

REVISED
Conditions of Approval
DRAFT Resolution 11-04 (CUP)

B. 1 All development shall substantially conform to the plans designated by the Ceres Planning Division as "Final Exhibit". Final Exhibit shall consist of the submitted maps(s), site plan, floor plans, elevations and landscape plans amended by the Developer to reflect any changes required by the City in the approval process. The Developer shall submit any required amended site plans and exhibits to the Planning Division within 90 days of project approval. **(PAGE 165)**

B.8 Permanent outdoor sales are not permitted within the parking area for this project. Temporary outdoor sales are permitted within the parking area is conformance with CMC section 18.50.050 provided that a temporary use permit is obtained ~~and providing that required parking ratios are maintained at all times.~~ **(PAGE 166)**

B. 21 In furtherance of ~~prevention of blight~~ the beautification and promotion of in the downtown area, prior to issuance of a building permit the Developer shall provide a ~~blight mitigation~~ Downtown Beautification fee in the amount of \$75,000, which funds are to be used for the beautification and promotion of downtown Ceres. Upon receipt of the funds, the City will make a public announcement regarding the receipt of the funds, in cooperation with Developer. **(PAGE 168)**

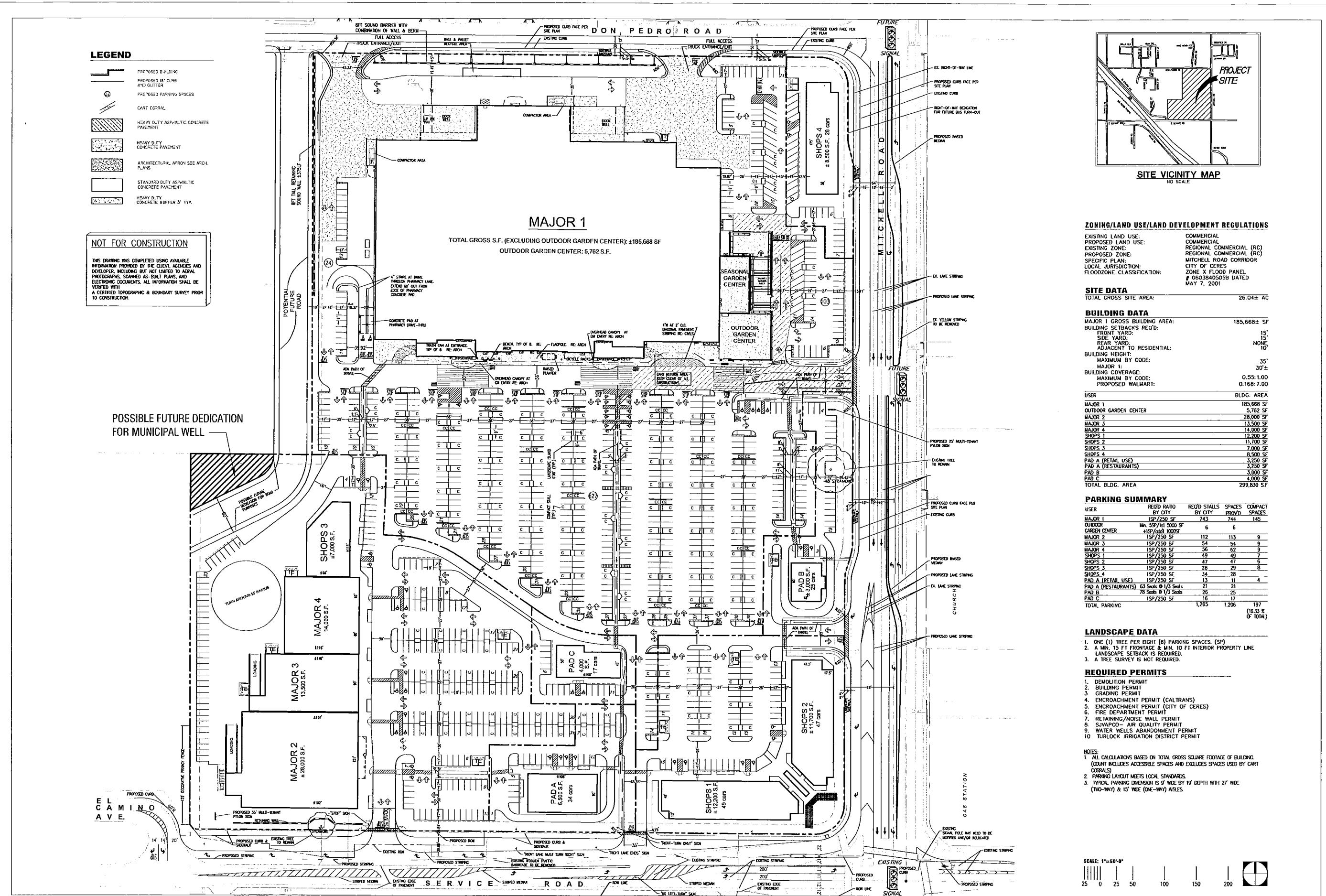
C. 23 All parking lot paving, drive and access aisles, and other hardscape for the entire site shall be installed in conjunction with Major 1 as set forth in the ~~site plan dated March 15, 2010 Phase 1 Paving Exhibit dated October 22, 2010~~ and created by Greenberg Farrow. **(PAGE 173)**

