

### Letter 1

June 1, 2010

Tom Westbrook  
Planning  
City of Ceres  
2220 Magnolia St.  
Ceres, Ca 95307



Re: Walmart Project - Don Pedro Road and Mitchell Ave.

Dear Mr. Westbrook:

My husband and I are twenty year residents of Ceres. We purchased our two-story home on Archcliffe Drive in 1990 and have been very happy here. We live in an upscale neighborhood with well kept homes and landscaping. Our neighbors take a lot of pride in their homes and their environment. Our street intersects with Don Pedro Road and is located directly across from the planned Super Walmart. Don Pedro Road is a short residential road (not even a mile long) that connects El Camino Road to Mitchell Road. Currently, traffic is steady but slow on Don Pedro Road and the noise is bearable. However, this will change drastically if the proposed Walmart project is implemented. The environmental impact report does not take into account that residents in our neighborhood will also be negatively affected by the traffic caused when the proposed elementary school and commercial buildings are built on Roeding Road -since Roeding and Don Pedro will then intersect. There is no way that residents on or near Don Pedro Road should be expected to handle the increased traffic, noise, and air pollution that will be created by having a twenty-four hour Super Walmart store so close. There is another alternative.

1-1

On Don Pedro Road, east of Archcliffe Drive, is a residence and Orchard Park Business Complex. Since there is an entrance on the Don Pedro side of this complex, it creates traffic on this road. Besides the noise of patrons coming and going into the complex, residents are awakened at 4 A.M. as the garbage truck makes its rounds.

To the west of Archcliffe Drive is a residence and Calvary Baptist Church. Don Pedro gets both foot traffic and vehicle traffic - depending on church activities. Sundays, of course, are busier. We also get the over-flow traffic from St. Jude's Church located across the road on Mitchell Avenue.

Across from the church is an apartment complex which creates quite a bit of traffic with residents coming and going throughout the day and night.

1-2

To the north of Don Pedro Road, on Roeding Road, there is a proposed elementary school to be constructed on the corner of Roeding Road and East Lane. This future development would require that a road be constructed that will connect traffic flow between Roeding Road and Don Pedro Road. Once this takes place, both Don Pedro and Roeding will see an increase in foot and vehicle traffic, not only due to the children attending school, but also the number of staff working at the school. We will have children walking or riding bikes along Don Pedro, idling cars and school buses dropping off or picking up, and school staff driving to work.

At the corner of Roeding Road and Mitchell Avenue, immediately north and connecting to Archcliffe Drive, is a future commercial area which includes the Las Casuelas Restaurant and bar. Because the restaurant and bar will stay open late, we expect an increase in foot traffic, vehicle traffic, and noise caused by restaurant patrons.

Currently, Don Pedro has a daily flow of traffic due to residents, the apartment complex, Orchard Park businesses, and church activity. Once the elementary school is constructed and a road built that connects Roeding to Don Pedro, we expect vehicle traffic and foot traffic to increase. With development of more

1-3

### Letter 1 Continued

commercial units and a restaurant/bar to the north of Don Pedro, traffic and noise will increase further. The nearest existing residences to the Super Walmart Project site are located approximately 100 feet away at the corner of Don Pedro and Archcliffe Dr. The EIR report estimates that Walmart will require approximately 7 to 9 semi-trailer truck deliveries per day, approximately 2 to 3 of which would have refrigerated units, and 8 to 10 vendor trucks. A busy hour will consist of the arrival and departure of 2 semi-trailer trucks and 3 medium trucks during any given hour. (Imagine all these trucks operating on our small road while children are trying to get to school). Deliveries will take place seven days per week, with up to five deliveries during the nighttime hours of 10 PM to 5 AM. Then there's the noise caused by the large trash compactors and the air-conditioning units that sit on top of the building.

We propose that you go by Alternative 2 with the realignment of the Walmart facing Mitchell Road to the east but moving the building to the south-west corner of the property and building a solid sound barrier wall along Don Pedro with no vehicle entrance. This would place it closer to Service Road than to Don Pedro. Also, Service Road and El Camino are already expected to be realigned and re-designed so delivery truck entrances could be included in the future design. This would also prevent elementary school traffic from being negatively affected by the delivery truck movement during the day hours when children are coming and going.

Alternative 2 would not reduce the overall square footage of the development but the loading docks and building should be further away from residential areas and a solid sound wall built. This would help with air pollution and noise pollution and there would be no danger of children being injured by delivery trucks. Since this is a twenty-four hour store, it would make more sense that it be built as far away from the residential areas as possible.

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1-4

Yours truly,

Florence Cardenas



## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 1

FLORENCE CARDENAS, AREA RESIDENT; JUNE 1, 2010

**Response 1-1:**

The commenter raises the issue of traffic, noise and air pollution from a 24-hour store and proposed elementary school on Roeding Road and Don Pedro Road.

Please see Impact 4.13.1 discussed in the Draft EIR (pg. 4.13-25 through 4.13-26), which addresses project-related traffic loading of Don Pedro Road. The traffic impact analysis determined that even with the traffic calming measures described in mitigation measure MM 4.13.1, it could not be known with certainty that the vehicle reduction on Don Pedro Road would occur. The Draft EIR determined that the impact would remain significant and unavoidable (Draft EIR, pg. 4.13-26).

The Elementary School on Roeding Road and Rose Avenue and the extension of East Lane was not proposed when the transportation analysis for the EIR was prepared in 2007 and 2008. A mitigated negative declaration for the school site was filed on June 24, 2009. The notice of preparation for the Mitchell Ranch Project was filed on September 5, 2007. Although the school site was not explicitly included in the study, the school is expected to generate traffic at times that do not coincide with the peak trip generation of the Mitchell Ranch Center – morning and early afternoon on weekdays. In addition, the commercial uses on Roeding Road were proposed in April 2009 after the notice of preparation for the Mitchell Ranch project had been filed.

The connection of East Lane from Roeding Road to Don Pedro Road will provide additional vehicular circulation in the area and provide neighborhood access to the site. However, it is expected that the majority of vehicles that travel on this route to reach the Mitchell Ranch Center would have originated from within the neighborhood, as the use of East Lane would require diversion from the main travel routes on Mitchell Road and El Camino Avenue that are not expected to be congested, likely resulting in longer travel times.

Bollard Acoustical Consultants, the preparers of the noise analysis took into account the sensitivity of the existing residences located in the immediate project vicinity. Given this sensitivity, noise surveys were conducted at the nearest noise-sensitive locations to the project site to establish baseline ambient conditions for use in evaluating project noise impacts. One of the monitoring sites (Site 1) was located at 3613 Archcliffe Drive, near the commenter's residence. The measured day/night average noise level at this location computed from 24-hours of consecutive noise monitoring was 59 dB Ldn (Draft EIR Table 4.10-1). This level is neither unusually low nor high, and represents fairly common noise exposure for residential communities affected by local and distant traffic noise sources, as well as noise generated by common neighborhood activities. The Draft EIR notes that the construction and operation of the project will increase traffic noise levels in the immediate project vicinity, including residences located along Don Pedro Road. However, those increases are predicted to be less than significant.

As discussed in Impact 4.2.4, the results of the proposed project's air quality analysis indicate that the project's long-term ROG, NOx, and particulate

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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matter emissions would be less than significant on an individual project basis. However, the Draft EIR determined on page 4.2-32 that the project's cumulative impact to air quality from operational emissions is considerable and significant and unavoidable.

**Response 1-2:** The commenter raises the issue of cumulative noise impacts resulting from the proposed elementary school and restaurant/bar on Roeding Road.

As noted in the response to comment 1-1, the Draft EIR recognizes that noise levels in the immediate project vicinity will increase as a result of the project, just as ambient conditions increase with any development whether it is commercial or residential. However, Table 4.10-1 of the Draft EIR (pg. 4.10-3) notes that the increase in noise on Don Pedro Road would be approximately 3 dB relative to existing conditions, and approximately 1 dB relative to future conditions without the project. The California Environmental Quality Act (CEQA) requires that project-generated noise level increases be "substantial" for a finding of significant noise impact to be made, not merely audible. Although the project-generated increases in noise on Don Pedro Road would be audible relative to existing conditions without the project, the increase is not predicted to be substantial (please refer to criteria for off-site traffic noise level increases on Draft EIR, pg. 4.10-13). Because the project-related increases do not exceed the project standards of significance, no significant adverse noise impacts were identified due to the increases in traffic on Don Pedro Road.

Also please see Impact 4.13.1 discussed in the Draft EIR (pg. 4.13-25 through 4.13-26), which addresses project-related traffic loading of Don Pedro Road. The traffic impact analysis determined that even with the traffic calming measures described in mitigation measure MM 4.13.1, it could not be known with certainty that the vehicle reduction on Don Pedro Road would occur. The Draft EIR determined that the impact would remain significant and unavoidable (Draft EIR, pg. 4.13-26).

**Response 1-3:** The commenter opines the cumulative traffic and noise from the project on Don Pedro Road will be significant.

