax revenues, since they simply displace other existing retail. Property values will fall due to urban decay and property tax revenues will be lower than otherwise. On the expenditure side, expenses for public services will increase.
- Wal-Mart pays lower wages and benefits than most of its competitors, particularly in the grocery arena. These lower wages will impact Chico's economy since many employees are likely to be residents. These new jobs will displace higher paying jobs in the supermarket industry. Applying studies from southern California, we estimate that the overall economic loss of the City of Chico could be as high as \$1.2 million.
- We believe that the City of Chico should not permit these Supercenters in order that Chico maintain the quality of life it currently has, which many other Central Valley towns and cities do not.

Introduction

Wal-Mart has proposed the addition of several hundred thousand square feet to the Chico retail market through the introduction of two "Supercenter" superstores. Such retail development will not serve Chico well. These two Supercenters will drive many existing retailers and grocers out of business. Although proponents of these stores will likely claim the Supercenters will increase the tax base for Chico, they will also likely ignore or minimize store closures and the fallout from such closings. In fact, any retail in Chico generated by the two Supercenters will simply displace existing retail since Chico is already a regional retail magnet and attracts shoppers from well outside the city. Indeed, as Chico becomes littered with closed stores, shopping centers and deteriorating malls (for example Chico Mall), it is most likely that Chico's tax base will shrink as property prices fall and Chico becomes a less desirable place to live.

From a practical standpoint, the addition of one Supercenter to the Chico market will have a significant impact on the economic climate and environment of the city. However, the addition of two Supercenters will have more than twice the impact of one since some marginal stores that could withstand the impact of one Supercenter will close after the double blow of two Supercenters.

Based on past experience, California Economic Research Associates (CERA) anticipates that Wal-Mart's consultants (who are preparing the city's EIR documents but paid for by Wal-Mart) will reach the untenable and unrealistic conclusion that the Supercenters will have no significant impact on the community. This is simply untrue, as demonstrated in this report. The rule of thumb is that for every new Supercenter constructed, a city will face the closure of two traditional grocery stores or supermarkets. This has certainly been the case in Stockton, where, in 2004 Wal-Mart closed its existing "Discount Store" and opened a new "Supercenter" across the street. Not only did the Discount Store collect graffiti and rot for several months -- only to be partially tenanted by a short-lived furniture store (see photo in Figures 1-7 below) -- but just as the formula dictates, Stockton has seen at least two traditional supermarkets succumb to the Supercenter's over-saturation of the retail food market: S-Mart, an anchor tenant in a shopping center only 1 mile away, has been left to decay by the landlord, as has another poorly performing S-Mart northeast of downtown Stockton.

As a result of this experience, many cities in California are taking a harder stance against these Supercenters, which represent a new and qualitatively different type of retail use.² Turlock has enacted a zoning ordinance that prohibits Supercenter uses and has successfully defended Wal-Mart's legal challenges of this ordinance in court. Hercules has taken a slightly different approach, using its power of eminent domain to purchase property Wal-Mart had planned to use for a Supercenter -- a use the city believed conflicted with the city's planning and development policies.

From an economist's standpoint, both of these moves are sound and prudent, yet Chico need not be as fractious as Turlock or Hercules to protect itself; it may simply exercise its

² This fact has even been recognized by one appellate court which warned, "in the retail context, supercenters are...unique." See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 CAL APP 4th 1184.

power and zoning authority to preclude the approval of the two proposed Supercenters. From a practical standpoint, cities do not necessarily increase their sales tax revenue due to the addition of Supercenters. However, Supercenters result in the closure of other existing tax-generating businesses, require additional capital and infrastructure (including public health and safety infrastructure and funding), and often add to blight and urban decay conditions. A city's approval of a new Supercenter at the expense of existing businesses is a bit like robbing Peter to pay Paul (economists simply call it a zero-sum game). There is no net gain, but rather a host of net losses.

For these reasons, it is our opinion that Chico would be best served by allowing Wal-Mart to keep its existing discount store, but denying both the Forest Avenue Supercenter expansion application and the proposed north-side annexation.

Project Description

According to documents filed with the City, the proposed sites would involve a total of over 330,000 square feet of new Supercenter retail space. At the existing Forest Avenue Wal-Mart an additional 97,675 square feet would be added to the current 125,930 square foot store. At SR 99 and the Esplanade in northern Chico, Wal-Mart proposes annexation and development of a new Supercenter, consisting of 230,000 square feet, plus 10,000 square feet for seasonal sales. The proposed plans also include development of a gas station with 12 fueling stations and a 3,200 square foot fast food restaurant.

Dr. King visited Chico and examined the proposed sites and competing retail in July of 2003 and again in July 2006.

Effect of a Supercenter on Grocery Retailers in Chico

Chico has seven major grocery stores (three Safeway stores, two Raley's stores, a Food Maxx and an Albertson's), one big box grocery store (WinCo) and one big box membership club store with 36-40% of total sales in groceries (Costco). Chico also has a number of smaller grocery stores including a very successful Trader Joe's, as well as co-ops and health food stores that sell grocery items.

Table 1: Sales at Major Grocery Stores in Chico

Grocery Store	Square ft.(000) Grocery Only	Sales/sq. ft.	% National Avg.	Sales/wk. (000)	Annual Sales (000)
Winco	80.0	845	204%	1,100	\$ 67,600
FoodMaxx	57.5	424	102%	460	\$ 24,400
Safeway (East Ave.)	56.1	424	102%	475	\$ 23,800
Safeway (Mangrove)	49.0	514	124%	450	\$ 25,200
Safeway (Nord/Sac)	24.9	438	106%	210	\$ 10,900
Albertsons	42.3	343	83%	330	\$ 14,500
Raley's (East)	60.0	260	63%	250	\$ 15,600
Trader Joe's	15.0	1387	335%	200	\$ 20,800
Raley's (South)	60.0	325	79%	450	\$ 19,500
Costco					\$ 45,000
Other	50.0	260	63%	250	\$ 13,000
Total/Avg.				4,175	280,300

Table 1 above presents CERA's estimate of sales and square footage of these stores in Chico. These estimates are based on interviews with local managers and we believe they are quite accurate. Column three compares sales/sq. ft. to the national average of \$414 per square foot.³ Sales significantly lower than the national average (below 75%) are a sign of poor store health. As one can see, the Raley's on East Avenue is performing very poorly (63% of national average) and the Raley's in southern Chico is not much better (79% of national average). The Albertson's is performing poorly as well at 83% of the national average. The Safeway stores are somewhat healthier, but vulnerable to a substantial sales loss that could result from a Supercenter. The Food Maxx is selling at the national average, however, given its lower margins, its current sales are not as healthy as it might appear. Food Maxx and other similar grocery discount stores have lower profit margins and typically need to generate 125% of the national average (just over \$500 per square foot) to be considered healthy—thus the current Food Maxx is already experiencing unhealthily low sales.

Impact of Supercenters on Grocery Retail

Table 2 presents our estimates of Wal-Mart Supercenter grocery sales that would displace existing grocery sales. The last column, "Estimated Net Impact after Supercenter" refers to the additional grocery sales generated by the two Supercenters and is based on national average sales data for Wal-Mart grocery sales at Supercenters. The data is taken from the *Progressive Grocer*, a leading trade publication.⁴

³ See the Urban Land Institute, "Dollars and Cents of Shopping Centers", 2004. 2006 estimate of \$414 was adjusted upward by 6% from 2004 estimate of 394.54.

⁴ See the *Progressive Grocer*, October 15, 2003. The article indicated that 1386 Wal-Mart Supercenters sold \$66.7 billion in supermarket type retail sales. This yields an average of \$742 per square ft. assuming

We also assumed that these Supercenters would bring in some new sales not currently coming to Chico stores. However, these stores are unlikely to bring in substantial new sales, particularly in the south, which already has a WinCo, Wal-Mart and other big-box stores. At the Supercenter in northern Chico, we estimate 75% of grocery sales will displace current sales already taking place in Chico. In the Supercenter expansion in southern Chico, we estimate 90% of grocery sales will displace current sales already taking place in Chico. Overall, just under \$58 million, or 21% of existing grocery sales in Chico, will be displaced by the two Supercenters.

Table 2: Grocery Sales Displacement due to Supercenters

Grocery Store	Square ft.(000) Grocery Only	Sales/sq. ft.	Annual Grocery Sales (000)	% Total Sales in existing Grocery Trade Area	Est. Net Impact after Supercenter (000)
Wal-Mart Expansion	49	\$ 650	\$ 31,850	90%	\$ 28,665
New Wal-Mart Supercenter	60	\$ 650	\$ 39,000	75%	\$ 29,250
Total Grocery Sales					\$ 57,915

Table 3 below presents our estimates of the sales losses at each store and the sales per square foot as a percentage of the national average of \$414 per square foot⁵ after each of the two Supercenters are built. If sales per square foot, as a percent of the national average, are low, this is an indication of poor store performance. As a practical matter, if sales are substantially below 75% of the national average, a store is in considerable danger of closing.

It is impossible to predict these losses precisely; however economic theory predicts that the closest substitutes (both geographically and in terms of product similarity) will be the hardest hit. Thus, for example, Food Maxx and WinCo would lose the most sales from the expansion, though WinCo would likely survive based on its high sales per square foot.

60,000 square ft. per Supercenter devoted to grocery type sales. CERA has conservatively used \$650 per square ft.

⁵ See footnote 3.

Table 3: Sales at Major Grocery Stores in Chico—Post Wal-Mart

Grocery Store	Est Loss in Sales (%) from Southern Expansion	Est Loss in Sales (%) from Northern Supercenter	% National Avg. from Southern Expansion	% National Avg. from Northern Supercenter	% National Avg. from both Supercenters
Winco	20%	10%	163%	184%	143%
FoodMaxx	20%	10%	82%	92%	72%
Safeway (East Ave.)	5%	20%	97%	82%	77%
Safeway (Mangrove)	10%	5%	112%	118%	106%
Safeway (Nord/Sac)	5%	5%	100%	100%	95%
Albertsons	5%	25%	79%	62%	58%
Raley's (East)		25%	63%	47%	47%
Trader Joe's	5%	5%	318%	318%	301%
Raley's (South)	15%		67%	79%	67%
Costco	5%	5%			
Other	5%	5%	60%	60%	57%

Grocery Store Closing in Southern Chico

Both Supercenters will have a profound impact on existing grocery stores in Chico. In the south, the WinCo and Food Maxx will be hardest hit in terms of percentage loss in sales, followed by the Raley's (South) store. However, the WinCo is sufficiently profitable that CERA does not anticipate it will close. On the other hand, the Raley's store will sell at 2/3 the national average and will almost certainly close. The Food Maxx will close as well; though 72% of sales is slightly better, Food Maxx has lower margins and is unlikely to be able to withstand a 30% loss of sales. Other small grocery stores will also be put at risk.

CERA's analysis predicts that the expansion of the southern Wal-Mart into a Supercenter will close the Food Maxx and southern Raley's store. The Raley's store anchors a shopping center which will decline after the Raley's closes, hurting the neighborhood.

Grocery Store Closing in Northern Chico

The opening of a Supercenter in northern Chico will also have a substantial impact, with the Raley's on East Avenue and the Albertson's bearing the biggest losses and the Safeway on East Avenue suffering a substantial loss.

CERA estimates that the Albertson's and Raley's (East Avenue) will close soon after the opening of the northern Wal-Mart Supercenter. Both these stores anchor shopping centers which will deteriorate substantially after these closings. It is important to recognize that closing a grocery store has significant consequences for

businesses in or near the grocery store since traffic to these stores will fall precipitously after the anchor store closes. A chain reaction occurs—rents fall, maintenance falls, other stores close, marginal stores move in, setting up a cycle of decay until the center is blighted. This pattern is common after Supercenters open and will be discussed later.

The Cumulative Impact of both Supercenters

Table 3 makes it clear that the two main Safeway stores will also be hurt by the cumulative damage of two Supercenters. CERA forecasts that one will close, most likely the one on East Avenue, which anchors a mall which is already struggling somewhat. The Mangrove Safeway anchors a shopping center which already has several marginal businesses such as Hobby Town USA, a beauty supply store, and Yume Buffet. If that Safeway store closes or even if business deteriorates further, it will become more difficult to fill this retail space creating conditions for physical decay and urban deterioration.

Even if store closings don't occur, the decline in sales will lead to an underinvestment in routine maintenance and repairs, leading to a decline in the physical appearance of the store-shopping center and, eventually, to urban decay.

Non-Grocery Retail

The two new Supercenters would add approximately 200,000 square feet of non-grocery retail. This represents a substantial increase in retail in the City of Chico. Just as in grocery sales, Wal-Mart typically has higher sales per square feet than many other retail stores, particularly small local stores. Typical sales for a Wal-Mart are at least \$400 per square foot. Assuming this figure, the two Supercenters would generate \$78,512,000 in non-grocery sales, almost \$1000 per person or \$2400 per household.

We estimate that most of the \$78 million will displace already existing retail in Chico. Chico already serves as a regional retail magnet with a Target, Mervyn's, the planned Kohl's, Gottschalks, JC Penney, Sears, K-Mart and many other stores that compete in the same product space as Wal-Mart.

The Chico mall has a closed Troutman's store and the JC Penney, and Sears also serve as anchor stores. We believe the Sears would close if these Supercenters are built. The expansion of the existing Wal-Mart and the new Supercenter will certainly lead to a slowdown in traffic at the Chico mall, which is already experiencing slow sales. Even if these stores stay open, the decline in traffic will lead to lower sales and poorer maintenance and contribute to physical deterioration and urban decay.

Clearly the northern Supercenter would have the most profound impact on Chico non-grocery retail. However, the southern expansion would add substantially to the decline, especially to the nearby Chico Mall, which is already struggling. The expansion could put JC Penney or Sears out of business, which would turn the Chico Mall into a ghost mall.