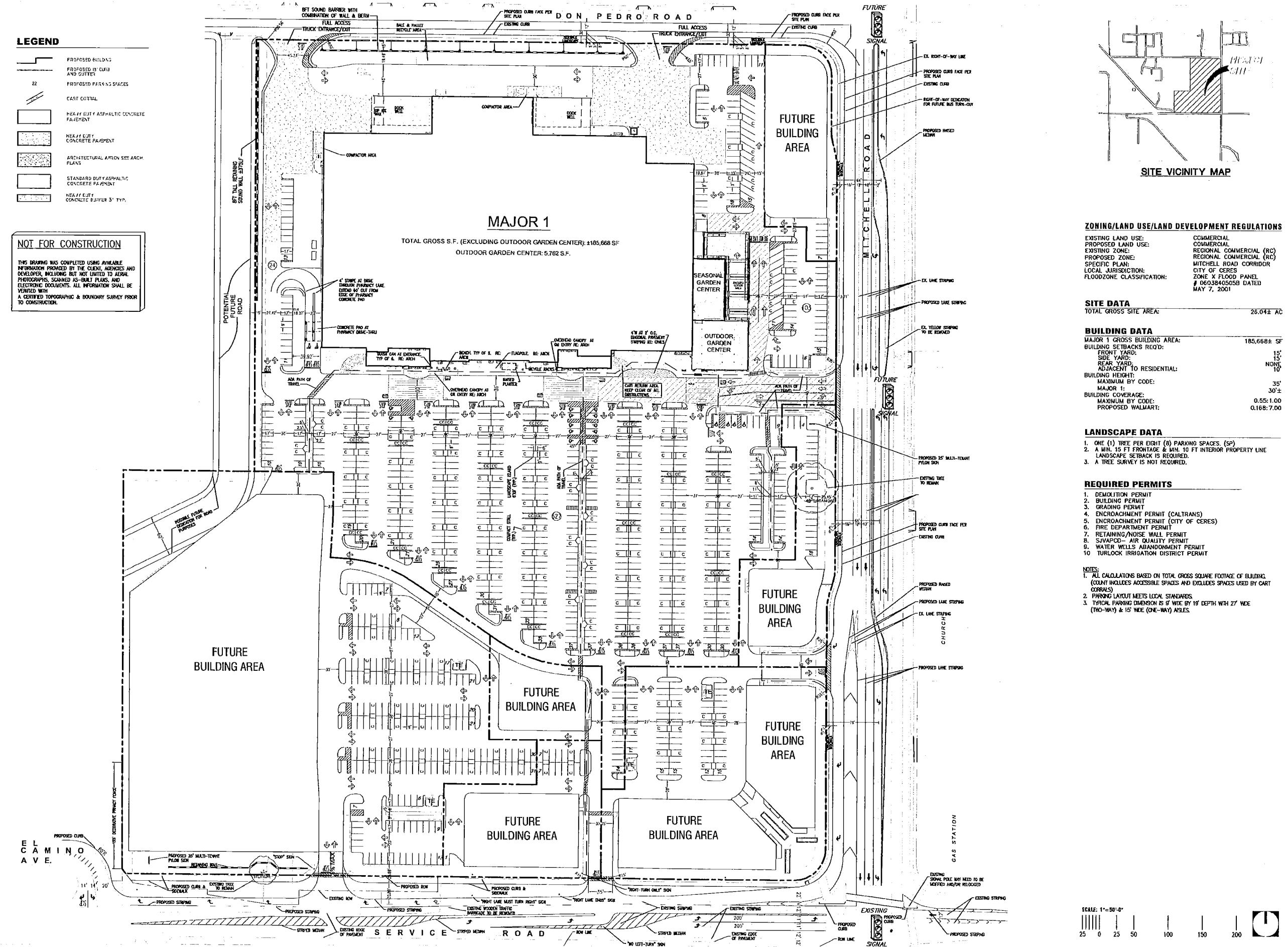
D. 9f The Developer shall provide the City of Ceres with a right of entry to drill a test well within the project site northwest of Shops 3, as depicted in the ~~site plan dated March 15, 2010 Future Well Dedication Exhibit dated October 22, 2010~~ and created by Greenberg Farrow. If it is determined by the test well results that water quality and quantity, that this site can be developed into a municipal well, then the Developer shall dedicate the necessary land area within the remaining area to the northwest of the Potential Future Street, as depicted in the ~~site plan dated March 15, 2010 Future Well Dedication Exhibit dated October 22, 2010~~ and created by Greenberg Farrow, for the development of this well to the City of Ceres. **(PAGE 181)**