Please refer to the response to comment 1-2 for a discussion of the anticipated increases in traffic noise levels on Don Pedro Road. Regarding noise generated by heavy truck deliveries, large trash compactors and air conditioning units which sit on top of the roof, the following responses are provided:

Page 4.10-19 of the Draft EIR contains an analysis of noise levels generated by on-site heavy truck circulation associated with deliveries at the loading dock areas, as well as a discussion of "Rooftop and Other Mechanical Equipment" noise, including trash compactors. Each of the major noise-producing components of the project were carefully evaluated relative to both existing ambient noise levels and City of Ceres noise level standards for residential uses. Noise generated by on-site truck traffic and loading dock activities was considered to be potentially significant (Impact 4.10.4 and Impact 4.10.6, Draft EIR, pgs. 4.10-24 and 4.10-26), and noise mitigation measures in the form of solid noise barriers were recommended (MM 4.10.4, Draft EIR, pg. 4.10-25)

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to mitigate these impacts. Noise generated by rooftop mechanical equipment noise (Impact 4.10.8, Draft EIR, pg. 4.10-29) was found to be less than significant at the nearest neighbors to the north and west of the project site, as was noise generated by the Solid Waste and Recycle Equipment Noise (Impact 4.10.10, Draft EIR, pg. 4.10-30).

**Response 1-4:** The commenter opines that Alternative 2 and the elimination of all driveways on Don Pedro Road to allow a solid sound barrier wall would reduce noise impacts from a 24-hour store to residential areas and improve traffic safety for children. For a discussion of this design change, please see **Section 2.3.3 Master Response** herein.

# Letter 2

### Tom Westbrook - WAL MART PROPOSAL- Ceres

**From:** Craig Hunnel <ceresfsb@hotmail.com>  
**To:** <tom.westbrook@ci.ceres.ca.us>, Craig Hunnel  
<ceresfsb@hotmail.com>  
**Date:** 6/15/2010 7:45 PM  
**Subject:** WAL MART PROPOSAL- Ceres

Dear Mr. Westbrook,

**Greetings from Ceres First Southern Baptist Church. We are located at 2813 Don Pedro, just west of Mitchell Rd. I wanted to share things that occurred this past week with the community around the potential Wal Mart Super Center Proposal site.**

**Several of the communities residents met for a brief discussion of the proposed site and the conditions that pertain to the store, traffic, access, pollution, and residents aesthetic conditions.**

**One of the things that I wanted to address as I have to:**

Ms. Tiffany Mendoza  
River City Communications  
[www.rivercitycomm.com](http://www.rivercitycomm.com)  
1835 Iron Point Road, Ste. 180  
Folsom, CA 95630  
(916) 817-4444 ph  
(916) 817-2444 fax  
[tiffany@rivercitycomm.com](mailto:tiffany@rivercitycomm.com)

As I shared with the group, the real concern is for the zoning of Don Pedro as a Truck access route!

With the traffic of the church and its members/visitors, children and families in the residents, and the proposed future site of Lucas Elementary it seems that the two ideas of this being a residential and truck access are an oxymoron.

2-1

With that in mind we would highly recommend that Ceres City zoning and planning commissions re-zone the road for residential access only.

Also, we would recommend that the access to the store be flipped to face Mitchell, making the access to the back of the building conducive to Service and Mitchell Road respectfully.

2-2

I have not asked Mr. Siegal about the school's position on this, but I am certain that they would share some of the same concerns related to increased foot traffic, children and adults dropping off or picking up students, as well as pedestrians in the area (s)

After my discussion with Ms Mendoza, we are also willing to make the church site available for a town hall meeting that welcomes the thoughts and opinions of local residents, city officials, developers, and WalMart Representatives!

2-3

Please understand that I, personally, am a proponent of the new WalMart, and welcome the new additions to our community, as well as residual benefits to having a store this close to our Church location! I have worked with both Wal Mart corporation in food distribution, and have seen three previous

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### Letter 2 Continued

Wal Mart additions to our community where we have pastored, Webb City, MO, Tomah, WI, and Now here...

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I wanted to address a few of these thoughts, and hopefully you can provide satisfactory answers to all of our concerns and needs.

Please feel to contact me at: 209-380-4530

Respectfully Submitted,  
Rev. Craig A. Hunnel, Pastor  
Ceres First Southern Baptist Church  
P.O. Box 428  
Ceres, CA, 95307

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LETTER 2: REV. CRAIG A. HUNNEL, CERES FIRST SOUTHERN BAPTIST CHURCH; JUNE 15, 2010

**Response 2-1:** The commenter recommends that Don Pedro Road be re-zoned for residential access only. As identified on pg. 4.13-2 of the Draft EIR, Don Pedro Road is designated as a secondary collector by the City of Ceres General Plan. Additionally, the project is located within the Mitchell/Service Road Regional Commercial Area as identified by the City of Ceres General Plan (City of Ceres, 1996; Figure 1-3, Areawide or Corridor Plans, pg. 1-15). Don Pedro Road has been designated as an "unrestricted" roadway since 1968.

**Response 2-2:** The commenter recommends that the access to the store be changed to face Mitchell Road. For a discussion of this design change, please see **Section 2.3.3 Master Response** herein.

**Response 2-3:** The commenter states that their church site may be made available for a town hall meeting. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however no response is necessary.

### Letter 3

#### Tom Westbrook - Wal\*Mart Supercenter.

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**From:** Kimberly Divis <kimberlymdivis08@yahoo.com>  
**To:** <tom.westbrook@ci.ceres.ca.us>  
**Date:** 6/24/2010 1:12 AM  
**Subject:** Wal\*Mart Supercenter.

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Dear Tom:

I, as a Ceres resident for almost 11 years, have a few concerns with the building/approval to build this new Supercenter. First of all, I am curious as to what is the problem with the Wal\*Mart already in Ceres? I remember the hype of the new Supercenter being built on McHenry and to be truthful I've been to it. Did I buy anything? No. In fact the Modesto Wal\*Mart actually has a lot more merchandise than the Supercenter claims. I didn't see many grocery items either. Also, the location for this new Wal\*Mart is surely not ideal. If you were to ask any parent, sibling, or anyone who has to drop off students at Central Valley High School between the hours of 7:25-8:00AM and anytime after 2:45PM there is already a ridiculous amount of traffic. Why would anyone want to create more traffic? True, you could "try" to do more road work to widen the roads, ect. to accommodate the traffic, but in reality, isn't that what you all have attempted to do over on Whitmore with the Ceres High traffic and the new bridge and freeway ramp? I'm sorry to inform you but it has been entirely unsuccessful. I actually believe there is more traffic now then before. So widening the roads, adding bridges and things isn't going to cut it. Adding the Supercenter would just increase the traffic. Not to mention the noise and air pollution Ceres residents will also be forced to endure. But most importantly the biggest concern I have as a Ceres resident is that just recently The Modesto Bee published an article stating the Stanislaus County will be cutting 5 days out of the school year due to budget cuts. But yet since when is building a Supercenter more important than our kids' education? Where is it that the city of Ceres is able to find millions of dollars to build pointless, stupid "improvements"? I would really like to know. I personally think building this Supercenter is a complete waste of money and the city of Ceres should be focusing on the importance of keeping children in school. We have an existing Wal\*Mart that suites Ceres just fine. By the way, has anyone stopped to think about how close this new Wal\*Mart would be to the High School? I foresee bored, hot and sweaty students using the cool air conditioned Wal\*Mart as the perfect hang-out before going home. That might actually invite more stealing to occur. Or the fact that Wal\*Mart already has an insane amount of crazy people or people on drugs hanging out around odd hours of the night. I'll admit I've had to run to the store in the middle of the night for things and I'll tell you it does not make a woman of any age comfortable or feel safe. But let's just allow this Supercenter to draw more attention and bring these people closer to our homes. Thank you for your time and consideration of this comment.

3-1

3-2

Sincerely,

Kimberly Divis

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## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 3: KIMBERLY DIVIS, AREA RESIDENT; JUNE 24, 2010

**Response 3-1:** The commenter questions why the project is being proposed when a Walmart already exists in Ceres. Note that the project description states the purpose for the proposed project is that the existing Walmart cannot be expanded at its current location (see page 3.0-9 of the Draft EIR). The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

The commenter states that the project will adversely impact roadways that are already busy due to traffic associated with Central Valley High School. Central Valley High School was not specifically analyzed; however, the intersection on either side of the high school was analyzed in the traffic analysis. The commenter provides a comment on the Whitmore and Ceres High School traffic and new bridge and ramp improvements. This intersection and improvements are not part of the proposed project. The comment is included here for consideration by the lead agency; however, no response is necessary.

The commenter raises the issue of noise and air quality impacts from the proposed project. For a discussion of project noise impacts see Impacts 4.10-1 through 4.10-12 for both the Walmart store and other retail stores. Noise impacts resulting from the proposed project were determined to be less than significant for each of these impacts. (pgs. 4.10-22 through 4.10-34 of the Draft EIR) For discussion of air pollution impacts see Section 4.2, Air Quality and response to comment 1-1.

**Response 3-2:** The commenter recommends that the City focus on the importance of keeping children in school rather than construction of the project. Additionally the commenter questions the impact of theft as a result of this project being located within proximity to Central Valley High School.