Downtown Chico

The small downtown area of Chico is relatively healthy, but it is bordered by what city planners and economists refer to as urban decay, especially on the southeast side where a number of boarded-up buildings and run-down buildings can be observed. This area is only a hundred to two hundred yards from the main downtown shopping area and the historic City (Park) Plaza. Many of the businesses on the fringes of the downtown area are marginal, such as rock shops, tattoo parlors and comic book stores.

Although the overall impact on sales downtown will be lower than the impact on grocery stores in Chico, many of the stores downtown are already marginal, and even a 10-20% loss in sales would make a difference in staying open or closing. If even a few stores close, fewer people will come downtown to shop, which will lead to a further decline in sales. As shoppers diminish and the downtown deteriorates, commerce will spiral downward and the downtown could eventually become blighted, as so many Central Valley downtowns already have.

These Supercenters also have ancillary small businesses, such as beauty parlors and nail finishing stores that would compete directly with several similar businesses downtown. Overall, the following types of businesses downtown will experience significant pressure and some will close, leading to deterioration and physical decay downtown:

- Bicycle stores (Wal-Mart sells a wide variety of bicycles)
- Music stores (Wal-Mart is the largest seller of Music CDs in the world)
- Beauty stores
- Nail finishing stores

Though both projects will have a significant impact, the new Supercenter in the north will have a more significant impact on downtown than the expansion project.

A number of malls as well as the area adjacent to the City (Park) Plaza and the downtown shopping district are already experiencing slowdowns and physical deterioration. We observed several boarded up stores within a very short walk of downtown. We believe that the addition of even more retail space to an area that is already heavily retailed will accelerate this physical deterioration and urban decay and could potentially create much worse conditions.

We spoke with residents of Chico who informed us that this adjacent area was unsafe at night, an indication that the social effects of physical deterioration and urban decay are already underway near the downtown area. We believe the situation could get much worse.

Overall Impact of South Chico Supercenter Expansion on Non-Grocery Retail

The southern Supercenter expansion will place tremendous pressure on the Chico Mall, whose anchor stores (JC Penney, Sears, Gottschalks, to a lesser extent) will compete directly with the new \$15 million in retail that will be introduced. A Supercenter does not just mean the addition of a grocery store to an existing Wal-Mart,

but also a significant expansion in other retail and hours of operation (24 hours per day). The downtown and other retail will also be placed under considerable pressure.

Overall Impact of Northern Chico Supercenter on Non-Grocery Retail

The northern Chico Supercenter represents a significant increase in retail for a city the size of Chico. The K-Mart, the shopping centers anchored by the northern Raley's and Albertson's will also deteriorate and some will eventually close. The Chico Mall will be placed in more jeopardy by the northern Supercenter than the southern one since it will divert more shoppers (with three times the retail volume). Downtown Chico will decline.

Cumulative Impact of both Supercenters

As with grocery stores, the cumulative impact of both stores opening will be greater than the sum of the two individual impacts. The impact on the downtown and Chico mall will be devastating. In addition, CERA anticipates that one Safeway will close, placing pressure on the shopping center it anchors.

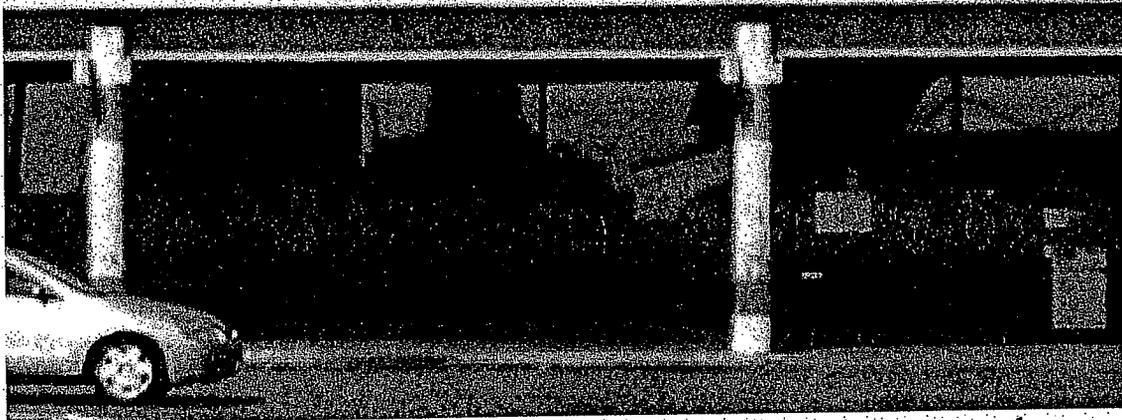
Experience in other Towns and Small Cities

This pattern has been observed in many other cities. Numerous studies of the impacts of retail Supercenter development have been conducted. The Shils Report (Edward B. Shils, *Measuring the Economic and Sociological Impact of the Mega-Retail Discount Chains on Small Enterprise in Urban, Suburban and Rural Communities*, The Wharton School, University of Pennsylvania, 1997) cites predatory pricing and **overall economic decline among the possible impacts**. Kenneth E. Stone studied Supercenter development in a large sample of Iowa cities and found that the location of a Supercenter can have delayed impacts on the viability of commerce in the surrounding area (a loss of 7,326 businesses in small Iowa towns between 1983 and 1993). David Rodgers conducted a similar (non-academic) study in Oklahoma City.⁶ It concluded that ten Wal-Mart Supercenters closed thirty traditional grocery stores.

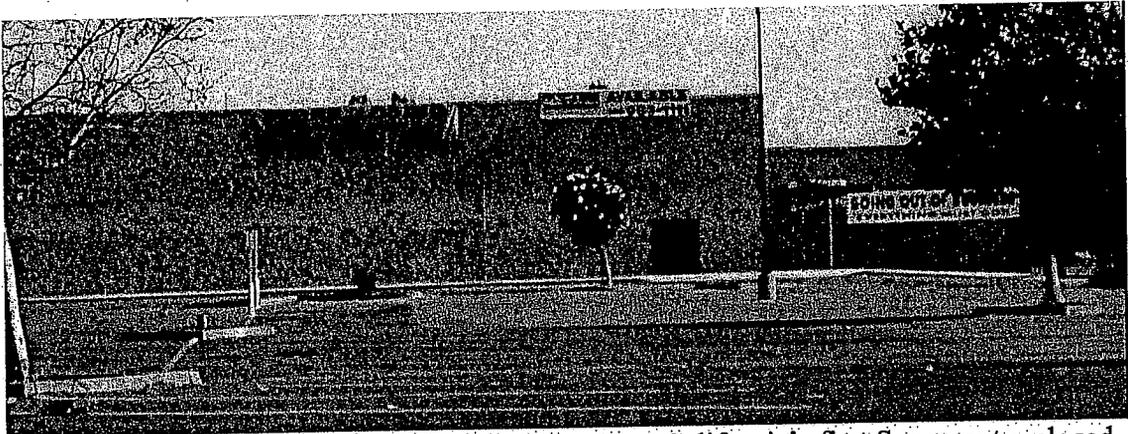
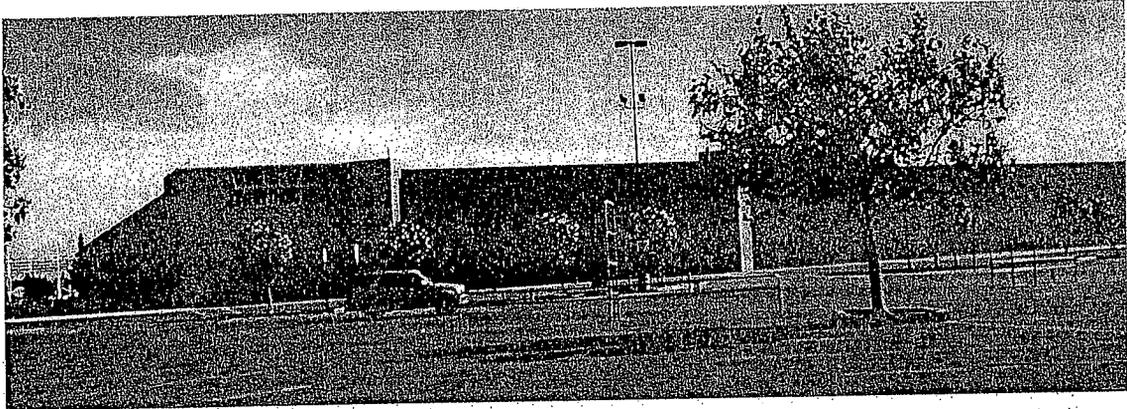
Stockton

It is common for some to answer to these academic studies, "It won't happen here." City officials in Stockton and elsewhere have said this, yet store closings and physical deterioration have inevitably occurred. The first northern California Wal-Mart Supercenter was opened in Stockton two years ago. Stockton now has two S-Mart stores (S-Mart is owned by the same company that owns Food Maxx) that have closed and the area near the Supercenter has seen deterioration in other retail. The photos below provide examples.

⁶ See "Wal-Mart's Impacts on the American Supermarket Industry," David Rodgers, DMR Marketing Systems, February 10, 2004.



Figures 1 and 2: Recently Closed S-Mart grocery store in Stockton near northern California's first Supercenter. It is now boarded up—a sign of urban decay.



Figures 3 and 4: This furniture store near northern California's first Supercenter closed recently.



Figure 5: Do you want this in your neighborhood?

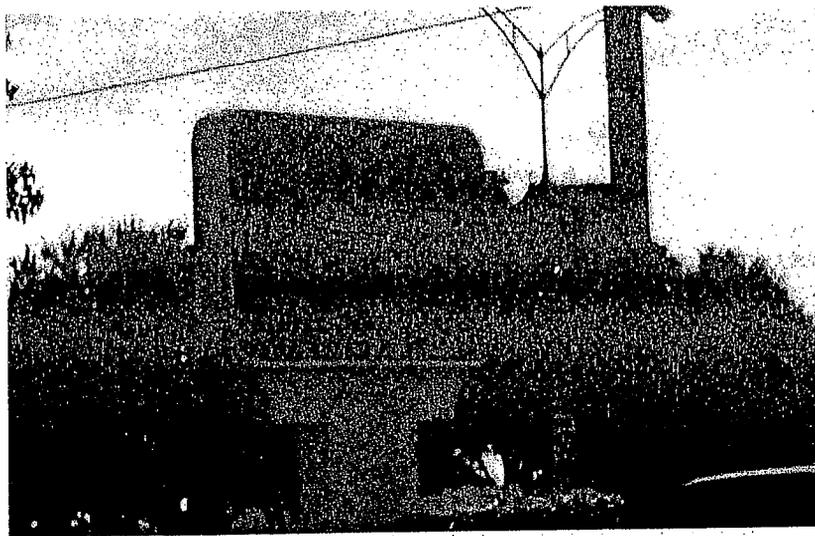


Figure 6: Graffiti covers this sign for a shopping center near northern California's first Supercenter



Figure 7: The Carl's Jr. in the same shopping center as the closed S-Mart grocery store has become a graffiti covered eyesore—once a supermarket closes it brings down other stores in the same center and nearby as traffic to the shopping center and investment in maintenance dry up.

The Fiscal and Economic Impact of Supercenters

Contrary to claims made by Wal-Mart and the consultants it employs, these Supercenters do not always generate substantially increased tax revenues; however they do often lead to lower wages, depressing a City's economy. Two studies of Supercenters in southern California⁷ concluded that:

- The economic loss due to lower wages and benefits paid by Wal-Mart would create a negative economic impact on southern California equal to \$2.8 billion per year.
- "The fiscal impacts of a facility are often seen as clear-cut, but they are not, particularly when a big box retailer expands into food sales. This threatens to lower the taxable sales per square foot for a land use that is already riddled with inefficiencies and great risks should market conditions become unfavorable" (p.93).
- "To help prepare local and regional officials to review proposed big box projects, we suggest communities systematically assess positive and negative local impacts of such projects" (from back cover of report). They go on to suggest that these include the following: (1) economic and employment impacts; (2) municipal finance impacts; and (3) community impacts.

Another similar study of San Diego County⁸ also came up with similar conclusions, including the following:

- "Wages and benefits can be expected to decline in San Diego County by \$105 million to \$221 million annually" (p. i).
- "Lost pension and retirement benefits will impact the region negatively by an additional \$80-170 million per year" (p. i).
- Taking into account multiplier effects, this loss could amount to \$440 million a year (p. i).
- "Fiscal benefits, in the form of sales and property taxes, are frequently less than originally expected and are not likely to cover the costs of traffic, police, fire protection, among others. **Ultimately the net cost of these public services for Supercenters could exceed \$700,000 per year**" (p. ii).

The report also concludes that a number of other negative results may result from poor land use planning and the closing down of other businesses; we will discuss these issues later in this report.

⁷ "The Impact of Big Box Grocers on Southern California: Jobs, Wages and Municipal Finance," by Marlon Boarnet and Randall Crane, prepared for the Orange County Business Council, September 1999.

⁸ "The Potential Economic and Fiscal Impact of Super Centers in San Diego," by Rea and Parker Research, prepared for the San Diego Taxpayers Association.

Unfortunately, we believe that **the situation in Chico has many similar characteristics and that the City should carefully address, understand, and balance these negative impacts and weigh them against the benefits** (which we believe will be relatively small). As a first approximation, we can apply the estimates from the San Diego County study to Chico. Adjusting for income (the median household income in San Diego County is similar to Chico) and population (San Diego County's population was 29 million, 360 times Chico's population today) we derive an estimate of \$1.2 million in losses due to reduced wages and benefits.

Environmental Physical Deterioration and Urban Decay

For all of the reasons stated above, we believe there is a serious and significant likelihood that the commercial space created by these two proposals will create physical deterioration and urban decay in the immediate area surrounding the sites as well as lead to a less healthy business climate in the rest of the City and exacerbate the physical deterioration and urban decay adjacent to the downtown area.