DRAFT Resolution 11-05 (VTSM)

C. 21 All parking lot paving, drive and access aisles, and other hardscape for the entire site shall be installed in conjunction with Major 1 as set forth in the ~~site plan dated March 15, 2010 Phase 1 Paving Exhibit dated October 22, 2010~~ and created by Greenberg Farrow. **(PAGE 201)**

C. 32g The Developer shall provide the City of Ceres with a right of entry to drill a test well within the project site northwest of Shops 3, as depicted in the ~~site plan dated March 15, 2010 Future Well Dedication Exhibit dated October 22, 2010~~ and created by Greenberg Farrow. If it is determined by the test well results that water quality and quantity, that this site can be developed into a municipal well, then the Developer shall dedicate the necessary land area within the remaining area to the northwest of the Potential Future Street, as depicted in the ~~site plan dated March 15, 2010 Future Well Dedication Exhibit dated October 22, 2010~~ and created by Greenberg Farrow, for the development of this well to the City of Ceres. **(PAGE 206)**

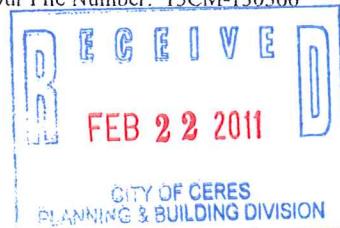




February 22, 2011

Writer's Direct Line: 415-774-2948
eanderson@sheppardmullin.com

Our File Number: 15CM-130366



VIA E-MAIL

Chairperson Kachel and
Planning Commissioners
City of Ceres
2720 Second Street
Ceres, CA 95307

Re: Mitchell Ranch Center Project: Conditions of Approval

Dear Chairperson Kachel and Planning Commissioners:

On behalf of our client, Wal-Mart Stores, Inc. ("Walmart"), we are submitting this letter regarding the proposed conditions of approval presented in Resolution No. 11-04, approving the Conditional Use Permit for the Mitchell Ranch Center project ("Project"). Our client has reviewed the proposed conditions and is in agreement with all of the conditions with the exception of Condition G1 regarding the restriction on delivery hours. **Such a condition is not warranted in this case and we request that the Planning Commission delete it.**

The Environmental Impact Report for the Project analyzed the noise impacts of 24-hour deliveries on sleep disturbance. The noise analysis concludes that slow-moving trucks arriving at the site on Don Pedro or Service will generate noise levels at the nearby residential uses that are below the threshold of significance and, therefore, nighttime deliveries will have a less than significant noise impact. Accordingly, a delivery hour restriction is not necessary. Furthermore, a restriction on delivery hours may have unintended consequences. If the Planning Commission restricts delivery hours, then more trucks will need to access the site during peak times of day.