The Draft EIR (pg. 4.12-63) determined that the project could add up to an estimated additional 1,584 calls for service and an additional 300 traffic enforcement contacts annually. Based on the anticipated increase in calls for service, the proposed project could result in the need for additional law enforcement personnel and vehicles. Payment of development impact fees Ordinance 2007-975 which added a ½-cent retail transaction and the additional use tax (sales tax) for the improvement of police, fire and 9-1-1 emergency response will mitigate this impact to less than significant.

In addition, Walmart incorporates the following security measures:

- Install closed-circuit camera systems (surveillance cameras) inside and outside of stores.
- Establish a Risk Control Team, which is a team of associates responsible and trained to identify and correct safety and security issues at the site.
- Provide lighting in the parking areas that will ensure public safety.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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- Prohibit consumption of alcohol in the parking lots by having associates regularly “patrol” the parking areas while collecting shopping carts, and report any inappropriate activity to the store managers. Also per State law, alcohol sales will be limited to the hours of 6 a.m. to 2 a.m. of the following day.

The commenter does not provide any specific comments on the police services analysis; therefore, no further response can be provided. The comment is included here for consideration by the lead agency; however, no response is necessary.

### Letter 4

Jaime "Junior" Saad  
2125 Caswell Avenue  
Ceres, CA 95307



June 26, 2010

Tom Westbrook, Interim City Planner  
City of Ceres  
Planning Department  
2720 Second Street  
Ceres, CA 95307

Dear City of Ceres:

I am writing this letter to raise the concerns I have about the Mitchell Ranch Center project (proposed Walmart). They are based on both what the Draft Environmental Impact report says and what was left out of the report.

#### UNWANTED NOISE

Noise levels are greater at night, and the city of Ceres does have a type of noise curfew that mandates keeping of the peace after 10 p.m. and before 7 a.m. Will some sort of noise curfew apply to the shopping center like it does with private residents because it abuts a neighborhood? And how will Walmart, the only tenant named in the report, address the noises that come from delivery trucks, compactors, etc.?

4-1

The excessive truck noise, trash trucks coming and going, opening and closing of delivery trucks and delivery bays will disturb the sleep of nearby residents. It is reasonable to believe that the noise will potentially affect property values, adversely. Will there be specified routes and times when the trash trucks and delivery trucks can enter and exit along Don Pedro Road, and other roads in Ceres?

4-2

#### IMPACTS OF A MASSIVE 24-HOUR STORE

Currently, Ceres is not the home of large 24-hour stores. Little was discussed in the Draft Environmental Impact report about the impacts of large 24-hour stores on communities, or which 24-hour stores exist in the market area.

4-3

Where is any response about the people who hang out at Walmart 2 am? Ceres and other nearby towns have methamphetamine use problems. It is realistic to worry that meth users, often awake throughout the night, will frequent the store.

4-4

Methamphetamine use has been tied to car break-ins and auto theft. Walmart does not explain what extra security it will have on hand, and what impact being open 24-hours has on the security of the adjacent businesses and residences, nor do they discuss the resources required of local law enforcement.

Further, I ask, does this 24-hour store intend to sell alcohol 24 hours a day? What impacts will that have on the community?

4-5

Sincerely,

*Junior Saad*

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 4

JAIME "JUNIOR" SAAD, 2125 CASWELL AVENUE, CERES; JUNE 26, 2010

**Response 4-1:**

The commenter questions whether there will be a noise curfew that applies to the proposed project.

The greater sensitivity of residential uses to noise generated at night is noted. Although the City does not have a noise curfew at night, the City's noise standards for non-transportation noise sources are reduced for noises generated by projects such as this at night. Specifically, the City's acceptable 55 dB Ldn exterior noise level standard applicable during the daytime (7 am to 10 pm) is reduced by 10 decibels for any noise occurring during nighttime hours (between 10 pm and 7 am). The City's nighttime noise standard is identified in Table 4.10-4 of the Draft EIR. The noise impact evaluation prepared for this Draft EIR accounted for nighttime noise. At locations where certain Walmart-related noise sources were identified as potentially exceeding the more restrictive nighttime noise standards of the City of Ceres, appropriate noise mitigation measures were developed.

On-site delivery truck noise-related issues and loading dock operations are addressed in Impact 4.10.4 through Impact 4.10.7 (pgs. 4.10-22 through 4.10-29).

**Response 4-2:**

Potential sleep disturbance impacts associated with nighttime Walmart operations were evaluated in Impact 4.10.2 of the Draft EIR (pg. 4.10-23). Onsite truck circulation routes have been established and, although there are no proposed restrictions on truck delivery hours, garbage removal activities would likely occur during similar early morning through evening hours as other existing commercial land uses within the City of Ceres.

**Response 4-3:**

The commenter states that Ceres does not contain large 24-hour stores and believes the Draft EIR does not address the impact of such stores on the community. The EIR examined the potential impacts of 24-hour operation in the Draft EIR in regards to potential sleep disturbance impacts on page 4.10-23; truck traffic noise on page 4.10-24; public safety on page 4.12-62; impacts on fire and emergency medical response services on page 4.12-56; and nighttime light and glare on page 4.1-35. The commenter does not provide a specific comment on 24-hour operations; therefore, no further response can be provided.

**Response 4-4:**

The commenter states security concerns associated with the project. Section 4.12, Public Services, Impact 4.12.9.1 (pg. 4.12-62) addressed the issue of increased crime and safety. Page 4.12-63 of the Draft EIR states that calls for service outside of the proposed project site would increase. The proposed project would contribute to increases in theft, trespassing, and other property-related crimes or nuisance calls occurring in the residential areas surrounding the project, due to the increase of people to visit the proposed project. The Police Division's patrol operations would need to provide an increased presence in the surrounding residential areas, as well as the need for a specialized unit that can perform "problem-oriented policing".

Regarding the commenter's concern on methamphetamine use, the commenter does not raise a question regarding the environmental impacts of

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the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however no response is necessary.

**Response 4-5:** The commenter questions whether alcohol will be sold 24 hours a day. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. Walmart will be required to obtain the necessary approvals from the State of California Department of Alcoholic Beverages Control (ABC). State law prohibits the sale of alcohol between the hours of 2:00 a.m. and 6:00 a.m. The comment is included here for consideration by the lead agency; however no response is necessary.

### Letter 5

**KATHY HOPWOOD**  
1924 Saturn Court, Ceres, CA 95307



Tom Westbrook, Interim City Planner  
City of Ceres  
Development Services Department, Planning Division  
2220 Magnolia Street, Ceres, CA 95307  
Fax: 209-538-5759

June 28, 2010

#### RE: Draft EIR -- Proposed Mitchell Ranch Center with a Super Wal-Mart

Dear Tom Westbrook,

Please include the following statements regarding traffic, into the environmental impact report for the proposed Mitchell Ranch Center.

The Mitchell Road on and off ramps are not designed to handle the traffic associated with all the development on the proposed site, or within the Mitchell Road corridor. I understand that Cal Trans has jurisdiction over this part of the roads, but why are the projects being approved before the road improvements are approved? Why aren't applications and design plans for road improvements being given to Cal Trans now for approval? Why doesn't Wal-Mart share some of its ideas for improvements?

5-1

In my view, I guess Wal-Mart wants only the minimum level of improvements because the proper improvements are expensive and Wal-Mart would have to pay for part of it. I feel that Wal-Mart should provide several road construction alternatives and their associated costs before the project proceeds any further. This action will allow the citizens and the city to make thoughtful decisions about the risks we want to take, and not have to rely solely on the notion that CalTrans will fix it sometime in the future.

5-2

I think we should learn from the mistakes of Modesto. Look how horrible the on and off ramps are in its new development areas. Sometimes, traffic on Standiford and Pelandale backs up onto the freeway. The roads in these areas are hard to navigate and slow to get through at peak times. It's dangerous; yet, there is no mention of accident rates or fatalities on similar, crowded on and off ramps in the Draft EIR. What kinds of traffic problems and risks will occur during holiday periods on overpasses and the streets that will serve the new development? Who will pay the costs to fix these problems and risks?

5-3

Sincerely,

*Kathy Hopwood*

Jun. 28 2010 04:55PM PI

FAX NO. :

FROM :

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 5

KATHY HOPWOOD, 1924 SATURN COURT, CERES; JUNE 28, 2010

**Response 5-1:**

The commenter questions whether the Mitchell Road interchanges with SR 99 can handle the project traffic loads. Project impacts to the interchanges of Mitchell Road and SR 99 are discussed on page 4.13-34 through 4.13-37, and mitigation measures 4.13.2g and 4.13.2h require improvements to these interchanges prior to project occupancy. Although these mitigation measures will reduce project impacts to less than significant, since the timing and ultimate implementation of these mitigations is highly dependent upon a third-party agency, these impacts are considered to be significant and unavoidable, as implementation cannot be guaranteed by the City of Ceres. Since SR 99 is not within the jurisdiction of the City of Ceres, both of these improvements are subject to the approval of and timing is dependent upon Caltrans. The project does not rely on the future Mitchell Road/Service Road interchange improvements to mitigate its impacts, although the project will be required to pay its fair share towards those improvements. See response to comment H-7.

**Response 5-2:**

The commenter states that improvements are expensive and opines that the project applicant proposes minimal improvements as a result. As identified in mitigation measures MM 4.13.2g and MM 4.13.2h, if improvement plans are approved, the project applicant will be responsible for the project's share of the construction of necessary roadway improvements.