The Proposed Projects in Relation to Chico's General Plan

Chico's General Plan refers to a number of goals for the City.⁹ Specifically, we would like to quote the following from the summary section of the General Plan:

- Encourage preservation and enhancement of buildings of special historic and architectural interest.
- Reinforce the role of Park Plaza as the civic and cultural heart of Downtown.
- Support beautification of Chico's commercial strips and encourage infill and adaptive reuse of transitioning commercial developments.

We believe that the proposed projects will seriously and significantly impede all of these goals. By adding new commercial space, rather than utilizing existing space, to an area already over-retailed, the City is setting itself up for future physical deterioration and urban decay. The City of Chico is currently in better economic health than many other cities in northern California of similar size and demographics. It has a more vital downtown area and less physical deterioration and urban decay than other cities we have examined, for example, Redding, Anderson, Stockton, and Tracy. However it is our professional opinion that the City now has several centers that will experience physical deterioration and urban decay soon if nothing is done to stop it.

The addition of 125,000 square feet of grocery space and almost 200,000 square feet of other retail would substantially increase the total amount of retail space in a city which already has more than ample retail and already serves as a regional retail magnet.

Finally, the City of Chico should consider the impact of several other planned or built Supercenters in the Chico trade area (Willows, Oroville, Red Bluff and Anderson). The

⁹ See http://www.chico.ca.us/common/mod_resource.asp?p=179&f=54.

analysis here has not looked specifically at these effects, largely due to resource constraints, but we expect that such projects would significantly reduce the demand for retail in Chico. The forthcoming EIR should examine these impacts in detail.

Costs and Benefits for the City of Chico

We believe that it is safe to conclude that **the existing expansion will create relatively little additional sales tax and other revenues for the City of Chico**, since the expansion will primarily add retail space for non-taxable merchandise (groceries) and the Supercenter will take business away from existing grocery and other retailers, particularly those nearby. Tables 5 and 6 summarize CERA's findings. After accounting for displacement of existing retail, **CERA estimates the sales tax generated for the City of Chico is \$171,200 for non-grocery sales and only \$34,156 for grocery sales. The total estimated sales tax generated is \$205,355, roughly \$2.50 per resident of Chico. Compared to the losses we have described above, this is small indeed especially considering these new stores will require increased public safety, traffic and other services which are likely to absorb much or all of this revenue. The physical decay and urban deterioration will also reduce residential property values and hence residential property taxes (and may ultimately necessitate the formation of a redevelopment district and the expenditure of public funds to rehabilitate the predicted deterioration).**

Table 5: Non-Grocery Sales Tax due to Supercenters

Store	Annual Non-Grocery Sales (000)	% New Sales in Chico	Est. Net Impact after Supercenter (000)	Increase in Sales Tax to Chico
Wal-Mart Expansion	\$ 17,200	10%	\$ 1,720	\$ 17,200
New Wal-Mart Supercenter	\$ 61,600	25%	\$ 15,400	\$ 154,000
Total	\$ 78,800		\$ 17,120	\$ 171,200

Table 6: Grocery Sales Displacement due to Supercenters

Store	Annual Grocery Sales (000)	% New Sales in Chico	Est. Net Impact after Supercenter (000)	Increase in Sales Tax to Chico
Wal-Mart Expansion	\$ 32,670	10%	\$ 3,267	\$ 8,168
New Wal-Mart Supercenter	\$ 41,580	25%	\$ 10,395	\$ 25,988
Total	\$ 74,250		\$ 13,662	\$ 34,155

It is clear from our examination that **the proposed projects will impose a number of costs on the City of Chico**. In particular, we anticipate a **significant increase in the number of failed businesses** after the Supercenter(s) open. As noted above, this pattern

has been observed in many other small and medium-sized cities. Further, given the abundance of retail space in Chico, we believe that it is reasonable to conclude that the additional space created when these businesses fail will not be filled. It is especially difficult to fill large (over 30,000 square feet) retail spaces since one must find a large retailer willing to move into this space and if, as we expect, Chico becomes over retailled and business activity slows down there will be less demand for this space. We have documented the costs of this physical deterioration and urban decay to the community of Chico.

Economists refer to market transactions that impose a cost on others as a negative externality—that is, a real cost is imposed on people who are not involved in the transaction. In such cases, the market mechanism does not work properly and sound government policy warrants that the individual/company imposing the costs should be made to pay, since, after all, the damage imposed was not the fault of innocent bystanders. It is for this reason that CEQA requires an examination of such projects. While some believe that markets should be allowed to operate unfettered, we believe this view ignores the real costs to the City and its residents and ultimately affects the economic health and vitality, as well as the real estate prices, of a City such as Chico.

We believe that a significant environmental and economic cost will be imposed on the City and residents of Chico should these proposals be approved. Though there may be a small initial increase in non-sales tax revenues, we believe it is likely that this increase will be more than offset by the loss in tax revenues when other businesses fail and the city is faced with rehabilitating blighted and decayed property. **In sum, the proposed projects will likely pose significant costs on the City of Chico without any compensating benefit.**

Physically deteriorated and decayed areas increase crime, decrease business and other economic activity, and lower property values. The City becomes a less desirable place for people to live and for businesses to locate.

Conclusion

The construction of the two Supercenters is not inevitable, nor should the City of Chico feel obliged to allow the stores to be built at the expense of its citizens. This report demonstrates that the costs to Chico and its citizens will far outweigh the benefits. A Supercenter is qualitatively different from other retail and has much larger impacts. Before approving these proposals, residents and City officials should consider all the impacts.

These are not abstractions, but have occurred again and again in towns and cities across the country and now in California. CERA believes that the City of Chico should not authorize the development of either of these two Supercenters so that Chico can maintain the quality of life it has, which many other Central Valley towns and cities do not.

Qualifications

Dr. Philip King is Associate Professor and former chair of the Department of Economics at San Francisco State University. He received his Ph.D. in Economics from Cornell and has published numerous articles in scholarly journals and edits a book on Economic Policy for McGraw-Hill. His major fields are Applied Microeconomics and Economic Development. He has conducted over a dozen studies of local economic conditions as a consultant to the State of California and for various city governments in the State including two major Economic Impact Reports covering the State of California and six local economic impact reports for City governments in California. He prepared a report on *San Francisco's Economic Growth 1995-2000: The Fiscal Health of the City and Implications for the Future,* for the San Francisco Committee on Jobs Summer 2001. This report was widely cited in the San Francisco press including front-page articles by the *Chronicle* and *Examiner*. He consulted for the City Council of Davis California on the impact of planned conference site development. In the past several years, he has reviewed the DEIRs and prepared economic impact reports pertaining to a number of big-box projects in California including Bakersfield, Stockton, Tracy, Lodi, Hanford and Selma and (in the State of Washington) Tumwater.

Dr. Sharmila King is Assistant Professor at the University of the Pacific. She received her Ph.D. in Economics from the University of California at Davis and she has published in professional journals. Her major research fields are macroeconomics, statistics, and econometrics. She prepared "The Environmental Impact Report on the Conference Center, Hotel, and Graduate School of Management Building for the University of California, Davis" prepared by EIP Associates for the City of Davis, CA in January 2002. In the past several years, she has reviewed the DEIRs for a number of big-box projects in California and prepared economic impact reports pertaining to these projects.

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CONFIDENTIAL

**PROVIDED FOR
HERUM CRABTREE BROWN – ATTORNEYS AT LAW
WAL-MART DRAFT ENVIRONMENTAL IMPACT REPORT**

**PUBLIC HEARING
TAPE TRANSCRIPTION**

January 30, 2007

CHICO, CA

1 TAPE BEGINS

2

3 Patrick Murphy:

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Ok, if we can get started now. Ok, thanks to everybody for coming tonight, taking your free time to come out for this meeting. My name is Patrick Murphy, City of Chico Planning Division. With me is Brendan Vieg, Senior Planner, as well and then also I believe Mike Sawley with our planning staff is also here to help maybe shepherd some folks around in the back. I believe this does get piped out into the lobby so you can hear out there. Ok, I am getting the thumbs up. And Claudia Stewart I believe is also here in the back with Planning. A couple of housekeeping items in the back, there are two tables. You will find there's a copy of an agenda, a copy of the notice of availability for both EIRs, a little sheet for both projects to write your comments on. Wal-Mart North as we'll call it is on the blue sheet. Wal-Mart South is on the yellow sheet. So I will kind of go over the purpose of the meeting tonight and the way it is kind of going to operate. The meeting tonight, well many of these meeting here at City Council are wide open. You can speak on a myriad of topics. Tonight is a very, very specific meeting with a specific purpose and that is to receive public comments on the draft Environmental Impact Reports prepared for both what I will refer to as the Chico Retail and Annexation EIR which I will refer to as Wal-Mart North. And then there's the Wal-Mart expansion project which I will refer to as Wal-Mart South. So both of which have environmental impact reports prepared. This is the public comment period for that. State law provides a 45 day public review to comment on

1 environmental impact reports to comment
2 on Environmental Impact Reports. In this
3 case, we have extended that, actually, out to
4 closer to about 55 days. And as indicated on
5 the two sheets in the back the review process
6 for the Wal-Mart North Project the public
7 review period ends February 19th. The
8 public review period for Wal-Mart South
9 ends on March 2nd. And as I'll go over,
10 there are a couple different ways you can get
11 comments in. But again, I just really want
12 to really emphasize tonight is to accept
13 comments only on the EIR. We're not here
14 to speak about the project itself as far as
15 whether it's a... either project is a good
16 project, a bad project or whether Wal-Mart
17 itself is good or bad, only on the EIR. So
18 when we open it up and you speak to some
19 topics I'll kind of go over some of the
20 typical EIR comments. I'll first just kind of
21 begin by briefly going over what an
22 Environmental Impact Report is and the
23 process, the purpose of it. It is prepared in
24 accordance with the California
25 Environmental Quality Act. The whole
26 CEQA process is really two fold one of
27 which is an informational document. It is an
28 opportunity for staff working with a
29 consultant preparing, analyzing a particular
30 project and identifying the potentially
31 significant impacts associated with that
32 project, identifying mitigation measures that
33 can offset those impacts and or if they can't
34 be totally offset kind of highlighting that
35 well you know these levels of impacts they
36 cannot be reduced to less significant levels
37 therefore the public decision makers need to
38 do it, consider overriding considerations
39 which is a whole different issue. So during
40 this process we have done our best to

1 prepare both EIR's to an adequate level we
2 believe to highlight all the legal
3 requirements under CEQA for each topic
4 area ranging from anything to biology, to
5 traffic, to noise, to land use, to aesthetics so
6 all those are part of the documents. So each
7 of those projects again... so it is now public
8 review. You give your public testimony
9 tonight. What we then do is that we take
10 those comments, we give them to our EIR
11 consults working on both projects. They
12 then working with staff prepare responses to
13 comments to those, to all the comments
14 received that are environmentally related,
15 that raise specific environmental points
16 about the EIR's... An example would be
17 traffic. What we don't want to hear tonight
18 is we think the traffic is not adequately
19 addressed. That's not enough for us to go
20 on to give our consultant the heads up as far
21 as how the document is deficient. What we
22 are looking here for is the traffic analysis
23 looks at this little intersection. You say it's
24 going to be a level of service, B which is
25 acceptable. We think it's going to be a level
26 of service and D here's the specific reasons
27 why. You used the wrong methodology.
28 The traffic reports were done at the wrong
29 time. Biological impact is inadequate
30 because you didn't address a certain species.
31 That's the level of comments we are looking
32 for tonight. So we get these comments, we
33 work with the EIR consultant. We prepare a
34 response to comments and they go through
35 and go here's the topic addressed, here's the
36 comment, here's the response to it. If we
37 need to amend the text we will do that as
38 well. If we've left out a certain paragraph or
39 need to expand on a certain part of a chapter
40 we will do that. After a couple of in-house

1 reviews, we'll then issue what is called the
2 final EIR. And that final EIR again is any
3 changes in text that we feel needs to be
4 made, the response to each of the comments
5 and then that is bound and the final EIR will
6 be that document together with the draft
7 EIR. Those then go to the final decision
8 makers for the projects. In this case it will
9 be for Wal-Mart South the Planning
10 Commission. For Wal-Mart North it will go
11 to the Planning Commission and then
12 eventually to City Council because in that
13 case the one in the north requires an
14 annexation which Wal-Mart South doesn't
15 involve so City Council needs to act on the
16 annexation. So when it gets to that level
17 City Council and Planning Commission
18 when they act on the project they consider
19 the environmental document, all of the
20 responses to comments and then if they
21 deem that yes, staff you have done your job
22 and it meets the intent of the requirements
23 under CEQA they will then certify the EIR.
24 Then they can take action on the project.
25 They can theoretically certify the EIR, yes it
26 meets all the legal dead lines or all the legal
27 requirements, they could theoretically could
28 either approve project or they could deny the
29 project. So that is really our role tonight is
30 providing getting the comments, making
31 sure we have adequately, legally adequate
32 document that give the council all the
33 information they need to make an informed
34 decision. So with that as I mentioned the
35 public review period are still open. You
36 have the ability to submit comments tonight.
37 This is being videoed taped and as you can
38 see, there is a court reporter here as well, so
39 we will be giving transcripts and the tape to
40 our consultant so they can hear everybody's

1 comments. You can email me which many
2 of you have already done. My email address
3 is on the notice of availability sheets that are
4 in the back. It's pjmurphy@ci.chico.ca.us.
5 It's on our webpage. If you go to the city's
6 webpage you can find me. And then lastly,
7 which is the preferred method, is submit
8 your comments in writing. That way we are
9 assured that the consultants can see what
10 specially what your comments are. As far as
11 the projects themselves, what I'll do is give
12 a brief overview of each of the projects, a
13 general description and then we will open up
14 to public comment. The way we are going
15 to work this for ease of use for our
16 consultants is we are going to go Wal-Mart
17 North comments first. Get through all those
18 and those of you who have Wal-Mart South
19 comments, we'll then take those. In that
20 way we can divvy them up to the consultants
21 in a nice clean fashion. I way I'll work this
22 is we are not putting out cards like we do for
23 City Council or Planning Commission.
24 You'll each just come up to the podium and
25 maybe what we'll ask is, maybe if 5 people
26 can come up at a time and form a line.
27 When one person is finished then one other
28 person come up behind them so at all times
29 we have 5 people kind of ready to go. Once
30 you have finished speaking, if you can
31 please fill out the sign-up sheet over here
32 with your name and address. Nice, legible
33 writing would be appreciated so we know
34 who the specific speakers are. With that we
35 will go to the Wal-Mart North project and
36 just very briefly... the project, again this is
37 in the north part of town. There are a couple
38 different components of the project
39 involved, the annexation of approximately
40 148 acres within the city's sphere of