If the Planning Commission does not agree that a restriction on delivery hours is not necessary, then we request a compromise that would limit delivery hours from 11 pm - 5 am.

Thank you in advance for your consideration of this matter.

Sincerely,



Elizabeth S. Anderson

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

February 21, 2011

Tom Westbrook
Planning Department
City of Ceres
2220 Magnolia Street
Ceres, CA 95307

FAX: 209-538-5759

Mr. Westbrook,

I am unable to attend the Planning Commission meeting scheduled for Tuesday, February 22, 2011, but wanted to offer my thoughts on the matter concerning the proposed Mitchell Ranch Center.

I would like the Planning Commission to reject the proposed Mitchell Ranch Center, with a Wal-Mart Supercenter as its anchor and only tenant actually named in the proposal. Building another Wal-Mart in Ceres would not be a prudent financial decision, if the city is serious about revitalizing downtown. And I do think Ceres is serious about revitalizing its downtown.

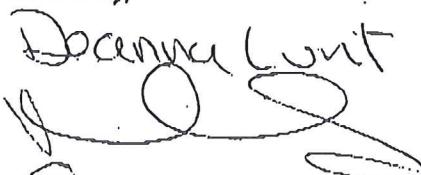
At last count, how much did the city end up spending in finances and in hours for those revitalization plans? I believe Ceres wants to see the money we spent on our downtown revitalization plans be put to good use and have downtown become a destination for shoppers, a reality that is possible. We cannot have both a revitalized downtown and support a new Wal-Mart Supercenter at our gateway.

Wal-Mart's current Ceres store at the corner of Mitchell and Hatch Road could be expanded. It seems a little odd when I read that Wal-Mart says they cannot expand their current store, when the foundation is already in place for a larger store.

The only thing different about a Wal-Mart and a Wal-Mart Supercenter is the groceries. Let Wal-Mart expand their existing store. Let the revitalization of our downtown happen. That way, the city won't have a huge vacant Wal-Mart store to fill. We won't have to witness the closing of locally-owned stores, and our city won't be thought of as Wal-Mart USA. We should keep our own identity and work on making Ceres stand out.

Turlock recently voted to keep their big box ordinance. It is time that Ceres thinks as well of themselves and of their local businesses as Turlock does.

Sincerely,

Deanne Lunt


Concerned Ceres Resident



Oppose super wal mart

Concerned citizen Ramon like 10th st Ceres.

I like W-Mart where it is located
(~~is~~ currently).

It is approx. 1.5 miles from my home.

the new wal mart will be less than $\frac{1}{2}$ miles
from my home (Tunduline home)

Concerns for the increased traffic in my
neighbor hood both by car + pedestrians
at day + night

A) ~~*~~ SPEAKER # 1 said surveys were done

~~*~~ SKELTON # 3 said " for Don Pedro will be done?"
current location was new building + is in poor
maintenance. My home build in 1951 - still ~~has~~ a great
home.

B) ~~*~~ I originally thought the current location was
going to be a supermarket by expanding where it
is located. I understand they let the other
property go. (Changed mind or what?)

They encourage limited hours employees to
apply for medical / medicare instead of offering
them coverage.

disgruntled employees will not be here due to
possibility of losing their jobs.

Realistically - low pay, poor working conditions.

Big Money making store that is not union.

My son in law worked there, was given several
excellent working awards, made off handed comment
to employee related to supervisor + was fired \Rightarrow

one week after receiving awards??

Based on A + B = many empty promises.
currently stated will make big shopping center
for other stores, + stated only have plans
for super wal mart??

I have concerned that the new
super wal mart will affect current grocery
stores in a negative way, plus the new
stores at the strip mall at service +
mitchell, many months old.