**Response 5-3:**

The commenter questions what kinds of traffic problems and risks will occur during holiday periods as a result of the project. Please see Section 4.13 of the Draft EIR for a discussion of transportation and traffic. Traffic can be anticipated to increase in all areas of the City of Ceres, including around the proposed project site, during the Christmas Holiday Season. This is considered a normal occurrence and the minor inconvenience of waiting longer at an intersection to turn, or to find a parking spot, is balanced against building for events that occur for a brief period only once each year. This saves cost in material resources as well as maintenance. The roadway and intersection levels of service established for the City, and as used in the Draft EIR, are based on non-holiday operating periods. In this instance Saturday peak periods were also analyzed and project impacts considered.

## **Letter 6**

# **Kiwanis**



June 29, 2010

To Whom It May Concern:

This letter is coming to you to support the new Wal-Mart store planned for Ceres, California. We are the Kiwanis Club of Greater Ceres and wish to add our support to this project.

Wal-Mart has been a faithful supporter of our club since before it was chartered and has been true to the values of Kiwanis. The Kiwanis Club of Greater Ceres truly appreciates the support provided through the generous donations and the management's support of our club through direct participation through membership. The representative who regularly attends our meetings is not only very active in our projects; she is a member of our Board of Directors. She would not be able to participate with our club due to financial constraints and by the store allowing her the time and paying for her dues we have a very capable and active member.

The store has donated numerous times to our projects and has willingly given to this community through these donations. Losing the new store and the additional jobs would mean losing some of the store's ability to participate as fully in our community. This would be a difficulty for this organization and, I am sure, for many others as well.

The new jobs would bring in revenue to the city and the community which is sorely needed at this time. The goodwill generated would be immeasurable. Losing the support to the community in general would be a difficulty for many of the service organizations, churches, and schools.

We hope this letter will help the store continue with their project. We as the Kiwanis Club of Greater Ceres fully support this.

Sincerely,

Cathy R. Jepson, President  
Kiwanis Club of Greater Ceres

**6-1**

Kiwanis is a global organization of volunteers dedicated to



changing the world one child and one community at a time.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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LETTER 6

CATHY R. JEPSON, KIWANIS CLUB OF GREATER CERES; JUNE 29, 2010

**Response 6-1:** The commenter expresses support for the proposed Walmart store in Ceres. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however no response is necessary.

### Letter 7

#### Tom Westbrook - Exception to Ambient Noise/ Mitchell Ranch Project

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**From:** <Mhpedlr@aol.com>  
**To:** <Tom.Westbrook@ci.ceres.ca.us>  
**Date:** 7/5/2010 8:55 PM  
**Subject:** Exception to Ambient Noise/ Mitchell Ranch Project  
**CC:** <surungui@yahoo.com>

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I am not a engineer, but I think there is a flaw in impact report. According to the tests that were taken in April of 2008, they do not take into consideration of the changes to the property prior to that date and how it has already effected the residents nearby. Prior to that date the property had several home sites and trees, and the property was farmed regularly with a rotation of corn and alfalfa.

7-1

All of these features dramatically reduced the sound level, and is not factored into their calculations. In section 4.10.2 it says a increase of 3 db is not significant, that it has to be at 5 db to be significant. We have seen at least 2 db increase in sound by the removal of all the structures, trees, and the lack of farming of the site.

It now says I must Not open any of my windows, or I will exceed the decibel levels set by city mandate. This will increase my heating and air conditioning costs dramatically. The mitigation efforts proposed for noise in section 4.10 have no effect on my property because the proposed sound wall, will not protect my property because it states it will be 8 ft tall, "Except where reduction in height is required for site vision triangle". I take that to mean the wall will taper down as it approaches the proposed entry/exits on Don Pedro Rd. That entry/exit is proposed to be right across from my house, thus NO PROTECTION.

7-2

These are more reasons the city needs to mandate the developer to make changes in their design, and move the Walmart to the southwest corner of the property, eliminate the entry/ exits on Don Pedro Rd and construct a solid 8 ft sound wall the full length of Don Pedro Rd.

7-3

Lee Brittell  
2917 Don Pedro rd  
Ceres Ca 95307  
[mhpedlr@aol.com](mailto:mhpedlr@aol.com)

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 7: LEE BRITTELL, 2917 DON PEDRO ROAD, CERES; JULY 5, 2010

**Response 7-1:** During the ambient noise surveys conducted by Bollard Acoustical Consultants (BAC) for this project, the project site did not contain a significant number of trees or home sites, so that ambient data was not appreciably affected by these features. Although the project will replace the existing soft ground cover with structures and pavement, those structures, including the substantial Walmart building, will serve as significant barriers to traffic noise radiating from the highway in the direction of the nearest residences to the north. In addition, the project will include considerable landscaping in the form of tree planting in the parking lot areas. The net effect of the shielding provided by the proposed structures and proposed landscaping is anticipated to offset any increase in noise which may have resulted from the paving of the site.

Regarding the closing of residential windows, the Draft EIR evaluated noise impacts with windows in the closed position because the City's noise standards applicable to residential uses affected by traffic noise sources are applied with windows in the closed position (See Impact 4.10.2, pg. 4.10-23). In addition, the project with mitigation measures is not predicted to result in a significant increase in ambient noise levels at existing residences. As a result, residents continuing to leave windows open would likely not realize an appreciable change in noise environments with the project, but those choosing to close windows would achieve additional exterior to interior noise reduction.

**Response 7-2:** The commenter states that the sound wall proposed in mitigation of the noise will afford no protection to his property.

The commenter is correct in that the recommended noise barriers on the north side of the project (behind the proposed Walmart store) may be of limited effectiveness at the driveway openings in screening nearby residences from significant noise sources primarily at loading docks. The straight-line path of the noise from the loading docks is blocked by the solid wall. However, because the sources of noise which will be located behind the proposed Walmart are mobile (primarily medium and heavy-duty delivery trucks), this exposure will be temporary until those vehicles progress further behind the proposed store. Draft EIR Figure 4.10-4 (pg. 4.10-31) illustrates the extent to which the recommended barriers would provide shielding to the existing residences located on the north side of Don Pedro Road. The Draft EIR concluded that the predicted noise levels with the noise barrier and openings for the driveways satisfy the City's daytime and nighttime noise level standards and this impact is considered less than significant with mitigation incorporated (pg. 4.10-27).

The option of closing the westernmost driveway to enable the noise barrier to extend to the western property line was analyzed to address this comment. Please see **Section 2.3.3, Master Response**, herein.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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**Response 7-3:** The commenter opines that the developer should be required to redesign the project by relocating of the Walmart building to the southwest corner of the property and eliminating all driveways on Don Pedro Road to allow a solid sound barrier wall. The commenter is referred to **Section 2.3.3, Master Response.**

# Letter 8

### Tom Westbrook - Comments about Mitchell Ranch Center

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**From:** Deana Rushton <deana\_rushton@rocketmail.com>  
**To:** <tom.westbrook@ci.ceres.ca.us>  
**Date:** 7/6/2010 7:52 AM  
**Subject:** Comments about Mitchell Ranch Center

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

Subject: Proposed Mitchell Ranch Center

Mr. Westbrook,

With regards to the Wal-Mart Supercenter being proposed in Ceres, I have some questions and concerns. My letter is meant to become a part of the Draft EIR that is open for public comment until 5 p.m. today, July 6, 2010.

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. Will Wal-Mart be paying for bicycle lanes, pedestrian pathways and a bus-transit stop? Or, will Wal-Mart only be responsible for the bike racks and pathways within the shopping site, as suggested in the Draft EIR?

Ceres already has bike lanes in other areas of Ceres. Shouldn't Wal-Mart agree to pay for other connecting bike lanes within Ceres if they don't plan to put bike lanes along the proposed site? If Wal-Mart is not going to be held accountable for the expenses associated with these improvements, then why are they being allowed to build? Wal-Mart is financially capable of carrying this load themselves, instead of putting the financial burden on Ceres.

With regards to the proposed overpass to accommodate traffic for Wal-Mart, are plans in the proposal for Wal-Mart to pay for this? When it comes to widening the roads near the proposed site, will Wal-Mart be contracted to pay for this? Or, does the city have taxpayers' money earmarked to take on this significant burden?

Regarding another major concern, what effect will this project have on our current grocery stores? We have some stores that are union and some that are not, but all pay well above minimum wage. What are the pay rates for the new (85) jobs Wal-Mart says they will bring with the opening of the new Supercenter?

We have many low income families in the city of Ceres who are simply not able to handle another tax. And although many residents could benefit from the new bike lanes, pedestrian pathways, and bus stops, those benefits would not be worth the loss of good-paying Ceres jobs that would certainly be lost as a result of the new Super Center, according to the Draft EIR (page 4.5-16). Will we respect ourselves for welcoming a company at the gateway of Ceres, who is known for being sued for illegal treatment of its employees?