1 influence. So there is the Wal-Mart site
2 itself and there is a small map over that kind
3 of shows, there is a map of that in the EIR as
4 well, it shows the greater annexation area
5 from Eaton(?) Road basically up to the
6 existing Sunset golf course is now. That
7 entire area would be annexed. So the EIR
8 addresses not only development of the
9 proposed Wal-Mart site on the north end of
10 that, but the entire future growth of that
11 annexation area. So that is one component
12 of that project. The second is a parcel map
13 dealing with the proposed site basically
14 involving where the gold course is.
15 Realigning some property lines to facilitate a
16 future expansion of the Wal-Mart or
17 construction of a Wal-Mart there. So that
18 parcel map is required to move the boundary
19 lines under that state Subdivision Map Act.
20 If that is approved then it would again
21 facilitate the construction of a new Wal-
22 Mart Super Center, approximately 231,000
23 sq. ft. on approximately 20 acres. In
24 addition to that there will one one-acre small
25 retail lease area. We don't have a user at
26 this point of time. The EIR has assumed
27 that it will be a small retail development,
28 possibly a fast food restaurant, gas station,
29 something to that effect so that is what the
30 EIR assumes. And then in addition to that
31 the construction the off-site improvements
32 that would be necessary to facilitate that
33 project, the water lines, the sewer lines,
34 utility lines, things of that sort. So that is
35 Wal-Mart North in a nutshell. And I'll go
36 over this Wal-Mart South when we get to
37 that one. Basically the remember prepared
38 is in three volumes. The first volume is just
39 the text going through all the various
40 chapters. Volumes two and three are the

1 technical appendices, the specific traffic
2 reports, the number, things of that sort. The
3 EIR identifies for Wal-Mart North a number
4 of potentially significant impacts. It
5 identifies those that can be mitigated to a
6 less significant level and it identifies certain
7 impacts that cannot be reduced to less
8 significant impacts some are Wal-Mart
9 specific. Some of the impacts are dealing
10 with the overall future growth of the
11 annexation area. Change in scenery is one.
12 If the whole annexation area eventually
13 develops it will change it from more a rural
14 setting to more of an urban setting. The EIR
15 assumes for the purposes under CEQA that
16 that change in character from rural to urban
17 is a significant unavoidable impact that
18 come with city growth. The same thing with
19 biology. It looks like the eventual
20 development of the whole area within there
21 some pieces of property aren't biologically
22 sensitive. Some areas along Mud Creek are.
23 For the purposes of the EIR they assumed or
24 concluded that for the annexation area
25 significant unavoidable impacts could occur
26 given the location of Mud Creek. There
27 aren't any specific development proposals
28 for that other than the Wal-Mart but they
29 looked at it globally. For the Wal-Mart
30 project itself, traffic was really the main
31 issue of our significant unavoidable impacts
32 both short term, things that need to be done
33 now, say at the Hwy. 99 Eaton Road off
34 ramps, have identified impacts, identified
35 mitigation measures. At this present time
36 there is not adequate funding to carry out
37 some of those mitigation measures, so
38 significant unavoidable. We can't mitigate
39 at this time. If funding becomes available
40 then we reduce that, but because there is not

1 a funding source at this time it's assumes
2 significant unavoidable. Air quality, both
3 construction and post construction impacts,
4 additional cars, additional grading,
5 additional dust looks at it cumulatively for
6 the whole region from a citywide and an air
7 basin significant unavoidable impact. And
8 this is really a situation where any large
9 project in the city these days we have to
10 have that same override because we already
11 have adverse conditions under certain topics
12 of air quality throughout the whole region.
13 So that's just a very basic summary as far as
14 what the EIR has concluded. So at this point
15 in time again we can open it up for public
16 comment on the adequacy of this document
17 and I again stress be as specific as possible
18 with respect as your comments. How the
19 EIR is deficient or how it could be
20 strengthened and then we will take those
21 comments and try to respond to those in the
22 final. So with that, maybe if we could have,
23 as I said have about five people at a time
24 kind of stacking and then it will go... You
25 are not required to give your name or
26 address like we typically do for City Council
27 or Planning Commission, but as long as you
28 can fill in the sign-up sheet with that when
29 you are done it would be appreciated.

30
31
32 Samantha Helair(sp?):

33 Ok, thank you, thank you Patrick. Thank
34 you for that nice little compact overview of
35 the project. And my name is Samantha
36 Helair (sp?). I do live in Chico. I'm a
37 consultant, but I am here just as a private
38 citizen. I am not representing any particular
39 organization or my employer. I just wanted
40 that to be clear. And I have provided written
comments. I don't know if you have

1 received them on three sections which was
2 aesthetics, biological resources and land use
3 public policy and economics. The
4 comments that I will make here tonight just
5 to keep things brief are with section 4.11
6 which is land use public policy and
7 economics. The first one has to deal with
8 the context of the sites. The annexation area
9 is described in the document as a
10 heterogeneous mixture of light industrial,
11 commercial, educational, residential and
12 agricultural uses, but there was no
13 quantitative spatial information on the
14 relative amounts of these uses within the
15 annexation area or within the two mile
16 cumulative effects buffer that you guys
17 described. And it is difficult to gauge the
18 context the amount of change in those land
19 uses of adding large-box retail without some
20 sort of spatial quantitative data in that area.
21 The rest of my comments on land use public
22 policy and economics relate to economic
23 issues, but I did try to relate them to
24 economics issues with physical change
25 including urban decay not just economic
26 issues per say. The first one has to deal with
27 retail markets and competition. The EIR
28 says that the proposed Wal-Mart
29 Supercenter would compete only with
30 general merchandisers and grocery stores,
31 but as far I can tell there's no quantitative
32 data to substantiate that. And that issue is
33 not fully addressed. And given the selection
34 that they are describing being provided at a
35 supercenter the analysis could also consider
36 competition with at least pharmacies,
37 hardware garden centers and toy stores if not
38 other retail markets as well. The next
39 comment is on the impact of closers. The
40 EIR predicts closers of between one and

1 three grocery stores and one and three
2 general merchandisers depending on the
3 economic strength of Chico. This is not
4 identified as an impact. And the effects of
5 this urban decay are not rated as less than
6 significant, significant or significant non-
7 avoidable. The next two comments that I
8 have regard reoccupation of closed stores
9 that could happen. The EIR discusses
10 reoccupation of large retail space, but it does
11 not include a discussion of urban decay
12 related to small and medium size retail space
13 which does seem to remain open longer in
14 Chico. It is also based upon population data
15 and anecdotal evidence from a particularly
16 expansive real estate market in 2004 and
17 2005. And I wanted the Planning
18 Department to consider if that should be
19 revisited in light of the current cooling real
20 estate market to totally address urban decay.
21 The last two comments I have are regarding
22 competition in specific areas of Chico. The
23 assertion that a Wal-Mart would not
24 compete with downtown retailers seems
25 largely based on anecdotal information and a
26 walk through downtown and no quantitative
27 analysis was presented therefore urban
28 decay in that particular retail area is not fully
29 addressed. And the EIR only addresses
30 urban decay in two regions of Chico. This is
31 what I could tell the south side around the
32 malls on 20th Street and the downtown retail
33 area that there are no specific analysis of the
34 potential of urban decay in other particular
35 retail locations such as North Valley Plaza
36 and Almond Orchard area or East and
37 Esplanade. Those are not discussed
38 particularly so there is urban decay all
39 throughout Chico discussed, but not how it
40 might affect certain retail regions that might

1 be closer or farther away from the north
2 Wal-Mart location and the types of retail
3 space available there. So are those are my
4 comments regarding land use public policy
5 and economics. The further comments I
6 have are regarding aesthetics and biological
7 resources including several species that I
8 thought should have been addressed but
9 weren't addressed in the EIR. Thank you.

10
11 Patrick Murphy: Thank you.

12
13 (Applause sounding)

14
15 Michael Pearlman: My name is Micheal Perlman. I have only
16 one concern that I am going to raise right
17 now and that's the business model of Wal-
18 Mart which cannibalizes its own stores very
19 frequently. That is it builds its store, a city
20 plans for that building then it leaves because
21 it overbuilds the number of stores it
22 required. This is pretty well documented in
23 the business press and then they close the
24 store. In a sense they are using the economy
25 as a Go game, like the Chinese game of Go
26 in order to move people out, move
27 businesses out then to close and let one of
28 their stores take over from the other. The
29 problem then has to do with building
30 creating new traffic proposals in the light
31 and then having them leave and being
32 saddled with another Fred Meyer
33 experience. Could that be addressed in the
34 planning?

35
36 Patrick Murphy: Ok. Thank you.

37
38 (applause sounding)

39

1 Heather Schlaff:

2 Hello. I am Heather Schlaff and I am the
3 coordinator of the Chico Advocates for a
4 Responsible Economy here in Chico. And
5 the first thing I would like to do is sincerely
6 thank the planning staff for months and
7 months and months. I know of it's hard
8 work because I have been following it for
9 about three years so... So I know how
10 much has gone into this. Having said that I
11 also I have to say that I am not at all as
12 specific as the first speaker. I wish that I
13 were in terms of sections of the report, but
14 my concerns are primarily on the economic
15 analysis and our biggest concern is that we
16 felt that the Sedway consultants were not
17 complete and they were somewhat
18 misleading and that some of the data, I know
19 that came from 2003. What I would like to
20 do is to ask if I can give to you a copy of the
21 economic analysis that was done by Dr.
22 Philip King from San Francisco State that
23 was done independently of the EIR. We feel
24 he has a more detailed and current
25 assessment of the economic situation in
26 Chico and the potential for urban decay
27 which was mentioned by the first speaker as
28 well. I would like to mention Stockton
29 which is the first supercenter that was
30 constructed in northern California has now
31 been I think three or four years in there.
32 They are beginning to see an economic
33 turndown there such that the council I
34 believe is beginning to look into a big box
35 ordinance for any future development there.
36 Also I would like to mention that which
37 came to me while you were describing the
38 overall EIRs that I know just recently the, I
39 believe Northwest Chico Specific Plan has
40 been approved and within that is a plan for
an approval for small retail space within that

1 area that is planned specifically to be
2 walkable-bikeable. And I feel if we have a
3 Supercenter at that north site with the traffic
4 and the trucks that will be going there and it
5 encourages people to come by car and to
6 buy large quantities that that's going to be a
7 threat to what is already has been approved
8 in the Chico Northwest Specific Plan. And
9 the only other comment that I have is that
10 we would like to request if possible that
11 when the final EIRs are done if both north
12 and south sites could be considered
13 simultaneously by the two bodies, the
14 decision making bodies, the Planning
15 Commission and the City Council. So I
16 would like to submit this for you.

17
18 Patrick Murphy:

Thank you.

19
20 (applause sounding)

21
22 Tymra Yeates (sp?):

My name is Tymra Yeates (sp?) and I'm
23 here simply as a concerned citizen. After
24 listening to Ms. Shaw and the Chico
25 Advocates for a Responsible Economy I do
26 want my comments, my comments are
27 specifically design at the economic impact
28 in the EIR. And it is a very, Samantha I
29 didn't catch you last name, she covered it
30 much better than I could, but I have some
31 very specific things to add. I should say
32 ditto to her and add these. CARE has raised
33 concerns with the possibility that the two
34 supercenters in Chico seven miles apart, the
35 negative effects they'll have on the
36 community. What they haven't addressed as
37 specifically is the economic impact of
38 another supercenter planned only eight miles
39 away. That's the one in Paradise. (a voice
40 is heard from the audience – unintelligible.)

1 Oh, I'm sorry. I am not into the... it's o.k.,
2 I'll talk into the mic. I was a little to the
3 side there. On my interest, what I had just
4 said, my interest is that even though the EIR
5 mentions the supercenter in Paradise it is not
6 included specifically enough in the
7 economic impact part of the EIR. On the
8 Chico supercenter references the Paradise
9 Skyway but claims and this is a quote from
10 EIR, quote the project in Paradise is likely to
11 enter the market substantially after any of
12 the other identified development projects.
13 We do know this to be untrue and I believe
14 needs to be corrected in the final EIR. The
15 California State Court of Appeals just found
16 problems with the Paradise's site waste
17 water capacity, but according to the
18 developer and the Town of Paradise the
19 project will be before their town council
20 within months only. That's not substantially
21 after the other identified development
22 projects. Also, we believe that, or I believe
23 that you need to take into consideration the
24 Red Bluff supercenter which has been
25 approved already and it is not included in
26 the Chico EIRs. And I would just like to say
27 these comments apply to both north and
28 south. I am not going to get up and say it
29 again during the south time (laughing). I
30 think that Paradise does need to be taken
31 into consideration. The Oroville Wal-Mart
32 has just be chosen for a supercenter
33 expansion. And as you know Willows'
34 existing Wal-Mart has been approved for
35 supercenter expansion, but it's not included
36 in the Chico EIR. And if one wants to look
37 at urban decay that's a probably a good
38 place to see it actually where it has
39 happened. These projects need to be
40 considered by all jurisdictions considering a

1 supercenter. They will, these other Wal-
2 Marts will directly impact the amount of
3 consumer traffic that will be pulled away
4 from Chico to outside our city limits. This
5 is not accounted for the current Sedway
6 economic study and I encouraged you to
7 include it in the final EIR. Thank you.