Tom Westbrook - Planning Commission Meeting -- February 22, 2011 -- Mitchell Ranch Center

From: Geri Ottersbach <geriottersbach@yahoo.com>
To: Tom Westbrook <Tom.Westbrook@ci.ceres.ca.us>
Date: 2/22/2011 12:58 PM
Subject: Planning Commission Meeting -- February 22, 2011 -- Mitchell Ranch Center

February 22, 2011

Attention: Tom Westbrook
City of Ceres — Planning Division
2220 Magnolia Street
Ceres, CA 95307



RE: The Final Environmental Impact Report for the Mitchell Ranch Center

Dear Tom Westbrook,

If we understand the conditions set forth for the proposed Mitchell Ranch Center, we believe that the city needs to reconsider the blight that will be caused by the paving over of prime farmland. We do not see that the city staff is requiring any sort of monetary compensation or any land compensation for the 16-plus acres of prime farmland that will be wiped out by this development.

Secondly, only requiring Wal-Mart to pay \$75,000 to make downtown beautiful and to promote it, is an insult to the city and is short-sighted. How did the planning department settle on such a small amount of compensation?

The blight that will be caused by Wal-Mart's project needs to be thought through more thoroughly because it is far more costly than \$75,000. There must be a proper way to quantify the costs associated with the environmental changes resulting from the construction of the supercenter.

Sincerely,

Jon & Geri Ottersbach

Carol Dutra
3600 Archcliffe Drive
Ceres, CA 95307



February 21, 2011

City of Ceres, Planning Division
Attention: Tom Westbrook
2220 Magnolia Street
Ceres, CA 95307

Tom Westbrook:

I am writing about the Mitchell Ranch Center (Wal-Mart Supercenter) Final Environmental Impact Report. I want to bring attention to the comments about traffic written by Kathy Hopwood. Her comments are included in the latest report that is open for public scrutiny. It is letter #5 of the "Public Comments Received on the Draft EIR".

Even though I do not know Ms. Hopwood, she made perfect sense. However, the responses to her comments were simply without substance, or thoughtlessly dismissive, and make no sense at all.

To not consider the traffic problems that Ms. Hopwood had the foresight to write about, is a big mistake. This section of the report needs to be responded to more thoroughly and it needs to be presented to the public. Why are the proposed mitigations being written in a way that lets the developer off the hook, rather than protecting the community at large? Why aren't the mitigations stronger, so the developer carries the burden of required performance?

It is my hope that Ceres' Planning Commission will see PMC's responses for what they are -- empty responses. It is my guess that the consultant wants everyone to pretend that there are no problems with traffic, so that the Wal-Mart team does not have to deal with the real problem and its true costs. If the consultant or Wal-Mart can convince the city that the traffic problems need little or no mitigation, then a gullible Planning Commission and Caltrans will end up with the burden of fixing any traffic problems using taxpayers' money.

Sincerely,

A handwritten signature in blue ink that reads "Carol Dutra".

Carol Dutra

Tom Westbrook - Planning Commission meeting for the proposed Mitchell Ranch Center

From: Deana Rushton <deana_rushton@rocketmail.com>
To: Tom Westbrook <Tom.Westbrook@ci.ceres.ca.us>
Date: 2/22/2011 2:43 PM
Subject: Planning Commission meeting for the proposed Mitchell Ranch Center

Tom Westbrook
Interim City Planner
City of Ceres, Planning Department
2220 Magnolia Street
Ceres, CA 95307



Mr. Westbrook,

My letter is meant to become a part of the Planning Commission discussion that is taking place today, February 22, 2011. Please ensure that this letter is read at the meeting.

According to the site plan, Wal-Mart is only being asked to pay for bicycle lanes, bike racks, and pathways within the shopping center. The design and treatment should include external bike paths, as well.

According to the city's General Plan, policy 1.B.9, the city shall promote pedestrian, bicycle, and transit access and circulation in designing and approving new development. Wal-Mart needs to pay its fair share for connecting bike lanes within Ceres, since they don't plan to put bike lanes along the proposed site.

Additionally, the parking lot runoff plans are inadequate. The contaminated water from this urban development needs to be considered more in depth. It is not enough for the city to tell us that an agreement will be entered into with Wal-Mart, after the approval of the project. An agreement needs to be reached before the project is approved.