Sincerely,

Deana Rushton  
2605 Fiesta Way  
Ceres, CA 95307

**8-1**

**8-2**

**8-3**

**8-4**

file:///C:/Documents and Settings/tomw.CITYOFCERES/Local Settings/Temp\XPgrpwise\4... 7/6/2010

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 8

DEANA RUSHTON, 2605 FIESTA WAY, CERES; JULY 6, 2010

**Response 8-1:** The commenter questions whether the project applicant will pay for alternative transportation improvements within the city or just on the project site. The following alternative transportation improvements will be provided at the project site by the project applicant:

1. The project will complete peripheral pedestrian access around the site by providing sidewalks on all street frontages of the project.
2. The project will pay Public Facility Fee (PFF) fees which provide for the installation of arterial streets including bike lanes where planned.
3. The project will provide a bus turnout and bus stop facility on Mitchell Rd. south of Don Pedro Rd.

In addition, the Circulation Element of the Ceres General Plan shows Service Road as a Class II and III bike route.

**Response 8-2:** The commenter asks whether the project applicant will be responsible for expenses associated with improvements. The project applicant will be required to pay their fair share of traffic improvements as identified in Section 4.13 of the Draft EIR, pg. 4.13-45.

**Response 8-3:** The commenter raises additional questions regarding wages to be paid at the proposed Walmart. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 8-4:** The commenter expresses the opinion that the benefits of the project do not outweigh the negatives. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

### Letter 9

Rocky Fisher  
3308 Fowler Rd.  
Ceres, CA 95307

7-5-10

Tom Westbrook  
c/o City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307

Ref: Mitchell Ranch Center proposed development.



Dear Tom Westbrook:

The last thing Ceres needs is more vacant buildings and sprawl. Yet that is what the proposed Mitchell Ranch Center project will bring.

The fact of the matter is there are already too many empty / available commercial real estate / commercial leases and spaces in Ceres. There are three vacancies at 1775 Mitchell Road alone – a restaurant, an office, and potentially a retail space. A drive down Mitchell shows many other vacancies, including a vacant, new bank building that has never been occupied. Among others is a recent development near the Chevron at Mitchell and Service Road that appears to have been built on speculation and has few tenants.

According to the Draft EIR, I should not be concerned about this because there is always a normal rate of turnover, and it takes empty buildings for new businesses to get started. I agree to a point, but not in economic times that are this tough.

The Draft EIR tends to have pre-recession level growth in mind. It does not contemplate the current low start rate of business, or the current low levels of sales Ceres and surrounding areas are experiencing. The Draft EIR does not give us details about the rate of business creation versus failure in Ceres and the surrounding area, and certainly not the rate in the present state of this recession.

The Draft EIR data in section 4.5, assumes strong growth in retail sales and indicates "increased consumer buying power throughout the county." Of course it does – the data cuts off at the third quarter of 2006. But we can't just put our heads in the sand of 2006. Since that period, housing prices have crashed. Unemployment has shot up to 22.5% in parts of the Central Valley. A new Walmart Supercenter may be able to hold its own under tough economic circumstances, but I doubt 10 other businesses will fill the three "majors," four "shops," and three "pads" that accompany it on the proposed site. Or if they do – they will do so at the expense of existing commercial space in Ceres. It's not going to be filled by McDonald's and Starbucks, which are already slated to go in with the hotel project that is in the works nearby.

9-1

9-2

### Letter 9 Continued

Rocky Fisher  
3308 Fowler Rd.  
Ceres, CA 95307

The developer did not bother to get other tenants in on the deal back in the early stages, when it was more likely possible. Worst of all, we will have a huge vacancy problem with the old Hatch Road Walmart, a problem aggravated by the fact that Walmart promised not to abandon the Hatch store. We should also consider the impact if the Richland Market becomes empty (see EIR) because that would be a second big vacancy, with an added trickle down effect.

Empty buildings hurt us for several reasons. They put a strain on our law enforcement and the city. Empty buildings attract vagrants, just as it was reported that the empty building(s) on the proposed Mitchell Center site did. The Draft EIR does not discuss the problem of the homeless population in Ceres, who often end up sleeping in such empty buildings. Empty buildings can lead to dangerous, criminal activity.

For example, just recently, the building that served as the concession stand and restroom facilities of the vacant Ceres Drive-In Theater burned on Monday, June 21, 2010. That fire is being investigated for arson. Homeless people were reportedly camping out on the property, and vandals had previously stripped copper wiring from the structure. Any fire is a shame, but this one was especially sad given the fact that the Ceres Drive-In is a Northern Valley landmark, dating back to the 1940s.

Even locked empty buildings are subject to break-ins and graffiti, a significant form of blight, leading to crime and lower property values. But I noticed that the Draft EIR didn't mention anything about the potential of an increase in empty buildings and blight, leading to a worsening of the existing graffiti problem and gang activity in Ceres.

Empty buildings show how hurt and depressed Ceres is economically. Empty buildings make the city unattractive to businesses and to the people living here and to those who visit our town.

I hope the Draft EIR can be revised to reflect these concerns, but ultimately I hope that Ceres will reject the project because it is not right for Ceres.

Sincerely,



Rocky Fisher

9-3

9-4

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 9

ROCKY FISCHER, 3308 FOWLER ROAD, CERES; JULY 5, 2010

**Response 9-1:**

The commenter states that the Draft EIR does not provide details about the rate of business creation versus failure in Ceres and the surrounding area, specifically related to the current recession. The EIR is limited to a discussion of whether the proposed project would lead to physical blight and an increased demand for City services. The viability of businesses within the community, or the potential for new business, is an economic but not an environmental impact.

The commenter discusses problems with vacant buildings in Ceres and the effect on the city. For a discussion of urban decay, please see Impact 4.5.1 on pgs. 4.5-13 through 4.5-19 of the Draft EIR.

**Response 9-2:**

The commenter states that data on which conclusions regarding growth in retail sales were based is outdated. As identified on pg. 4.0-1 of the Draft EIR the project analysis is completed based on the conditions at the time of publication of the NOP, which was September of 2007.

Section 4.5, Economics and Bight, of the Draft EIR is based on a report prepared by Bay Area Economics (BAE) entitled *Economic Impact Analysis for Mitchell Ranch* (August 2008), as well as on a subsequent memorandum from BAE dated June 19, 2009, which further considered changes in the economic conditions in the City of Ceres following the publication of the aforementioned report dated August 2008.

**Response 9-3:**

The commenter discusses problems with vacant buildings in Ceres and the effect on the city. Please see Impact 4.5.1 on pgs. 4.5-13 through 4.5-19 of the Draft EIR.

**Response 9-4:**

The commenter opines that increased vacancy as a result of the project will lead to additional graffiti and crime in the city. Please see Impact 4.5.1 on pages 4.5-13 through 4.5-19 of the Draft EIR. Additionally please see Impact 4.5.2 on pages 4.5-20 and 4.5-21 of the Draft EIR. For discussion on impact of project on police services, see Impact 4.12.9.1 on pages 4.12-62 and response to comment 3-2 for additional security measures proposed by Walmart.

### Letter 10

Mike Alfareh  
2125 Caswell Ave.  
Ceres, CA 95307

July 5, 2010

City of Ceres  
Planning Division  
2220 Magnolia Street  
Ceres, CA 95307



Subject: Mitchell Ranch Center Draft EIR

Attention: Tom Westbrook,

As Ceres decides whether to approve a large shopping center complex with an approximate 191,430-square-foot Wal-Mart Supercenter — Ceres does not seem to be considering all the financial ramifications. The Draft EIR does not spell out how Ceres will benefit from more groceries, more retail Wal-Mart jobs, and whether there will be a net gain in our city's sales tax revenue.

**10-1**

Please communicate to me the information in the Draft EIR that explains:

- 1) How Ceres will or will not reap an increase in tax revenue;
- 2) Which if any subsidies, public money or project credits, and so forth Wal-Mart is benefiting from;
- 3) Costs that Ceres will incur for sewer and street improvements, extra energy and other resource requirements, as a result of the new Wal-Mart; and
- 4) How this project will help increase the city's general fund reserve.

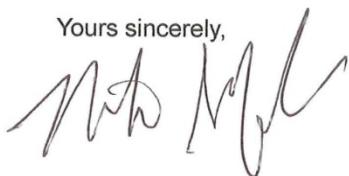
**10-2**

**10-3**

**10-4**

Thank you for this opportunity to list my questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mike Alfareh".

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 10

MIKE ALFAREH, 2125 CASWELL AVENUE, CERES; JULY 5, 2010

**Response 10-1:** The commenter states his opinion that the City is not considering all ramifications of a new Walmart in Ceres. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 10-2:** The commenter asks questions about tax revenue to the City of Ceres and public subsidies to the project applicant. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 10-3:** The commenter requests information related to the costs to the City of improvements required as a result of the project. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 10-4:** The commenter asks about the project's impact on the City's general fund. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

### Letter 11

July 5, 2010

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



Subject: Tree Concerns not addressed fully in the  
Draft Environmental Report/Mitchell Ranch Center

Tree Concerns:

Under Ceres' own regulations, don't new developments have to have a certain percentage of its parking space covered with shade by planted trees. The size of the trees to be planted in this shopping center's parking lot needs to be reconsidered. The size of trees should be at minimum, a 36-inch-box size. Please list the trees planned for the shaded portion of the parking lot and their expected growth rates and sizes.

11-1

Unfortunately, we know from the Wal-Mart store on Hatch that over the years the trees have not been maintained well. Maybe this has happened because the ground was not properly prepared and the trees couldn't have optimum growth and life span. From the condition of the trees, we see that there also might have been a lack of water.