8
9 (applause sounding)

10
11 Ed McLaughlin:

12 Ed McLaughlin speaking as a board member
13 of the Downtown Chico Business
14 Association. My comments will address a
15 land use public policy and urban decay and
16 since the EIR for the south project referred
17 to the Sedway report in the north project I
18 would hope that my comments could cover
19 both EIRs. DCBA's concern is that there
20 was fairly cursory fiscal analysis done
21 relative to the downtown environment and
22 that there should have been a more in-depth
23 study. Other specific large other big box
24 retailers were mentioned, but downtown
25 kind of got short shrift in this process. And
26 not only with existing business but the
27 possible effects, negative effects that this
28 project might have to attract other future
29 businesses to downtown. And maybe the
30 one point that really sticks out is policy
31 LUG 13 from general plan, goals and
32 policies maintain and enhance downtown's
33 vitality and economic wellbeing and it's
34 presence as the city's symbolic center. So I
35 hope that could be kept in mind. Thank you.

36 (applause sounding)

37
38 Kelly Merritt (sp?):

39 Kelly Merritt, 323 Main Street. Boy, a lot
40 has been covered. I'm downtown business
person who... a property owner as well, just

1 right across the street here. I think this
2 project would harm our downtown and more
3 importantly just the entire small business
4 community. And you know I am shocked to
5 hear that sometimes groups that represent
6 the business community are saying that
7 something like this big-box stuff, well I just
8 against big-box stuff, but let's get specific
9 now, Patrick, ok. You know I don't think
10 the cumulative impact portion of this
11 document is, I think it is totally inadequate.
12 You got huge traffic issues out there. And I
13 know there has been a specific plan and the
14 like, but you know this throws like a kind
15 like a monkey wrench into the whole
16 situation out there in that part of town. And
17 I think there has been a sentiment that's
18 been expressed by many people in our
19 community and that said let's try to get our
20 traffic situation, let's get a handle on it.
21 Let's try to calm this down. Let's find a
22 way to like deal with the tremendous traffic
23 issues we have before we go doing giant
24 things like this. I guess that ain't specific,
25 but you know I just, I would hope that we
26 will have other opportunities to talk about
27 this. I know there will be public hearings
28 and the like and specifically I am for the no
29 project alternative. That means they don't
30 build it.

31
32 (applause sounding)

33
34 Male Speaker:

35 City planners, distinguished guests, speaking
36 on behalf of the Barry Krishner Wild Life
37 Foundation, I believe through these
38 environmental impact reports the city has
39 accurately assessed the impact the
40 supercenters would have on Chico's
environment. As an organization whose

1 mission it to care for wildlife and preserve
2 our local habitats we believe development of
3 these two supercenters in Chico will not
4 have a significant effect on native habitats
5 and wildlife. Wal-Mart is good for our
6 foundation and our community. The
7 foundation is proud to receive grant funding
8 from Wal-Mart which contributes to our
9 preservation and educational programs. The
10 Berry Krishner Wildlife Foundation believes
11 the city has completed an accurate and
12 sufficient Environmental Impact Report and
13 we see no reason why not to support the
14 developments of these projects. Thank you.

15
16 (applause sounding)

17
18 Rex Watts:

18 Good evening, I am Rex Watts. I am
19 technically 23 years of age. And to serve
20 this Wal-Mart will eventually be to my era.
21 I live northwest of Chico. And to drive
22 south of town economically is a burden on
23 me. There is no commercial buildings and
24 or supermarkets north of town at this current
25 moment. And so at that place of Garner
26 Keeper economically it is a sound area.
27 Unless something happens it won't
28 (unintelligible words). Another thing,
29 \$2,300 or 20% could be saved for driving
30 just a couple of blocks to the new Super
31 Wal-Mart as opposed to going south of
32 town.

33
34 Patrick Murphy:

34 Just a reminder, we are focusing on just
35 inadequacies of the document so (voices
36 overlap).

37
38 Rex Watts:

38 You know, you got a good point.

39
40 (unknown voice from audience) Get a bike.

1
2 Rex Watts: Get a bike, you too.
3
4 Patrick Murphy: So just a reminder that when the project
5 does come back to Planning Commission,
6 does make it's way to Council there will be
7 ample opportunities for public comment on
8 the benefits of the project, the adverse
9 impacts of the project, good, bad... That's
10 the forum for that so we want to keep very
11 focused.
12
13 Rex Watts: So 650 employees (voices overlap)
14
15 Brendan Vieg: Just one more point, just respecting other
16 people, is the no booing please, no hissing.
17 We are allowing the clapping but we are not
18 supposed to... I mean the longer you clap
19 the longer we are here tonight so the point is
20 try to move through this kind quickly as
21 possible for all your sake.
22
23 Rex Watts: I know how people can like or dislike Wal-
24 Mart. As being a student is definitely a
25 benefactor to us and that community. It
26 supplies 650 jobs. It is difficult to be a
27 student and receive a job. And I think if
28 anyone here is they can understand that.
29 Wal-Mart supplies a good stream of that...
30
31 Patrick Murphy: Once again, let's focus, so if...
32
33 Rex Watts: Well, that is my case.
34
35 Patrick Murphy: Ok.
36
37 Rex Watts: Then have a good evening. Thank you.
38
39 (applause sounding)
40

1 Tammy Ritter(sp?): Good evening, my name is Tammy Ritter. I
2 have not received any funding to be here this
3 evening. My comments about the EIR are
4 specifically are regarding air quality and I
5 would like to address both sites at the same
6 time so I don't have to go back and say this
7 again. Regarding the south site, the project
8 would contribute to cumulative air quality
9 impacts. These impacts would be
10 cumulatively considerable and significant
11 impacts according to the EIR. It goes on to
12 say that even after mitigation this is a
13 significant and unavoidable impact. On the
14 north side the cumulative emissions from the
15 proposed project and other reasonable
16 foreseeable projects would contribute to
17 non-attainment of air quality standards in the
18 Chico area. This is a significant impact this
19 area of 4.3 of the EIR. Well what does this
20 mean to Chico? The residents of Chico
21 understand what it means to sit in traffic.
22 We understand what it means to have light
23 shining into our homes 24 hours a day, but
24 what impact will the poor air quality have on
25 our community? The California Air
26 Resources Board, a government agency,
27 finds that already each year in California
28 poor air quality is responsible for 240,000
29 asthma attacks...
30

31 Patrick Murphy: Tammy, can I have you focus too as far as...

32

33 Tammy Ritter: Ok...

34

35 Patrick Murphy: Is there something...

36

37 Tammy Ritter: This is going to go right back to the EIR.

38

39 Patrick Murphy: Right, that's what we are looking for.

40

1 Tammy Ritter: Ok, so we have all these health impacts,
2 hospital admissions, early deaths, lost work
3 days. If the state of California can quantify
4 the impacts of air pollution then Chico needs
5 to as well. The EIR outlines the particulate
6 and ozone anticipated from these projects
7 but does not give any sense of what this
8 means for public health. Please conduct a
9 health risk assessment on these two projects.
10 We need to know and we deserve to know
11 how many more children are going to
12 develop asthma, how our doctors offices,
13 our hospitals are going be affected. How
14 many premature deaths are going to be
15 caused? How many days of work lost?
16 How many cases of lung cancer and how
17 many other health issues these projects are
18 going to cause. And we need to know this
19 before these projects are approved.

20
21 Patrick Murphy: Thank you.

22
23 (applause sounding)

24
25 Nancy Park: Hi. Before I start I would just like to
26 beseech everybody to treat all the speakers
27 with respect. I am very much opposed to
28 these projects, but it takes a lot of guts to get
29 up here and talk in a public hearing so we all
30 need to respect each other. My name is
31 Nancy Park. I live in Chico. I first came to
32 Chico with my family in 1957 and I have
33 lived here 30 of the past 50 years. My
34 remarks are for both projects and they center
35 on the economic study part of the EIRs.
36 They were done by the Sedway Group
37 which is firm paid for and often used by
38 Wal-Mart to provide favorable economic
39 analyses of their projects. And they
40 conducted these economic analyses. The

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independent study by Professor Phil King which was submitted to you earlier is being submitted to supplement what seems to be a flawed study by Sedway. We believe his, Professor King's study includes data and analysis that leads to concrete and defensible conclusions unlike those provided in the current draft EIR. With that said I am going to quickly make three points about the Sedway study. First it fails to specific financial data that would indicate the economic health of existing Chico businesses. And therefore it is really unable to adequately assess the economic impact the two supercenters will have on Chico. Looking at specific financial data the study by Professor King found that if both supercenters are approved up to five supermarkets as well as some major tenants may close. And this of course leave large vacant buildings, causes urban decay and it also we lose jobs. My second point is that the Sedway does not adequately address the impact the two proposed supercenters will have on downtown. This has been mentioned before. I won't belabor the point. They neglect to acknowledge the impact that the supercenters will have on downtown business that directly will be competing including clothing stores and bicycle shops and the like. All of the downtown businesses will be affected one way or the other. Finally the Sedway study uses outdated and inaccurate information. It considers the cumulative impact of only some of the eight proposed and or approved supercenters within 60 miles of Chico and yet, that's right, eight proposed or approved supercenters within a 60 miles radius of where we are standing tonight. The study

1 briefly discusses the supercenters in Red
2 Bluff, Paradise and Willows, but the study
3 does not consider the cumulative impact of
4 additional super stores in Oroville and
5 Redding and the one that is already open in
6 Anderson. Thank you for your time.
7

8 (applause sounding)
9

10
11 Rebecca Martin:

I want to say thank you for your comment.
It calmed my nerves. I am Rebecca Martin.
I am here in Chico. And I just wanted to
make comment short and sweet and to the
point. I think the EIR is great and I think we
should just move forward. Thank you.

17
18 Evan Pappa:

My name is Evan Pappa. I am a long time
Chico resident. I am here representing my
wife and young child and I think other
growing families. Having examined the EIR
I will be very succinct to the point. It is my
opinion that the EIR is accurately defined
and I we ought to move forward. Thank
you.

26
27 Mitch Cox:

I (coughing) excuse me. Mitch Cox, live on
Cathy Lane off of Garner. Patrick, I
appreciate your help and I forgot your name.
You've got your name plate turned around
so I can't... Brenden, you are doing a heck
of a job. I'll do the north comments first
and then I will go and sit down and then
when the south comments come up, I'll do
that too. I am here to talk about traffic. As
a resident of that area, like I said I live off of
Garner on Cathy Lane, and a parent of two
children at Shasta Elementary School near
the proposed North Chico site, I am
obviously concerned how a Wal-Mart

1 supercenter would impact me and my
2 family. In regards just to the north Chico
3 development the draft predicts significant
4 impacts on traffic to the tune of an
5 additional 16,000 cars trip per day in the
6 area. And that doesn't even mention the
7 countless delivery trucks that will be going
8 in and out of the supercenter. Anyone who
9 has driven in that area during the school
10 week knows the traffic along the Esplanade
11 is already backed up during morning drop-
12 off and morning and afternoon pickup.
13 Additionally, many children walk to school
14 along the Esplanade and I am wondering if it
15 is really wise to increase to this degree on
16 this route and endanger our children. The
17 proposed Chico site is surrounded by roads
18 like Garner and the Esplanade and that area
19 roads are simply not designed to handle such
20 a huge increase in traffic. The draft EIR
21 details mitigation plans in order to handle
22 that foreseen increase in traffic.
23 Unfortunately, nearly every single one of the
24 mitigation measures detailed in the report
25 includes this following sentence and this is a
26 quote: These improvements are under the
27 jurisdiction of Cal Trans and Cal Trans has
28 not allocated funding for the project. Just
29 like Patrick said, there's no money. And if
30 there's no money to pay for the
31 improvements, what's going to happen?
32 Well, what will happen is the Wal-Mart will
33 be built but the traffic will become a
34 nightmare. Thank you.

35
36 (applause sounding)

37
38 Ben Forsic (sp?):

Ben Forsic, thanks Pat, Brendan. Just
reiterate some of the points that have already
been made. I would like to discuss

1 particularly the north project regarding it's
2 impact on Shasta Elementary School. I
3 don't think that the EIR is adequately
4 addressed some of the impact and it has
5 already been mentioned with the traffic.
6 There's a number of students that... 545
7 students that the school takes care of
8 kindergarten through 6th grade. And there is
9 a number of them that either walk to school
10 or bike to school. And the additional 16,000
11 trips to this facility would significantly
12 impact their safety on the road in that area.
13 The pick up and drop off times are already a
14 traffic issue. I don't know if the EIR is
15 adequately addressed those traffic time
16 zones. I would like to have that looked at as
17 well. We also, I also feel that there is going
18 to be such an increase of traffic in the
19 Esplanade area of the school that the
20 students' ability to concentrate at school,
21 noise levels and so forth may be an impact
22 as well. There is also some health concerns
23 with the amount of additional trips to this
24 facility that would propose a potential health
25 problem for the students. The EIR does
26 address the pollution, air quality control in a
27 general sense, but it is not going to be spread
28 out throughout Chico. It's going to be more
29 dense in the Shasta School District and in
30 that area of the project. And I don't think
31 that the EIR adequately addresses the
32 students' increased exposure to asthma and
33 other pollution related items. Thank you.

34
35 (applause sounding)

36
37 Casey Merrill(sp?):

38 My name is Casey Merrill and I would like
39 to request that the EIR take a look at the
40 increased vehicular traffic will do to
pedestrian and bicycling safety at both sites.