Citizens deserve the opportunity to read and comment on the "future" water agreement, long before the planning commission approves the project. After all, we are talking about the safety of our ground water, our drinking water, a scarce commodity these days.

Sincerely,

Deana Rushton
2605 Fiesta Way
Ceres, CA 95307

Tom Westbrook - Mitchell Ranch Center/Final Environmental Impact Report

From: <vinybros@att.net>
To: <tom.westbrook@ci.ceres.ca.us>
Date: 2/20/2011 8:01 PM
Subject: Mitchell Ranch Center/Final Environmental Impact Report
CC: <vinybros@att.net>

Tom Westbrook, Senior Planner 2-20-2011
 City of Ceres
 2720 2nd St.
 Ceres, Ca. 95307

Dear Tom,



Regarding the Mitchell Ranch Center/Final Environmental Impact Report.
 Thank you for the opportunity to express my concerns on the Mitchell Ranch Center project.

When I picture the proposed shopping center; I do so now-by the picture on the front page of the Ceres Courier (Artists

sketch), the view in one's minds eye of a peacefull/tranquil setting, a beautifull relaxing feeling of just the kind of shopping center we want in our City of Ceres...

The question is...Just how long will it take to get there? The WalMart Supercenter maybe the only buliding on the site for years; according to Senior planner Tom Westbrook, depending on the economy. Dirt pads w/weeds growing; blown in garbage and trash! What a Beautifull Site to see!

I haven't even mentioned the current WalMart on Mitchell and Hatch Roads and what has happened over the years to that property. The Landscaping there was and is allowed to become just terrible.What is to become of that property if a new store is approved? I don't understand why these big companies like WalMart don't re-work their old stores to increase sales.

I sincerely hope the City Officials can see the detriment to the local economy by allowing a new WalMart SuperCenter to being built. Not with just two or three of our best Grocery stores closing; but the loss of all the jobs that those stores have within them. The people; skilled and unskilled labor, people with different degrees and capabilities in the work force.

Alot of people have a hard time expressing their thoughts-into their needs for their family and friends in the community. Most people are concerned with how they are going to pay for their homes, monthly expences, and keeping their jobs to survive in our hard economic times.

Traffic wil be another major problem not only for the residents that live off Don Pedro Road but anywhere near that area of Mitchell Road and the proposed shopping center. You can go to just about any residential neighborhood adjcent to a major road or shopping center and see an increase of traffic; cutting through and going around traffic lights or congestion so as not to have to wait for or get stuck in traffic .My answer to this is -don't create the problem to start with. The more vehicles the more problems to deal with.

The answer given to me in the Draft EIR about delivery trucks/heavy/Trailers with refrigeration units; parking out on Don Pedero Road waiting to unload at the unloading bays in my opinion isn't valid. Trucks that will be waiting to unload won't have parking room inside the driveway aera's due to customer entry right-of-way for shopping center use.Trucks will end-up waiting outside on Don Pedro Road. Noise from their air-brakes and refrigeration units will also be heard.

There will also be congestion of traffic on Don Pedro Road at the Driveway entry area's due to trucks having to back into the loading bays.

Delivery trucks/Medium size delivering to stores on Major Pads 2,3&4 will be in direct traffic and parking w/customer shopping vehicles, and pedestrian foot traffic when stopping in Driveway/Parking lots in front of stores.

I guess a question to ask ourselves is how many accidents or pedestrians will be run over before someone realizes; maybe we shouldn't have allowed this in the first place.Then it's a little to late.