11-2

If Wal-mart continues to show little attention to their tree planning and management, then the center's new parking lot will not be shaded as it should be. Please pay attention to this landscaping concern because we all know how hot it gets in Ceres.

Sincerely,

Rafael Burgas  
36(3 archcliffe

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 11

RAFAEL BARAJAS, 3613 ARCHCLIFFE, CERES; JULY 5, 2010

**Response 11-1:** The commenter states that new developments in Ceres are required, by City regulation, to maintain a certain percentage of tree shade cover in parking lots. Though it is not clear from the comment, the commenter appears to be referring to the Mitchell Road Corridor Specific Plan Design Guidelines, section III(E) and/or City of Ceres Water Efficient Landscape Guidelines and Standards, which requires one tree per each eight parking stalls. As demonstrated in Draft EIR Figure 3.0-5 and as revised per the revised Figure 3.0-5 contained in the Errata section of this FEIR, the project would meet this requirement by providing 370 trees in the parking lot for a ratio of one tree for every 3.26 stalls. The type of trees to be planted for shade within the parking lot will be determined at the time of improvement plan submittal and will comply with the City's adopted code and Water Efficient Guidelines and Standards.

**Response 11-2:** The commenter requests attention is paid to all trees planted to ensure survival of vegetation, with proper planting techniques and irrigation. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. However, with the development of the Mitchell Ranch Center the owner will be required to sign a Landscape Maintenance Agreement Form, which ensures that landscape for this project will be maintained to City standards. The comment is included here for consideration by the lead agency; however, no response is necessary.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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FROM :

### Letter 12

FAX NO. :

Jul. 06 2010 09:43AM P1

Wendel Trinkler, Jr.  
7136 Crowslanding Road  
Ceres, CA 95307



July 6, 2010

City of Ceres  
Planning Division  
2220 Magnolia Street  
Ceres, CA 95307

For the attention of Tom Westbrook, Interim City Planner  
RE: Mitchell Ranch Center Project

Mr. Westbrook:

The central valley struggles with air pollution. Energy consumption is a serious problem, and California imports most of its energy. Worldwide, the earth is warming and fossil fuel consumption is rising. We are filling our landfills with waste. It is time we demanded more from those who are the stewards of our environment. We must demand it because frankly they will not offer it unless we do.

The Mitchell Ranch Center project is not environmentally progressive at all. There is no calculation of the project's "carbon footprint." There is no mention of offsetting the carbon footprint. There is no discussion of energy use for the project versus the impact of using alternative energy sources. We should know that alternate sources of energy have been considered and compared to existing sources, so we can make an informed decision about the potential energy impact on the proposed project -- the Mitchell Ranch Center.

This area has potential for the use of some alternative energy technologies, especially solar. We have a lot of sunny days. Surely a company as big as Wal-Mart could present information on the possible use of solar energy, in its environmental report. The Wal-Mart Supercenter will have 191,430 square feet of roof that gets great sun. But I doubt Wal-Mart

12-1

12-2

### Letter 12 Continued

FROM :

FAX NO. :

Jul. 06 2010 09:43AM P2

would voluntarily shoulder the responsibility and cost of putting solar panels on the supercenter's roof.

As reported last fall on a website called [walmartwatch.com](http://walmartwatch.com), Wal-Mart applied to the City of Chico to create a supercenter similar to the one proposed here in Ceres. The Chico City Council requested, among other things, that the store implement solar panels. Wal-Mart rejected the request – instead offering to donate one bicycle per year to Chico Bike Week. Below is an excerpt from *Wal-Mart Watch* concerning the Chico Council's decision regarding their town's project:

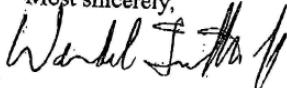
Wal-Mart's presentation to the City Council was---to use the Mayor's term---'very underwhelming.' Wal-Mart rejected the wood stove purchase idea, rejected the Mayor's idea for solar panels on the store, and offered only its ride share and 'bike-a-year' offer. All of this did not add up to much in the Council's eyes. 'I think if we put this on a scale of one to 10, the response from Wal-Mart is very underwhelming and perhaps a two,' Mayor Schwab said. 'I don't think that they took our proposal seriously.' 'Wal-Mart's response to the Chico City Council proposal is a bad deal as well,' one opponent said. 'Their pitiful offer falls woefully short of what was asked.' The Council voted 4-3 to reject the concept that the store's benefits outweighed its costs. The Council then voted 4-3 to deny Wal-Mart's appeal of the Planning Board decision.

It's time Ceres asks for more. Wal-Mart is a national company with great resources that should be making innovations for the environment and for sustainability. If Wal-Mart is unwilling to bring an environmentally beneficial product to Ceres, then their request to build a new store should be denied.

12-2  
con't

12-3

Most sincerely,



## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 12 WENDEL TRINKLER, JR., 7136 CROWSLANDING ROAD, CERES; JULY 6, 2010

**Response 12-1:** The commenter states that the project will have impacts on air quality, energy, solid waste and greenhouse gases.

The commenter asks about the impact of the project on area air quality. Please see Section 4.2, Air Quality, of the Draft EIR (specifically Impact 4.2.4, page 4.2-24). The commenter asks about project's impact on energy usage. Please see Section 4.14, Energy Conservation (specifically Impact 4.14.2, page 4.12-10) The commenter is concerned with the impacts of increased solid waste on the landfills. Please see Section 4.12, Public Services, Utilities and Service System (specifically Impact 4.12.4.1, page 4.12-34) and additional clarification on landfill capacity in Section 3.0, Revisions to the Draft EIR, in this Final EIR. The commenter requests information on the project's impacts on greenhouse gases. The impact of greenhouse gases (GHG) is discussed in Impact 4.2-11 on pages 4.2-45 through 4.2-53. The analysis determined that the long-term operations of the proposed project would produce 24,218.4 tons of CO<sub>2</sub> annually, primarily from motor vehicles that travel to and from the site. However, implementation of mitigation measures MM 4.2.4a, MM 4.2.4b which include Title 24 energy efficient standards and MM 4.13.6, that would allow for expansion of the transit alternatives for the site, the project attains a reduction of 33.7 percent from the Business As Usual (BAU) figure of 24,218.4 tons of CO<sub>2</sub> per year. This total exceeds the 29 percent target established by the SJVAPCD and is therefore consistent with the State of California's ability to meet its AB 32 goals. The Draft EIR determined that the proposed project's contribution to cumulative GHG emissions is considered less than significant. Please see response to comment 12-2 for discussion of use of alternative energy sources by project.

**Response 12-2:** The commenter states that the City should request the project utilize solar for their energy needs. Walmart has analyzed climate conditions, load capacity, economic conditions, energy prices, as well as local, state and federal renewable energy policies and programs. Due to these items and the unknown timeline for construction, the project proponent has determined that solar is not feasible at this time.

Because the solar program is a pilot program, Walmart will continue to work with their solar partners to look for additional opportunities for solar on the proposed project. Walmart is committed to undertaking another evaluation for the inclusion of rooftop solar at the commencement of construction.

**Response 12-3:** The commenter quotes a Walmart store case in the City of Chico and requests that the City of Ceres consider the requirement of environmentally beneficial products, such as solar panels on the proposed Walmart store. See response to comment 12-2 above.

## **Letter 13**

July 6, 2010

Tom Westbrook  
Planning  
City of Ceres  
2220 Magnolia St.  
Ceres, Ca 95307

Re: Walmart Super Center - Air quality



Dear Mr. Westbrook:

According to the EIR, annual operational emissions will exceed thresholds set by the SJVAPCD. The volume of pollutants emitted by the proposed projects daily operation will worsen our air quality. I have read the mitigation measures listed and nothing will really prevent this from happening. The EIR states "the long-term emissions of criteria air pollutants resulting from the proposed project are a potentially significant impact". How can the City allow a project to go forward when District standards aren't being met?

**13-1**

Yours truly

*Florence Cardenas*

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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LETTER 13 FLORENCE CARDENAS, AREA RESIDENT; JULY 6, 2010

**Response 13-1:** The commenter opines that the long-term emissions of criteria air pollutant impacts resulting from the proposed project are potentially significant. Through the implementation of energy-efficient building techniques and appliances as required by mitigation measures MM 4.2.4a and MM 4.2.4b, impacts to long-term emissions will be less than significant as identified on pg. 4.2-27 of the Draft EIR. Also please see response to comment I-4.

## Letter 14

## **Tom Westbrook - Mitchell Ranch Center/Review and Comment Period/ Letter**

**From:** James Vinyard <vinybros@att.net>  
**To:** <tom.westbrook@ci.ceres.ca.us>  
**Date:** 7/6/2010 1:56 PM  
**Subject:** Mitchell Ranch Center/Review and Comment Period/ Letter

Tom Westbrook, Interim City Planner 7-5-2010  
City of Ceres  
Development Services Department, Planning Division  
2220 Magnolia Street  
Ceres, Ca .95307  
Phone: 209.538.5778

Tom,

Thank you for the opportunity to express my comments on the Mitchell Ranch Center (Wal-Mart) project Draft Environmental Impact Report (DEIR).