1 The previous speakers mentioned the
2 presence of Shasta School and any of us
3 who have traveled along the Esplanade
4 North 99 Corridor know that already it's
5 basically unsafe for bicyclists and there's
6 really not adequate infrastructure for
7 pedestrians. And I think these comments
8 apply to both the north and south. The south
9 is actually much more problematic getting
10 across from the downtown area across the
11 overpass of 99 over to the south Chico
12 shopping area. But there's no specific
13 numbers to or you know like 4.13 in the EIR
14 to quote because pedestrian access really
15 hasn't been adequately addressed in the EIR.
16 And I would appreciate if that could be
17 looked at. The bus passage has somewhat
18 been addressed. And I am not sure that is
19 was clearly identified in the EIR that it is
20 inadequate. You know the bus drops people
21 off way out in front of the parking lot and
22 requires them to walk through all the car
23 traffic to the stores. And I think that is
24 problematic in terms of assessing pedestrian
25 and alternative transportation. Thank you.

26
27 Patrick Murphy:

And that's related to Wal-Mart south
obviously, but you overall comments are for
both of them as far as just pedestrian access
and safety.

31
32 Casey Merrill:

And alternative transportation.

33
34 (applause sounding)

35
36 Joan Olmstead(sp?)

My name is Joan Olmstead and my husband
and I did a road trip a couple of years ago
and I always just loved seeing a Wal-Mart
come up because we could park our R.V.
there and get what we needed. After a

1 couple of days on the road we finally figured
2 out hey wait a minute all the towns around
3 the Wal-Marts they were not only closed up
4 they were boarded up. You couldn't go into
5 a little town and get a decent home cooked
6 meal or go to a used book store or get your
7 hair cut. It was just gone. It wasn't replaced
8 by something else. It was no longer there.
9 And that was the pattern driving across
10 country one-way and coming back the other
11 way. And I'm glad to hear that the
12 downtown business people are speaking up
13 because it is going to effect everybody. And
14 I am not against Wal-Mart. I think one is
15 fine, but I think two is too many. And I've
16 been in those super stores and they are just
17 monstrous and they are going to wipe out a
18 lot of small businesses. You wipe out small
19 businesses and you wipe out the character of
20 Chico which is why we all live here. Thank
21 you.

22
23 (applause sounding)

24
25 Unknown Female Speaker:

26 I couldn't have planned it any better to have
27 that women in front of me and it wasn't
28 planned. But I am going to bring up an item
29 that is very colorful, but it is a concern. It's
30 not what I think, I don't think it is in the
31 EIR. I tried to review your EIR on my
32 computer screen. That's a really difficult
33 task for a normal individual to do. You
34 know you really tie people's hands behind
35 their back to say that we have to address
36 specifically, but I live across from Wal-
37 Mart. I am a morning walker for the last the
38 10 years. I walk through the field between
39 Wittmier and Wal-Mart and they have a
40 national open-door policy which I am sure
will continue with the Wal-Mart they have

1 now and the one they are going to build.
2 The campers and the RV'ers are allowed to
3 camp overnight in their parking lots. And I
4 have witnessed people urinating and
5 squatting in the bushes so I would like to see
6 that addressed in the EIR. I would like to
7 also let you know that there are vehicles
8 from time to time, trucks that are built in a
9 way where people are actually living in the
10 back ends of them that had sheeting and
11 people would come out and dump chicken
12 carcasses into the islands where they had
13 been cooking in the back end. This one
14 particular vehicle that would rotate this
15 parking lot about every three or four weeks.
16 In other words I feel what they are doing is
17 they are rotating Wal-Mart parking lots to
18 live in. They would have accumulations of
19 items on the top of their truck like hoses,
20 lawn chairs, bicycles. And coincidentally
21 one weekend when I was doing my morning
22 walks the following Sunday and Monday I
23 heard from my neighbors how certain items
24 were missing that were the very same type
25 of items that I saw on top of this truck. So
26 what I am trying to say to you here is that
27 we have an EIR issue of bathroom facilities,
28 of people spring boarding off into our
29 communities nights and weekends to steal
30 from us. And I dealt with this city, Scott
31 Armstrong, and finally went to Tony
32 Baptiste for two years and I have a file this
33 thick if you would like to look at it
34 regarding this very same issue that I dealt
35 with independently before I knew Heather or
36 anything like that. I still have it at home.
37 It's got photos in it and everything else.
38 And Wal-Mart laughed at me until the dealt
39 with the city and then I had to push, push,
40 push with Tony Baptiste to get anything

1 done. And the campers are way less than
2 they were, but let me tell you as soon as they
3 get what they want those campers are
4 coming back.

5
6 (applause sounding)

7
8 Jeff Crite(sp?):

9 My name is Jeff Crite and I am going to
10 address the agricultural concerns in the EIR.
11 I live and farm directly across the street
12 from the proposed north development. And
13 I have walnuts across the street, about 45
14 acres directly across the street and then the
15 orchards go on back, but would not be
16 affected. But directly across the street will
17 affect our operations significantly. I believe
18 that the EIR, while agriculture is mentioned
19 in there I don't think, I think they have
20 glossed over some of the impacts.
21 Particularly they talk about a buffer. It's
22 mentioned and they did in the EIR they did
23 contact the Ag Commissioners Office and he
24 had some recommendations. And then the
25 response back was that not all those
26 recommendations would be possible if I read
27 this correctly. And so my concern is this
28 buffer. I would like to know what this, a
29 little more specifically what this buffer will
30 be and how it will affect my operation.
31 Personally, I don't see how a large
32 particularly a grocery retail operation such
33 as this is at all compatible with any kind of
34 buffer with agriculture. We do apply
35 pesticides. We make dust. We make a lot
36 of noise and we have slow equipment on the
37 roads and probably about 10 other things
38 that I can't think of off the top of my head
39 that are going to conflict, but I think all of
40 these need to be considered. I would
recommend in the discussion that a farmer, a

1 couple of ag people in addition to the Ag
2 Commissioner in the area be a part of the
3 discussion particularly on the buffer and so
4 that we can let you know what we need
5 which is quite a bit more than I think is
6 given in the statement here. Thank you.
7

8 (applause sounding)
9

10 Vance Edwards:

11 Hello. My name is Vance Edwards and I am
12 representing the Butte Green Party here with
13 over 2,000 registered local voters. And I
14 would like to reaffirm some of the
15 complaints about traffic and especially as
16 they relate to the Northwest Chico Specific
17 Plan which was designated to enable
18 residents to walk and bike to future
19 development. I and I don't think that the
20 impacts were adequately addressed in the
21 EIR regarding what impact 16,000 car trips
22 a day are going to have on residents ability
23 to go and from their places on foot and on
24 bicycle. And that will be it for the north
25 side. Thanks.

26 (applause sounding)
27

28 Michael Quarter(sp?):

29 Hi, my name is Michael Quarter and I feel
30 that the EIR does not adequately address the
31 increase in the human rights abuses that are
32 going to occur in China. That (applause
33 sounding) Chico will be directly responsible
34 for it due to our increased reliance on Wal-
35 Mart and the products that they get in China.
36 And the only reason why we can go and buy
37 such cheap products from Wal-Mart is
38 because of the terrible working conditions
39 and human right abuses that are happening
40 in China. Including a forced labor system
with millions of free workers where people

1 can be imprisoned up to three years with no
2 trial.
3

4 Patrick Murphy: I appreciate your comments and I don't want
5 to squash those thoughts, but we need to
6 focus on the requirements of the California
7 Environmental Quality Act for the purposes
8 of this meeting.
9

10 Michael Quarter: Is it true that the EIR does not cover the
11 impact of the international situation and how
12 Chico is influencing that situation?
13

14 Patrick Murphy: That is true.
15

16 Michael Quarter: Ok, well I'll save the rest of my comments
17 for the next meeting then.
18 (applause sounding)
19

20 Ralph Arrellano: My name is Ralph Arrellano. I live in the
21 affected area as many of the people here do
22 and this is a huge quality of life issue. And
23 as we go down we look at the noise, we look
24 at the pollution, we look at the aesthetics
25 and we have issues with every one of those.
26 Many of them have already been covered.
27 I'd just like to focus one and that is traffic.
28 Traffic is already been mentioned, but I
29 think in the EIR because of the lack of
30 funding, because of the lack of solutions that
31 have been put forward in the EIR what's
32 going to happen if the funding doesn't come
33 forward and they don't put in the extra lane
34 in on 99? If they don't put the adequate stop
35 lights at the section of Garner over by the
36 school at Nord and the Esplanade, at the
37 Esplanade and the other end of Garner?
38 What does it mean?
39

1 Patrick Murphy:

2 Let me, that's a good point because I didn't
3 give a good overview as far as the CEQA
4 process when that happens and just for
5 everyone's information when an EIR
6 identifies an impact that cannot be
7 mitigated, could be for a myriad of reasons,
8 one there is no funding at this point in time
9 or there just... Ag buffer, you can't come up
10 with something that works. For those issues
11 the California Environmental Quality Act
12 process allows a decision making body,
13 Planning Commission City Council to, they
14 acknowledge those impacts and gives them
15 an opportunity to still approve a project
16 recognizing those significant impacts. But
17 they have to make certain specific findings
18 called over-riding considerations that there
19 are special social-economic issues with the
20 community that they can choose to over-ride
21 those environmental impacts. So there is a
22 process for that so if it came to it and City
23 Council wanted to do that as far as the staff
24 report, as part of the legal finding they
25 would have to make written findings
26 acknowledging those impacts but then
27 making their over-ride. So the process does
28 allow for it. It is up to the decision making
29 body to do that.

30 Ralph Arrellano:

31 So it just goes forward as an unmitigated
32 issue to be resolved by the City Council.

33 Patrick Murphy:

34 Correct. And the City Council weighs the
35 potential benefits of this project or we have
36 many projects in the city that you have to
37 weigh certain issues with other issues,
38 environmental issues. They can make the
39 finding that no the benefits of that project
40 don't outweigh those environmental impacts
therefore they don't approve the project or

1 yes in certain circumstances they may make
2 that finding and say ok we are going to
3 approve this project recognizing that some
4 of these impacts can be mitigated.
5
6 Ralph Arrellano: And our opportunity to express our concerns
7 in that regard is when it gets to the City
8 Council.
9
10 Patrick Murphy: Exactly.
11
12 Ralph Arrellano: Thank you.
13
14 (applause sounding)
15
16 Unknown Male Speaker: Good evening. You're part of this
17 environment that we are talking about. And
18 for about 20 or 30 years of my life I spent
19 my time defending big retail organizations
20 like this particular one that's the cuckoo in
21 our nest at the moment. And I can tell you
22 there is no end to what is possible in the way
23 of price and marketing reduction. There is
24 no end to the techniques that we and I could
25 have advised them to do to eliminate the
26 competition in this area. What I suggest to
27 you is that you read the over-riding notes
28 which are roughly paraphrased say they
29 have done their best with the EIR but can't
30 be responsible if things turn out differently.
31 Believe me, things will turn out differently.
32 For example, the report is completely
33 incomprehensible when it looks, and
34 incompetent I might say, when it looks at
35 the hierarchical structure of retailing. It
36 does not make any assumptions at all about
37 the way that these developments which in
38 fact double the amount of retail space in this
39 city. They will in fact raise the size of Wal-
40 Mart to about 575,000 square feet which is

1 about 5 square feet for every man, woman
2 and child in Chico. It in fact will reduce I
3 believe dramatically the sales that are made
4 by other retailers and there's no, that is
5 dispensed within the report as people say no
6 it won't happen here at all. It's called
7 leakage. Well the leakage folks is
8 something is like five or six hundred million
9 dollars per year. And that is going off and
10 its profit is going off to our friends in
11 Arkansas. I would like you to consider then
12 to re-look at the hierarchy of retailing in this
13 area and the various pulls that are going on
14 because at the moment only about a third of
15 the population of this area actually comes
16 downtown and that's a thought for you.
17 And I'd like you to not completely ignore
18 Professor King's report which it about the
19 only dispassionate piece of information in
20 this very elaborate house of cards you have
21 constructed which is on very, very nervous
22 foundation. Thank you.

23
24 (applause sounding)

25
26 Unknown Female Speaker: Hi Brendan. I am representing Butte
27 Environmental Council which has over 850
28 members in our area. And I would like to
29 suggest that there should be an analysis, an
30 economic analysis so that the policy makers
31 and the public are fully aware of the costs,
32 the potential costs from the unavoidable
33 significant impacts. I think we all should be
34 provided that information. While I don't
35 expect Wal-Mart to take on the entire
36 General Plan area for that analysis, I think
37 their share should be absolutely be
38 illuminated for the public and the policy
39 makers. And I think as an example,
40 obviously the infrastructure. I was deeply

1 concerned to see though appreciated, they at
2 least identified them in here that the
3 biological impacts, long term cumulative. I
4 don't think even the development
5 community may realize how some of these
6 other incremental projects that continue to
7 degrade the natural environment will some
8 day cause them to have higher mitigation
9 costs as well when they come down the road
10 10 years from now for a housing
11 development or something. So when these
12 impacts are identified that there's no
13 quantitative analysis provided I think it does
14 the entire community a disservice and I hope
15 that you can provide that for all of us.
16 Thank you very much.