When asking about the Landscaping for the proposed shopping center, I do so with concern, by having had education and work experience in landscaping for over 40 yrs ,working in labor and Supervisory positions , in both Installition and Maintenance . Installition and Maintenance

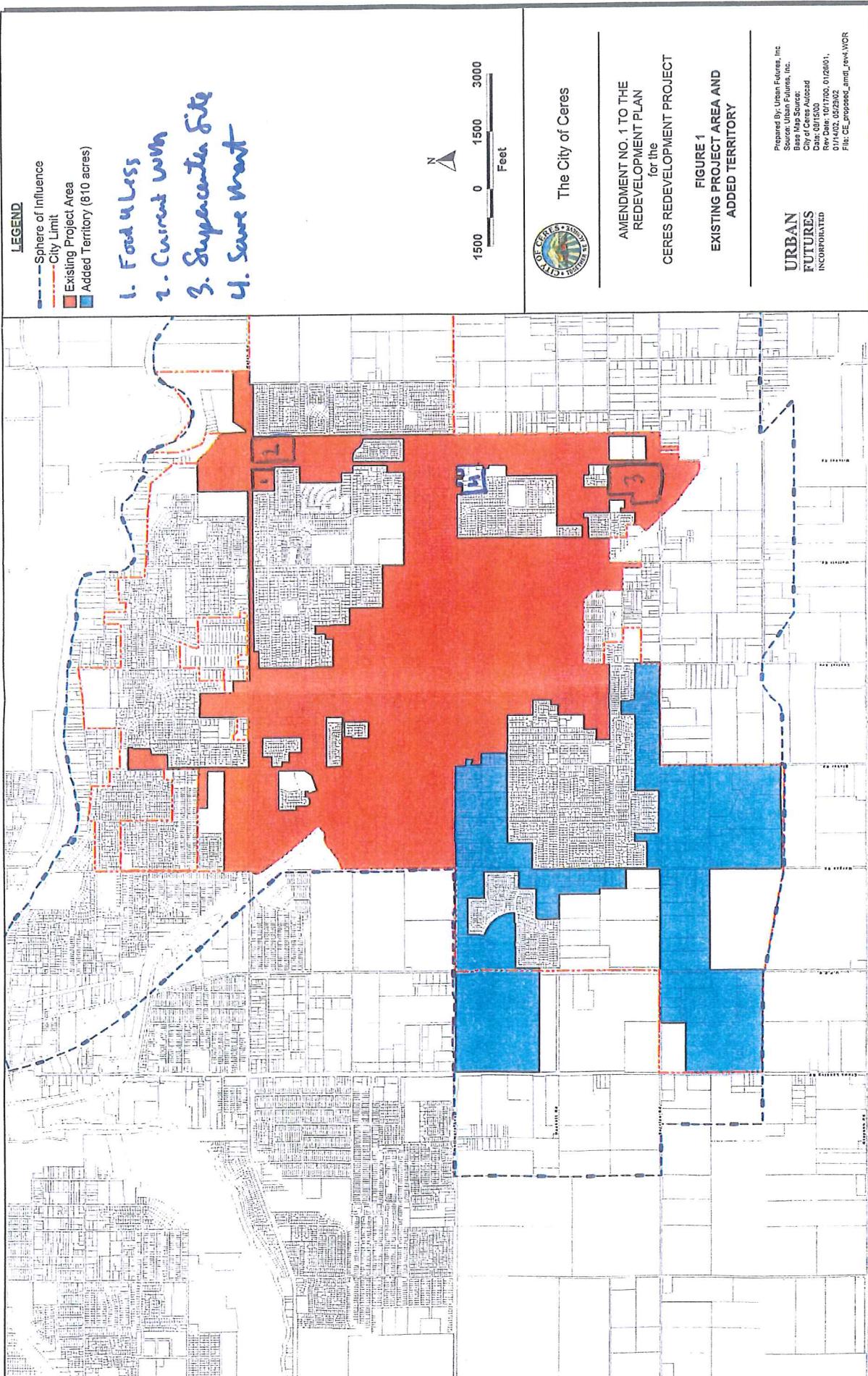
doesn't just mean planting a few shrubs and mowing grass. Proper, Professional Quality is very important in keeping that well maintained look we all like to see in our landscape.
From sprinkler repair to Tree and shrub replacement -ASAP; not waiting until everything dies and then making repairs

I currently shop and will continue to shop at Walmart stores in the future .I just don't believe that we need a SuperMart store here in Ceres.I believe that we currently have plenty of grocery stores in our city
In conclusion, I still stand by my original statements and questions in my Letter(Letter 14) in Comments & Responses to Comments on the Draft E.I.R. regarding the Mitchell Ranch Shopping Center: Traffic/Traffic Safety, Noise, Landscaping/Blight, and Economics.