Many of my questions and concerns that I had at the Scoping Meeting in 2007 have been answered, but there are still concerns I have about the overall project after reading the DEIR.

Outlined here in no specific category order are:

- I. Traffic / Traffic Safety
- II. Noise
- III. Landscaping / Blight
- IV. Economics

## I. Traffic /Traffic Safety

There will be a heavy volume of delivery truck traffic consisting of diesel trucks operating 24 hrs./ day, 7 days/ week entering and exiting on Don Pedro Rd. Pulling in and backing up into the loading bays creating traffic congestion at the same time as auto vehicle traffic is using the same driveways.

14-1

Vehicles will also be using those same driveways when customers are using the drive-up window at the Walmart Pharmacy creating even more traffic congestion.

14-2

Delivery trucks making drops at the retail business' on the Northeast corner of the shopping center will be in competition for parking and unloading space. Driveway /parking congestion will be created.

14-3

Delivery trucks making deliveries to the Major stores 2,3, and 4 will be driving into and

14-4

### Letter 14 Continued

thru the main parking lot to the Northend of the majors store pads and passing between parking stalls in get in behind to the unloading docks. There is no direct entrance/exit for the major stores for receiving from Service Rd. or Don Pedro Rd.

**14-4  
con't**

Even with the proposed traffic lights and lane striping on Mitchell Rd. and Service Rd. I believe people will have problems navigating around and in the shopping center due to overall increases in traffic volume and the configuration of the traffic lanes.

**14-5**

Freeway 99 /Mitchell Rd. exit from Freeway 99: The removal of the stop sign/left turn lane will help with possible accidents/congestion and ease flow into the North Mitchell Rd., but really only allows more traffic to flow at a faster pace, creating more hazards for southbound Mitchell Rd. Southbound traffic merging into Freeway 99 Highway will pile up at the Freeway entrance for congestion. Please make assurances that the interchange is completed before the proposed shopping center is allowed to open.

**14-6**

#### II. Noise

Traffic noise along Don Pedro Rd. will be unacceptable. Even with the proposed sound barrier wall, entry driveways will allow traffic noise to filter out to areas north of the proposed shopping center. WalMart, with its 24-7 hr. will be receiving vehicles up into the early morning hrs, when most people are sleeping. Diesel trucks with Airbrakes; setting and releasing them make loud popping sounds. Refrigeration units will be cycling on and off with a continuous humming sound.

**14-7**

Back-up safety alarms will sound when in operation are very loud and annoying when trucks are backing up into receiving docks. Diesel trucks will be parked out on Don Pedro Rd. waiting to unload

The City Of Ceres I believe has a municipal code that prohibits it unlawful. (ord. 75-439,1975)

#### III. Landscaping

I am happy to see the native California Sycamore trees are included in the landscaping of the proposed shopping center. I hope proper care and maintenance of the tree and all other landscaping including the lawns will be well cared for and not become blighted like the current Walmart store. If the trees in the parking lot had been properly installed and maintained the trees would have been full grown and a more attractive landscape would be appealing.

**14-8**

Question: Is there an ordinance that requires business' or shopping centers owners to maintain the landscaping on said properties to a set standard of quality so blighted conditions don't arise? If not, can one be adopted for the Mitchell Ranch project?

Landscaping can become blighted due to improper care of Irrigation, broken sprinklers, plants/lawns not replaced due to death, improper pruning or no pruning, etc... Care of the California Sycamore trees is important due to the lack of irrigation the trees are used to receiving with just natural rainwater for irrigation. If too much irrigation is allowed with sprinkler systems then harm or even death may overtake them.

**14-9**

Please don't allow construction to within the trees drip line of leaves as the root system

### Letter 14 Continued

can be harmed at that point in the soil. Ther are Federal guidelines for protection of Native Trees that should be followed.

**14-9  
con't**

I am sorry to see the Blue Elderberry trees were removed and destroyed on the property during the demolition process. As the trees/shrubs would have been a very nice addition to the landscape plan. The Valley Elderberry Longhorn beetle would have a home too! I feel native plants are an important part of prolife-extance and to our coumunity.

**14-10**

Question: Will or does the landscape contractor be allowed to make changes to the Landscape plan? With or with-out the cities approval? Will lanscape plants be subject to substitution; such as plant name changes and size of plants?

**14-11**

If Ceres wants a shopping center to be a standout for our community,then doing everything possible should be made available to see that happens. This is includes outstanding landscaping and maintenance of that said property.

#### IV. Economics

The DEIr talks about the Grosery stores in Ceres, with competition of a Walmart supercenter. Total sales of each store in Ceres with and estimated 16% sale loss to some stores, if a superstore ia allowed to open. The DEIR states they are not directly competitive. Just what does this mean? What does it take to be competitive; merchandize or the amount of sales loss? How many jobs can we afford to loose in our coumunity?

**14-12**

Ask yourselves this question? When a retail store starts loosing sales; what is the first thing that happens? Employee hours get cut, right? next, one, two people are laid off, right. Hw much has really been lost with each employee that is let go, Training, depenability,Honestly, trust, the list ca go on and on. When good employees are lost, how much is really lost for your store and the coumunity.

Economics isn't just about money, it's also about lives and the posperity of our loved ones.it's about the future of our coumunity

Closer of any store in Ceres is not what we need. If a store closes , what happens to the people that loose their jobs? What happens to them if they loose their homes? With the current economy can we really afford any loss of jobs? No.

The DEIR states most stores sales that close would then be disdtubted among the remaining stores (Surving) competitors, making additional closers less likely (Isn't that nice?) Recovery is based on population growth; demand for food stores should recover(somewhat,within a few years) come-on!

**14-13**

The bottton line of the DEir is The development of the Mitchell Ranch Shopping Center with a WalMart Supercenter (may result in closer of competing bisness' This is stated under Urban Decay Impact 4.5.1 in the DEIR

**14-14**

What about Downtown Retail business! The DEiR states Downtown retails; local merchants , are taking advantage of lower rewnts; survived by maintaining a different market focus and arenot directly competitive with the types of retailer

### Letter 14 Continued

**14-14  
con't**

centers.Existing retail outlets in the downtown are not expected to face closer.  
(Has anyone asked the Downtown merchant how they feel about this statement?)

Finally, I feel there is a great need for a new shopping center; a " Gateway to Ceres" to quote; but I don't believe Ceres needs a SuperWalmart that will undercut prices, not just in the Grocery but all Retail business'; and possibility harm the economics of our City of Ceres.

Thank you very much,

James R. Vinyard

1339 Grandview Ave.  
Ceres, Ca. 95307  
209-537-9044

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 14: JAMES R. VINYARD, 1339 GRANDVIEW AVENUE, CERES; JULY 5, 2010

**Response 14-1:** The commenter states an opinion regarding traffic circulation. Please see page 4.13-42 of Section 4.13, Transportation and Traffic, of the Draft EIR. The traffic analysis prepared for the project analyzed driveway movement and determined that they were adequate for the projected traffic. See Section 4.13, pages 4.13-40 through 4.13-43, of the Draft EIR, specifically the discussion on pages 4.13-25 and 4.13-42 regarding driveways on Don Pedro Road.

**Response 14-2:** The commenter believes that traffic congestion will increase. Please see page 4.13-42 of Section 4.13, Transportation and Traffic, of the Draft EIR. The traffic analysis prepared for the project analyzed driveway movement and determined that the project driveways were adequate for the projected traffic. See Section 4.13 (pgs 4.13-40 through 4.13-43), of the Draft EIR for discussion of driveways on Don Pedro Road.

**Response 14-3:** The commenter opines that driveway and parking congestion will result from the project. The traffic analysis prepared for the project analyzed driveway movements and determined that they were adequate for the projected traffic. See Section 4.13, pages 4.13-40 through 4.13-43, of the Draft EIR, specifically the discussion on page 4.13-43 for driveways on Mitchell Road/Full Access Driveway. Also please see impact 4.13.4 and 4.13.5 of the Draft EIR (pgs. 4.13-40 through 4.13-35).

**Response 14-4:** The commenter states an opinion regarding access to loading docks. The site plan shown as figure 3.0-4 indicates an access driveway from Don Pedro Road (Driveway 1) along the west edge of the site leading to Majors 2, 3 and 4 as well as shops 3. It is anticipated that large trucks making deliveries to these Majors would use this route. While the driveway does have parking along its length, the larger parking area can be avoided by trucks making deliveries to these stores. With the exception of Major 1 (Walmart) the stores within the center will either receive trucks at their own loading docks or through the front of the business. This is similar to other shopping centers where some stores have formal loading docks, while others use either a smaller pedestrian door, or the front door, to receive shipments. As the delivery vehicles for the smaller stores will also be smaller, the existing circulation pattern within the proposed project is satisfactory.

**Response 14-5:** The commenter states an opinion regarding traffic circulation. The traffic analysis prepared for the project analyzed the circulation movement as shown in Figure 3.0-4, Proposed Site Plan, and determined that circulation patterns were adequate for the projected traffic. See Section 4.13, pages 4.13-40 through 4.13-43, of the Draft EIR.

**Response 14-6:** The commenter asks for assurances regarding the completion of the interchange. Please see response to comment H-7.