17
18 (applause sounding)

19
20 Duane Henderson:

21 Good evening, my name is Duane
22 Henderson. There's been a lot of work done
23 across the country on the impacts of Wal-
24 Marts. Recently the University of Illinois at
25 Urbana did a study for the city of Chicago
26 on the economic and business impacts of
27 Wal-Mart supercenters. And what they
28 found out was that Wal-Marts basically have
29 a 3 mile primary kill zone around them
30 where they eliminate small businesses,
31 where they eliminate their competition. And
32 then they have graded kill zones out to a five
33 mile radius. We're proposing to have two
34 Wal-Marts within seven miles of one
35 another. So we are going to have
36 interlocking kill zones. That's not just the
37 business in the downtown. That's all the
38 businesses in this Chico radius. And I don't
39 believe the methodology and the current EIR
40 has adequately addressed that. It hasn't
addressed the urban decay that is going to go

1 from there and it hasn't addressed what's
2 going to happen when the people of Chico
3 have no place else to shop, but the Wal-
4 Marts. So the traffic study is very flawed as
5 well because it doesn't take those effects
6 into account when everybody has to go to
7 Wal-Mart because they have no where else
8 to shop.
9

10 (applause sounding)

11
12 Patrick Murphy: Anybody else? If not, I mean, again the
13 comment period for Wal-Mart North runs up
14 until February 19th, email, written
15 comments, any more testimony. So with
16 that what we will do is take a little say 10
17 minute break and then we will get going on
18 Wal-Mart South. And thank you again for
19 coming.
20

21 Patrick Murphy: Are you ready? Ok, thank you. As I
22 mentioned we are also tonight accepting
23 comments on the Wal-Mart expansion
24 projects again referred to as Wal-Mart
25 South. That project there's the existing Wal-
26 Mart store down on Forrest Avenue. The
27 project proposes similar to the Wal-Mart
28 North site as far the land use entitlements
29 that are required for them to get approval is
30 a boundary land modification which requires
31 in this case a parcel map to move some
32 property lines, move some easements. So
33 that mapping exercise is required under the
34 state's Subdivision Act so that's one
35 component of the project. If that project is
36 approved the parcel map that will then
37 facilitate the expansion the of the existing
38 Wal-Mart store on the open the vacant
39 property to the south as well as an expansion
40 of the parking lot. The existing Wal-Mart

1 store is approximately 125,000 square feet.
2 Sells general consumer merchandise. It is
3 located in the community commercial
4 zoning district which allows such uses. The
5 proposed store expansion will take place
6 across, again across a common property line
7 that will have to adjust. And the proposal
8 would add an additional 97,000 square feet
9 approximate square footage to the existing
10 store to have a grand total of 223,000 square
11 feet. Of that square footage approximately
12 55,000 square feet would be for grocery
13 sales. So that would be the main new
14 component of the expansion is the addition
15 of the groceries sales aspect to the existing
16 store. And then the parking lot will be
17 expanded approximately doubling in size as
18 well as landscaping, new lighting all
19 pursuant to our city adopted standards. So
20 with that, the Wal-Mart South EIR two
21 volumes, the main draft, each of the chapters
22 and then similar to the other one Volume II
23 the technical appendices, the technical
24 traffic report, economic report, the things of
25 that sort. The EIR identifies similar to the
26 Wal-Mart North proposal identifies some
27 potentially significant impacts some of
28 which can be mitigated to less than
29 significant levels. Again the same kind of
30 situation, others can't. The two main issues
31 that cannot be mitigated to less than a
32 significant level according to the report
33 again is the same issue of accumulative air
34 quality issue dealing with the construction,
35 the actual construction and additional
36 vehicle trips, emissions from cars, things of
37 that sort. Again, it's the cumulative
38 northern Sacramento Valley Air Basin that
39 we are dealing with. This will contribute
40 it's fair share towards that basin which right

1 now we don't meet certain state standards.
2 So this again contributing it's fair share with
3 other project throughout the city and
4 throughout the area all of which contribute
5 to a significantly unavoidable impact. They
6 do similar to other projects we try to
7 encourage bus stops, pedestrian bikeways.
8 This will carry through a bike path, bus tops,
9 a transportation demand management
10 program for employees to share, you know
11 car pool, bus passes for employees. We try
12 to build in for this project and any other
13 project all types of things, you know
14 additional landscaping, green building
15 technology to try to offset as many of these
16 impacts as we can, but we are still left, given
17 all that, we are still left with significant
18 unavoidable impact. So that's one thing that
19 remains not being able to be mitigated. The
20 other is traffic. There are a number of
21 different identified in the EIR, intersections
22 and roadways and driveways that need to be
23 improved. The EIR identifies what those
24 improvements are. Many of those will be,
25 they'll contribute their fair share monies to
26 an overall city program to make these
27 improvements. It won't be immediate.
28 There will be one, two, three, four years
29 down the road. Some of them are
30 immediate, but others kind of down the
31 road. Which are part of our city's capital
32 improvement program for the funding of this
33 project and other projects help fund those
34 improvements. So CEAQ allows you to do
35 such improvements over a short period of
36 time as long as there is funding available for
37 those improvements and there is a program.
38 And the city's capital improvement program
39 does that. With one exception, the EIR
40 identifies an impact to the East 20th Street 99

1 Interchange, the ramps. There is a certain
2 period of time where the funding is going in
3 from the city's perspective, but for that to be
4 carried out relies on Cal Trans. It's their
5 facility. They need to kick in some of the
6 monies to make some of the ramp
7 improvements to work. At this point in time
8 we don't have that funding from Cal Trans
9 worked out at least long term to believe they
10 have it, but to fill this gap between now and
11 say ten fifteen years, they say somewhere in
12 the middle there's a period of time where we
13 don't have the money to do that. So the EIR
14 concludes that because it can't be done
15 within a reasonable amount of time and the
16 funding is not assured that that is significant
17 unavoidable. So as I mentioned if the
18 project were to be approved City Council
19 would need to make certain findings to
20 override those impacts as far as any public,
21 social, economic considerations to offset
22 those. So that's the overview of the impacts
23 very briefly. So at this point in time we will
24 open up again for public comment and again
25 you are free to give us your verbal
26 comments and then preferably writing as
27 well so we have something to give to our
28 consultant. So again I'll do the same thing.
29 Maybe line up five people at a time and we
30 will just kind of get through it.

31
32 Josh Cooke:

33 Do we need to say our name for the record?
34 Ok, I'm Josh Cooke. I'm from Chico. I
35 know that Dr. King's study has been
36 submitted to the record for consideration.
37 I'd like to submit an addendum to Dr.
38 King's study. On page 12, 13 and 14 Dr.
39 King has photographic exhibits in reference
40 to economic hardships and or urban blight
that have affected Stockton since the Wal-

1 Mart supercenter went in. And his report
2 makes reference to bordered up graffiti, a
3 furniture store that went out of business,
4 signs that were vandalized and the general
5 state of urban blight. And that's from his
6 report. The addendum I offer are from
7 photographs taken yesterday of the exact
8 buildings listed in Dr. King's reports. You
9 should be happy to know and your economic
10 impact report should take into account that
11 the furniture store is now occupied with a
12 tenant doing business. The grocery store
13 that went out of business has opened as an
14 Asian supermarket. The building is being
15 refurbished and it is in business. The graffiti
16 that he makes reference to on page 13 was
17 actually the new tenant blacking out the old
18 tenant's sign and now the new tenant has put
19 their sign up for the business. So in Dr.
20 King's reports on pages 12 and 13 the photo
21 exhibits I believe if you are to take them into
22 consideration in the record should be
23 updated. I have copies of the photos for
24 you. The area in general I have included
25 photographs of the area which he describes
26 as blighted and the photographs of the
27 neighborhood around the supercenter and
28 the areas zoned commercial in Stockton is
29 actually a very nice neighborhood. And I
30 have photos that show that. But I have and I
31 want to make this clear, specifically went to
32 every business he took a picture of and took
33 a picture yesterday and those businesses are
34 operating now with current tenants who are
35 doing business and the parking lot have cars
36 in them. Also I would submit to the record a
37 press release from Save Mart Supermarts
38 that indicates that as of November 27th they
39 were building five Stockton and Lodi full-
40 service stores, S-Marts they call them. Save

1 Mart bought Albertson's, is occupying the
2 Albertson's in Stockton. And of course the
3 latest press release from Raley's indicating
4 they are building a new store in Stockton.
5 So it seems to me that Dr. King's report
6 though it was prepared August 25th looking
7 at the photographic evidence that we will
8 submit is out of date. Also I would note that
9 the SEPCO (spelling?) study did a survey of
10 Northern California cities who received a
11 Wal-Mart supercenter and that study
12 indicated and those who were interviewed
13 indicated there had not been this incredible
14 urban blight destruction of all retail areas in
15 the community. In fact their study showed it
16 was the opposite, so I personally have find
17 evidence of a supercenter wiping out an
18 entire retail district much like your EIR says
19 so I would speak in support of the city's EIR
20 and would offer amendment to Dr. King's.

21
22 Patrick Murphy:

Ok, thank you. We will provide those to our
23 consultants.

24
25 (applause sounding)

26
27 Vance Edwards:

All right. I am speaking to the south site. I
28 just had one thing to add here for this one.
29 Again just addressing the issue pedestrian
30 access, the south site has designated
31 sidewalk on one side of the parking lot to
32 the bus stop and I don't think that adequately
33 addresses the Chico General Plan which
34 calls for access to nearby residential
35 commercial and retail areas not just in on-
36 sites sidewalk and that needs to be taken into
37 consideration. Thank you.

38
39 (applause sounding)

40

1 Mitch Cox:

2 Mitch Cox back to talk about traffic and I
3 feel bad that I didn't read the EIR on
4 Stockton. On the south end of town traffic
5 is going to become worse if that is even
6 possible. Many intersections, particularly
7 around 20th Street and Forrest Avenue and
8 Martin Luther King, Jr. are already rated as
9 a level of service that is C or below. Many
10 of the congested intersections that we are
11 familiar with in that area will only get worse
12 with many dropping to service of F which is
13 the worse grade possible. Definition of level
14 of service F is quote stop and go traffic
15 conditions and excess long delays and
16 vehicle cueing and I am not talking about
17 just one intersection, but several
18 intersections in that immediate area. And
19 this is important to note that the draft EIR
20 concludes that these traffic conditions will
21 remain even if all proposed road
22 improvements are completed. So to put this
23 another way, if your child came home from
24 school with a report card filled with F's
25 would you be ok with that? Recently the
26 Chico City Council held off making a
27 decision on approving the Costco expansion
28 because of concerns about traffic in the area.
29 Larry Wahl is a very business friendly
30 councilor and he was quoted in the ER as
31 saying he wanted the traffic problem fixed
32 before the project is approved. Councilor
33 Steve Bertagna also a friend to business said
34 that Chico was already the regional retail
35 hub that it once strove to be and that we
36 don't need to expand retail business unless
37 the infrastructure problems that they create
38 can be solved. Thank you.

39 (applause sounding)

40

- 1 Patrick Murphy: Excuse me Mitch, would you be able to sign
2 in please? This is a separate one. We are
3 starting a new list that will be provided to
4 different consultant. Thank you.
5
- 6 Merlinda Fornier: My name is Merlinda Fornier and I actually
7 at this moment live in Butte Valley across
8 the street from Butte College and am in the
9 process of moving to Magalia, but there are
10 some things that Chico has that no where
11 else has in this area. One of those things is
12 Butte College and the Wal-Mart is very,
13 very close to Butte College and so a lot of
14 the things that have been brought like air
15 quality and traffic and how are these going
16 to impact the college and any extensions that
17 the college might want or need. And I am
18 sorry, I don't know what is in the EIR
19 because as it was already mentioned once it
20 is pretty difficult to get through some of
21 that. Especially if you have a young kid and
22 you are a single parent. But I am concerned
23 a great deal, in fact as a parent who often is
24 at Butte College, both for myself and for my
25 son, I do most of my shopping at Winco. I
26 really like Winco and I would be very
27 distraught to see anything happen to it. And
28 in some ways I would hate to think that
29 things we already have in place would be
30 disrupted by something new unless we know
31 it is going to be something better. So I am
32 really concerned about the college and what
33 impact expanding that store will have on the
34 college.
35
- 36 Patrick Murphy: And just to, so that I am clear, are we taking
37 impacts as far as traffic or...
38
- 39 Merlinda Fornier: Traffic, congestion, noise and maybe in the
40 long run maybe space. You know there is

1 very little outside space around the college
2 where you can go outdoors and take a break.
3 So I am concerned about the quality of the
4 college.

5
6 Patrick Murphy: Thank you.

7
8 (applause sounding)

9
10 Unknown Male Speaker: I have one or two short remarks that
11 (indiscernible words) from Chico. One of
12 the reasons that some of the members of the
13 public are finding it difficult to find the
14 website is because your files are corrupted.
15 I did tell you a week ago that your websites
16 files were corrupted. They are still
17 corrupted as of ten minutes before I left. So
18 it is very difficult to access all the tables.
19 Some of the appendices are available, but
20 some of the main file data is not. What I
21 would like you to do on the EIR is to extend
22 your range a bit. You have probably heard
23 of the North Valley Project and the way it
24 has scenarios which actually look at the
25 possible outcomes for the valley because we
26 are part of it. You have only one scenario,
27 that is inflation will continue to be about 3%
28 and in that the place will be romping success
29 economically. That is not they way it looks
30 to a lot of economists especially those
31 outside this country which are looking at an
32 eight trillion dollar deficit and are looking
33 therefore I would think you should look at
34 other scenarios. What happens if we move
35 into deflation and those things at the
36 moment are more noticeable by their
37 absence than their existence. I think you
38 should look also to see what happens when
39 you consult actual retailers. I am a
40 consultant and I have run an actual big chain

1 of department stores in Britain and I can tell
2 you the two jobs are very different. One
3 will tell how it's done, but the other poor
4 guy has to go and do it. So I suggest you
5 talk to some retailers about the actual impact
6 of these two massive stores taking 500
7 million dollars of retail turnover from the
8 area. One of the things that is completely
9 ignored in the hierarchical study of shopping
10 is the effect of one-stop shopping. Now
11 every women here knows that if she knows
12 that a particular has not got what she wants
13 she won't go there. If she goes to
14 somewhere has got what she wants she also
15 picks up everything she can possible handle
16 at the same time. And that's what is going
17 to happen. You are going to actually pull
18 traffic out of every existing retailer because
19 Wal-Mart is becoming an extraordinary
20 powerful and efficient retailer. It does a
21 wonderful job. It is a vertical colossus and
22 as I look at those pictures up they are putting
23 a very nice makeup on the front of this
24 enormous machine and I suggest you be
25 very weary about this because it will destroy
26 the character of this city and everything that
27 surrounds it. If you look for instance traffic,
28 if you go into the big shopping centers in
29 Europe you will find they have roundabouts
30 at their intersections noticeably
31 (unintelligible words) calming or
32 roundabout is mentioned in your report. All
33 is mentioned is that we got to put up with a
34 30 average delay at the intersection caused
35 by traffic lights. So I think really we ought
36 be a bit more professional about this. You
37 have produced an absolutely wonderful
38 house of cards, but it is nevertheless a house
39 of cards. Thank you very much.
40

1 (applause sounding)

2

3

4 John Milaf(sp?):

5 My name John Milaf and I would like to
6 comment about the traffic deficiencies
7 within the report. Throughout my college
8 career at Butte and Chico State, I have lived
9 behind the Chico Mall in the apartments
10 there and now I live close to the park off of
11 Forrest and I think that seasonal traffic is a
12 big issue in that from Thanksgiving on
13 through early January traffic is horrendous
14 on East 20th. And so when we would come
15 home and our neighbors would come home
16 we'd go other routes and we'd take 32 or
17 we'd take somewhere else. And I don't
18 think the compounded effect of the traffic
19 that builds up on East 20th is explored deep
20 enough in this report in that there are
21 families picking up their children at Marsh
22 School and the traffic is horrible on Forrest
23 at 3:00 o'clock. At five o'clock you people
24 coming home from all along 32. And this is,
25 these are my observations before Butte
26 College was built, that's when I experienced
27 most of this problem before. We don't have
28 the Galleria yet that's coming. East 20th
29 beyond Winco most of that is undeveloped,
30 but is commercial land. That's not
31 developed yet. There's also apartments that
32 maybe going in other parts of those areas.
33 Also this was before the houses were built at
34 the end of East 20th so traffic has gotten
35 significantly worse since then and will
36 continue to get worse and I think we need to
37 look at this a little bit more in this report.