Thank you very much,

James. R. Vinyard
1339 Grandview Ave.
Ceres, Ca.95307

209-537-9044



NO TO SUPER WALLMART

I have lived in Ceres for over 45 years and love this town. I could live anywhere but chose to live here. It's a great little town and growth has been managed pretty well. The Character of this community will be changed forever and a Super Wall Mart will be the death of several smaller stores in Ceres. It's just common sense that Richland Market, Save Mart, Cost Less and Food 4 less will not be able to compete with a Super Wall Mart. Another number of other general merchandise stores will not be able to compete as well. Every one of these stores are anchor stores for each shopping center. What will happen to each one of the shopping centers when these stores close? Look at Whitmore Plaza right now, after Rite Aid left half of the stores are vacant. What will happen when Save Mart leaves? The whole thing will be vacant.

Hatch Rd businesses are doing pretty well right now. Most buildings are full now after several years of blight. It appears Longs will be gone soon if the Council gives in to the CVC controversy pressure. What happens when K-Mart goes away along with Cost less foods across the street?

There are already several vacant commercial buildings up and down Mitchell Rd. What will happen to the old Wall Mart building, how long will it sit vacant? Ceres does not need more minimum wage jobs! It needs more living wage jobs! If all of the present employees of Wall Mart move to the new store along with the management staff, how many new jobs will really be created?

I do not believe the spin put out by Wall Mart, the EIR or the so called consultants. I believe what I see has happened in other small cities all over the USA. It's just plain old fashion common sense!

I haven't even addressed the Traffic mess this store will create. I don't care what the EIR says; it's going to be mess. The Mitchell Road, Highway 99, Service Road interchange must be addressed before any development of this magnitude is allowed in this area. Let us take a lesson from Turlock. They got the infrastructure in first.

**Burl Condit
Ceres**



This posting has been published.

Your posting can be seen at <http://modesto.craigslist.org/vnn/2218673664.html>.

To edit or delete it use the buttons below:

[edit](#)

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!!!DO YOU WANT TO SAVE JOBS!!! (CERES/MODESTO)

Date: 2011-02-16, 5:53PM PST

Reply to: comm-chpbs-2218673664@craigslist.org [[Errors when replying to ads?](#)]

I just received word that the Planning Commission is meeting to discuss the opening of a Wall-Mart Supercenter in Ceres. This is going to result in the closing of many local stores. Sure some new jobs for those willing to make minimum wage and work part time, but even more jobs to be lost by the community as a whole. Think about it. The Wall-Mart in Ceres that is already there will close and those people will transfer to the new store and a hand full more will get jobs. What about the local Mom and Pop stores that barely get by now? How about the bigger ones such as Railey's, Save-Mart or even the stores like Food Max? How about the ware houses that store and provide the food for the stores? Such as SUPER STORE INDUSTRIES in Lathrop. They employ hundreds of people alone and they have already had to lay off workers. Think about how many are employed and the dollars they not only make but spend in their community as well as the surrounding community's. Less dollars spent means less jobs!

I am not bashing Wal-Mart. All I am saying is that they make enough money as it is. Why make that company more money while hard working people will work even harder just to survive? Remember when Brendan's Theater opened and other movie theaters wanted into the area? They were refused because the local planners said "The market could not support it". We have more food stores than ever. They are all out there looking for that "Bay-Area Money".

Haven't WE as a group of Californians suffered enough? Loved ones serving overseas, the rise in gas prices, foreclosed homes, state offices constantly looking for more money from us, and the list goes on... The bottom line is this. Jobs are hard to find (as many of us know all too well) and opening a Wall-Mart Supercenter is going to make it even harder.

PLEASE! Lend your support and voice at this meeting.

Planning Commission Meeting

Ceres Community Center

2701 Fourth Street

Ceres, California

Tuesday, February 22, 2011

6:00 p.m.

- Location: CERES/MODESTO
- it's NOT ok to contact this poster with services or other commercial interests