38 (applause sounding)

39

1 Kathleen (Unk Last Name): Hi, my name is Kathleen and I want to
2 address a couple of things. I was most
3 interested as I tried to read the report which
4 I want appreciate the City of Chico for
5 giving us this opportunity to talk about it. It
6 was difficult to read through it. It is very
7 lengthy and I am certainly not a technical
8 expert. But as a mom who raised four kids
9 in this town and who has three
10 grandchildren I am concerned about
11 environmental issues and they are
12 everybody's concern I think. So my
13 concerns were about traffic and also the
14 impact on small businesses downtown. As
15 you can see I have a Wal-Mart happy face
16 on. But I am a person who shops based on,
17 well I just have to tell you. I am part of this
18 community because I love the small
19 businesses downtown as much as I like the
20 convenience of the bigger stores. So when I
21 read the study I was pleased that the
22 suggestion is there will not be a significant
23 impact on the small businesses downtown
24 and that's as it should be. There's not two
25 worlds out there, Wal-Mart and the rest of
26 you. We are all part of the same
27 community. So that was a good thing and I
28 am pleased to see that was addressed. Also
29 regarding the traffic I understand that traffic
30 is really congested in many areas in our
31 community before we expand and those
32 were addressed. And so as I took it the
33 study covered the potential increase in wait
34 times or delays around the southern store
35 and they were measured in seconds. We've
36 all shopped around the mall and we already
37 know that there are delays and congestion,
38 but I believe that those are mitigated by the
39 mitigated suggestions. Don't make it any
40 worse. Measuring it in a few seconds

1 seemed to be covered by the study. I just
2 had to say that because I do work at Wal-
3 Mart. And thank you for giving us this
4 opportunity.

5
6 (applause sounding)

7
8 Mark Lance:

9 Good evening, Mark Lance. My question to
10 you is does the scope of the report cover the
11 cost to the public, of the economic cost to
12 the public as projects such as this? For
13 example people who would say qualify for
14 food stamps, welfare, medical care, indigent
15 (unintelligible words) medical care they
16 couldn't afford, does that economic aspect
17 covered in this report or is that separate?

18 Patrick Murphy:

19 Can you please state again? It was a long
20 question.

21 Mark Lance:

22 Does the scope of this project include in the
23 economic aspect how the public would, the
24 economic cost to the public would be
25 addressed?

26 Patrick Murphy:

27 Ok, for the purposes of the EIR and as
28 CEQA requires the extent to which you look
29 at any economic impacts as far as
30 environmental issue versus a social issue is
31 to the extent that there is a cause and an
32 effect of blight where you cause actual
33 businesses to close. That in turn has a cause
34 and effect on deterioration of a
35 neighborhood that built environment and so
36 I guess the quick response to your question
37 is that CEQA doesn't really steer us towards
38 looking at the social aspects of something
39 you are getting to. That would be an item, a
40 legitimate item that you and others can bring
up that would be more appropriate for City

1 Council, Planning Commission for their
2 consideration as far as their you know social
3 implications versus the true environmental
4 impacts.

5
6 Mark Lance:

7 Ok, that makes sense. Well, it kind of
8 makes sense, but anyway I won't get into
9 that. But I would submit that also the costs
10 that have been covered before as far as
11 specifically traffic and road improvements
12 and stuff. I would consider that to be a form
13 of corporate welfare if we as the public
14 taxpayers are paying for these improvements
15 that that money could be going elsewhere to
16 fix the potholes on our streets, etc. for this
17 type of project that I think should be
18 addressed and what seemed like it would be
19 from what has been said.

20 Patrick Murphy:

21 And I don't want to get into many responses
22 tonight, but the quick answer is the city has,
23 as I mentioned before, the city has an
24 established program for dealing with roads,
25 capital improvement program. Wal-Mart,
26 Costco, downtown businesses, any new
27 development that comes in they pay their
28 fair share of traffic fees proportionately.
29 Those all go into a big pot of money that are
30 used city wide. That's it in a nutshell.
31 Some of the EIR indications in here are site
32 specific issues that Wal-Mart will be
33 funding themselves. It won't be you know
34 as far as new traffic signals right outside of
35 the store you know dealing with that site.
36 Other areas further down the street are city-
37 wide issues for which we get pots of money
38 from all development, that pays for it.

39 Lance Mark:

40 Ok, thank you.

1 Emerald Barrons (sp?): Hello, my name is Emerald Barrons. I
2 believe you received my previous letter to
3 you and you planning services department
4 and I of course support the no project
5 alternative concerning the north site of the
6 Wal-Mart development. One point of the
7 environmental impact report that I wanted to
8 point out that wasn't fully covered was the
9 environmental and health impact of the
10 sewage pipe that is planned to run through
11 one of the creeks. I believe it is Mud Creek
12 that runs through there and my concern was
13 if it ruptured or leak it would spill fecal
14 matter right into the creek which eventually
15 run through agricultural land and eventually
16 the Sacramento River. And that has huge
17 implications. It does not say how this
18 problem would be solved if such a disaster
19 should occur. I think we should consider all
20 environmental and health issues that may
21 result from this sewage system that is being
22 built that is not fully covered in this
23 Environmental Impact Report. And the city
24 could face health lawsuits and it would be
25 very costly to repair a sewage system that is
26 damaged. And I just want you to consider
27 that because it is not fully discussed in the
28 Environmental Impact Report. Thank you.
29

30 Patrick Murphy: Ok, thank you. And since that one was
31 geared more to the north site, can we have
32 you sign this sheet for the Wal-Mart North
33 comments.
34

35 (applause sounding)
36

37 Nancy Park: Hi, Nancy Park again. I didn't expect to
38 speak again tonight, but I wanted to very
39 quickly address the gentlemen who spoke
40 just prior. The fact that there are people

1 who work at Wal-Mart who work very hard,
2 who work very long hours, who are eligible
3 for food stamps, Medi-Cal, etc., seems to me
4 to be an economic issue, but I guess maybe
5 under CEQA it isn't. I just wanted to very
6 quickly say that I worked for Butte County
7 for seven years in various social service
8 capacities and the case loads there for Medi-
9 Cal and in particular are filled with cases
10 where one or both parents work for Wal-
11 Mart. This is not to say that Wal-Mart
12 doesn't have some good jobs, but it was a
13 very significant thing that we would see
14 again and again and again and we the tax
15 payers pay for it because Wal-Mart is not
16 providing for it employees.

17
18 (applause sounding)

19
20 Ben Davenport:

21 Hello. My name is Ben Davenport and I am
22 glad to know that there are people on the
23 Wal-Mart payroll who are here to participate
24 in public dialog. That is important for all
25 people and all corporate interests to be
26 represented in our public in our public
27 dialog. I am equally glad to know that
28 Stockton has recovered from Wal-Mart
29 supercenter, however one example does not
30 negate all the others as there are many
31 examples of Wal-Mart causing urban blight
32 and damaging communities in general. And
33 again, I'm glad to hear that new business
34 moved in after the initial businesses were
35 shut down as a result of Wal-Mart
36 expanding in their community; however
37 there is no guarantee that those businesses
38 will remain in business as new business start
39 up frequently tend to shut down within a few
40 years of only having started up. In the area
of surrounding East 20th Street there are

1 several grocery stores including Winco and
2 Wal-Mart and it is my belief that having two
3 grocery stores of considerable size in an
4 urban area as such already sufficiently serve
5 our current needs. Additionally, grocery
6 stores employ lots and lots of students and
7 they provide good jobs. In the case that
8 Wal-Mart moves in there would be a
9 grocery store that, well if Wal-Mart expands
10 to provide groceries they would pay less.
11 I don't have proof of that of course, but it
12 goes without saying that they do have the
13 lowest prices and they do have lower wages.
14 So that would have an impact on the
15 downtown businesses because students who
16 are employed by small businesses and by
17 grocery stores spend a lot of money
18 downtown so it should be considered, the
19 student financial impact on the downtown
20 and how Wal-Mart expanding would wipe
21 out small business that employ those
22 students. Additionally, Wal-Mart caters
23 primarily to consumers who drive their cars
24 there whereas downtown it is primarily, well
25 downtown is pedestrian, bicycle and public
26 transit friendly. More traffic results in more
27 dangers for pedestrians and although the city
28 may be able to put a liability price on public
29 safety, for us the citizens, public safety is
30 priceless. Additionally, by Wal-Mart
31 expanding their business and having an
32 impact on downtown businesses, primarily
33 they would shut down. It should be
34 considered that would have considerable
35 impact on city income because there would
36 not be cars parked downtown and there
37 wouldn't be people plugging the meters.
38 And that of course could impact our parks
39 and that could impact our quality of life and
40 many other things. One thing that was

1 overlooked perhaps in the EIR was the
2 expansion of truck traffic. Wal-Mart has
3 one of the largest truck fleets in the entire
4 world. And if the expansion was allowed
5 we would have a lot more truck traffic and
6 trucks are fairly gross polluters so it should
7 be considered how that will impact our
8 quality here in the north valley of the air that
9 we breath which again I might say is
10 priceless. Thank you.

11
12 (applause sounding)

13
14 Walter Ballend(sp?):

15 Good evening, I am Walter Ballend. I live
16 on Rio Lindo Avenue near the Esplanade
17 and one thing that I would like to point out
18 in addition to all the other comments that
19 have been made you know against the
20 expansion of Wal-Mart, I am referring to
21 both stores, considering the loss of business
22 I would like to mention there are a lot of
23 people like myself who do not have
24 automobiles. I walk often to Raley's and
25 sometimes I go to Albertson's. The loss of
26 these stores I'm concerned where would
27 people shop? I guess people would to go
28 take the bus to go to Wal-Mart, either one.
That would be the only option.

29 (applause sounding)

30
31 Patrick Murphy:

32 If there are any others that would want to
33 speak, if we can just have people line up that
34 would be much appreciated.

35 Unknown speaker:

36 The gentleman who spoke earlier how the
37 City of Stockton has recovered from what I
38 think I have heard referred to as the
39 economic blight zone. This is good news
40 and all, yeah, but what about the mean time?
A person who's recently employed at a

1 place like Wal-Mart chances are is earning
2 just a bit above minimum wage whereas a
3 person who is been working for a long time
4 in a small store presumably be paid quite a
5 bit more. What's more is that people that
6 have been employed in that store for a long
7 period of time and have a steady income
8 start to do things like get loans, you know
9 take a mortgage on their house and when
10 that business dies they can't pay those things
11 anymore and that really hurts them. I just
12 wanted that to be thought about when
13 considering whether or not we want Wal-
14 Mart to move into our community. Thank
15 you.

16
17 (applause sounding)

18
19 Alison Stoddard:

Hi. I am Alison Stoddard. I just had a
20 question. I know that we're just bringing up
21 questions about that EIR, but I want to
22 actually just ask you question. How does
23 the draft of the EIR actually affect the
24 community of Chico? Like what is this
25 actually going to bring to the table, I mean,
26 like how is this report going to actually
27 affect the way, the outcome of the
28 supercenter? Is it already...

29
30 Patrick Murphy:

The process, this is the first kind of
31 component of the public process. So this
32 draft EIR attempts to address all of the
33 environmental impacts that could occur.
34 And we'll go through the final EIR
35 responding to these comments and so it will
36 give a response. All of that together will be
37 what is called the final EIR. That document
38 is then given to the final decision makers
39 who will be either the Planning Commission
40 or City Council. So they will take this

1 document and they'll decide whether to
2 approve the project or deny the project.
3 This will be one piece of the information
4 that they'll use to make their decision. So it
5 is really an information gathering exercise
6 so they have all the information before them
7 so they can make an informed decision.
8

9 Alison Stoddard:

So it is left up to the, to who actually?

10
11 Patrick Murphy:

To the Planning Commission, City of Chico
12 Planning Commission or City Council and
13 when it gets to that point in time there will
14 be additional public notices in the
15 newspaper, neighbors, everybody who
16 signed the sheet, so there will be a full
17 public process throughout.
18

19 Alison Stoddard:

Ok, thank you.

20
21 Patrick Murphy:

With no one else that concludes for this
22 evening and hopefully you got then
23 information you needed as far as what the
24 process is, where we go next. If you have
25 any questions feel free to call me, email me.
26 I'll be more than happy to go over that with
27 you and you can just track it as it comes
28 along through the process. So again, thank
29 you very much.
30

31 (applause sounding)
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