In conjunction with modifications to the northbound ramp noted in comment 14-6, the southbound ramp terminal intersection would be signalized to provide for protected turning movements for vehicles entering and exiting the freeway. At the northbound ramp terminal intersection, westbound left-turn traffic movements would be restricted (except for emergency vehicles) to

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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reduce the number of conflicting movements. The improvements at both the northbound and southbound ramps, as well as improvements on Mitchell Road between the freeway and Service Road, are being designed to improve traffic flow and provide for protected turning movements.

As these improvements require coordination with Caltrans, the project applicant is required to submit improvement plans to Caltrans within 120 days of receiving final approval of the development by the City of Ceres. If Caltrans approves the plans then the applicant must construct the improvements by the later of the first certificate of occupancy or 18 months from Caltrans approval. If Caltrans approval is not timely, then prior to the first certificate of occupancy, the City will require a guarantee sufficient to construct the signal improvement. The project does not rely on the future planned Mitchell Road/Service Road interchange improvements to mitigate its impacts, although they will be required to pay their fair share towards those improvements.

agencies shall be completed within 120 days of receiving final approval of the development by the City of Ceres. If Caltrans approves the plans then the applicant must construct the improvements by the later of the first certificate of occupancy or 18 months from Caltrans approval. If Caltrans approval is not timely, then prior to the first certificate of occupancy, the City will require a guarantee sufficient to construct the improvement.

**Response 14-7:** The commenter opines that project-related traffic noise will be unacceptable.

As noted in the response to comment 7-2, the commenter is correct in that the recommended noise barriers on the north side of the project (behind the proposed Walmart store) will be of limited effectiveness at the driveway openings in screening nearby residences from significant noise sources. However, because the sources of noise which will be located behind the proposed Walmart are mobile (primarily medium and heavy duty delivery trucks), this exposure will be temporary until those vehicles progress further behind the proposed store. Draft EIR Figure 4.10-4 (pg. 4.10-31) illustrates the extent by which the recommended barriers would provide shielding to the existing residences located on the north side of Don Pedro Road. As can be seen by that figure, the truck unloading bays will be completely screened from view of the residences to the north by that recommended barrier. The Draft EIR concluded that the predicted noise levels with the noise barrier and openings for the driveways satisfy the City's daytime and nighttime noise level standards and this impact is considered less than significant with mitigation incorporated (pg. 4.10-27).

The assessment of noise impacts from activities occurring behind the proposed Walmart store, primarily loading dock activities and on-site circulation, included consideration of airbrakes and backup beepers as noted in the last paragraph on pg. 4.10-15 of the Draft EIR. Noise generation of refrigerated delivery trucks was also discussed on this page of the Draft EIR. Potential sleep disturbance impacts associated with nighttime Walmart operations were evaluated in Impact 4.10.2 of the Draft EIR (pg. 4.10-23).

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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Regarding the stacking of Walmart delivery trucks on Don Pedro Road as they wait to unload, there is adequate on-site parking for such trucks to ensure that such stacking does not become necessary. As such, neither traffic nor noise impacts are expected from trucks stacking on Don Pedro.

Regarding the City of Ceres Municipal Code (Ordinance #75-439, 1975), Chapter 9.36 pertains to noise. That chapter states that it is unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. This provision of the City's municipal code is included in most city and county codes, typically to permit peace officers to request that unusually loud noises (such as those generated by parties), be reduced to acceptable limits. It is not intended to be applied to legally permitted businesses in which the periodic noise generated by routine activities associated with the business is not considered unusual. Furthermore, because this municipal code provision lacks quantifiable performance standards, it is highly subjective and, therefore, difficult to verify exceedance.

**Response 14-8:** The commenter asks about City ordinances requiring landscape maintenance at businesses and shopping centers. Please see response to comment 18-9. As noted on pg. 4.8-10 of the Draft EIR, the City of Ceres Water Efficient Landscape Standards and Guidelines (landscape guidelines) were adopted in February 1994 to enhance the aesthetic appearance of development and reduce landscape water consumption. As part of project approval the City requires a landscape maintenance agreement.

**Response 14-9:** The commenter requests that construction not be allowed within the drip lines of existing trees. Please see pg. 4.3-22 and 4.3-23 of the Draft EIR, which recognizes project consistency with the City's Tree Protection Ordinance.

**Response 14-10:** The commenter states the opinion regarding removal and destruction of elderberry trees on the property. Please see Appendix 4.3-4 of the Draft EIR, which includes correspondence from U.S. Fish and Wildlife Service regarding removal of the elderberry shrubs.

**Response 14-11:** The commenter has questions regarding the project's landscape plan. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 14-12:** The commenter discusses the proposed project in the context of the current economy. The Economic Impact Analysis by BAE defines "competitor" as food stores that are closest and in a similar market niche. The stores most like the proposed supermarket-equivalent space are the five existing major supermarkets in Ceres (pgs. 4.5-7 and 4.5-15 of the Draft EIR).

The commenter does not raise a specific issue regarding the urban decay analysis; therefore, no further response can be provided.

**Response 14-13:** The commenter opines that the development of a Walmart Supercenter may cause other businesses to close. The EIR is limited to a discussion of whether

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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the proposed project would lead to physical blight and an increased demand for City services. The viability of businesses within the community, or the potential for new business, is an economic but not an environmental impact.

An economic impact analysis was performed by Bay Area Economics entitled *Economic Impact Analysis for Mitchell Ranch in Ceres, CA*, included as Appendix 4.5-1 of the Draft EIR. In their analysis, BAE analyzed the project's potential to result in an urban decay impact by following the causal chain to assess the likelihood of new retail space causing long-term vacancies in existing retail space. The project incorporates mitigation measure MM 4.5.1 requiring that, in addition to compliance with Municipal Code Chapter 9.40, the property owner (and any subsequent owner) enter into a supplemental maintenance agreement with the City to ensure property maintenance until the site is reoccupied, whereby the City will be compensated for abatement of visual indications of blight on the property if and when the property owner fails to adequately maintain the property in good condition and abate elements of deterioration. The commenter is referred to Impact 4.5.1, on page 4.5-18 in the Draft EIR for a full discussion of this impact.

**Response 14-14:** The commenter asks about the impact of the proposed project on downtown businesses. Page 4.5-17 of the Draft EIR discusses the impact of the proposed project on the downtown retail business. Page 4.5-10 of the Draft EIR discusses other retail outlets and notes the following: Downtown Ceres currently has extremely limited retail, and because the area has already had to adjust to the competitive pressures of region-serving retail in Ceres and other nearby cities, the existing outlets are not directly competitive with region-serving uses such as the Walmart and other outlets likely to locate at the proposed Mitchell Ranch Center. As indicated by the leakage analysis, Ceres has weak sales in more specialized retail (such as apparel stores, home furnishings/appliances, and specialty retail) as well as the automotive sector, with room for growth. The presence of additional outlets in the city in these sectors would serve to bring local shoppers back to Ceres. The commenter does not raise a specific issue regarding the urban decay analysis; therefore, no further response can be provided.

### Letter 15

Andy Azevedo, Jr.  
1404 Fannell Drive  
Ceres, CA 95307

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



July 5, 2010

Dear Tom Westbrook,

My letter is about the Draft Environmental Impact Report, for the proposed Mitchell Ranch Center with a Wal-Mart Supercenter as its main and only specified tenant. I have two separate main points to make about recycling and the removal of the Elderberry bushes.

In the project notes it states that Wal-Mart will generate an average 2.97 tons of trash per day once it is up and running, almost three-quarters of a percent of the County Fink Road Landfill's daily trash (Discussed in the Public Services section 4.12-35). The project purports this quantity of trash to be less than significant because there is landfill space -- there are no mitigation measures in the project requirements for the trash. In my opinion, the quantity of trash is very significant, and Wal-Mart's response is short-sighted.

As we move forward in the 21st century, businesses need to be proactive in their plans to recycle materials responsibly, rather than dumping their trash in the cheapest way possible. This is especially important for businesses like Wal-Mart that deal in such high quantities of plastic and disposable goods.

Our city council needs to be informed with more details about the type of trash produced by Wal-Mart and what steps Wal-Mart and the other businesses (not yet named in the project details) will take for separate disposal of recyclable materials. We cannot rely on the statement that Wal-Mart "may" build a recycling storage unit. According to section 4.14-11, storage and collection points for glass, plastic, and paper products may be constructed for tenants, and if they are, they will be included in the non-Wal-Mart portion of the proposed project. At minimum, Wal-Mart should construct a recycling storage unit in the Wal-Mart portion of the proposed project, as well as for the other unnamed tenants. Let's find out more specifically what Wal-Mart plans to do about recycling. If Wal-Mart doesn't have proper plans to recycle their trash, tell them to take their trash elsewhere.

15-1

15-2

15-3

### Letter 15 Continued

Andy Azevedo, Jr.  
1404 Fannell Drive  
Ceres, CA 95307

In the Draft Environmental Impact Report sections that discuss the demolition and removal of the Elderberry bushes, there is no mention of the following: Citizens called the city to have the demolition halted because we had concerns for the foxes, and for the plants and trees that are indigenous to area, and felt that the demolition was premature. In my opinion, the EIR glosses over the fact that the actual baseline conditions were ignored by the developer -- they should not have been altered until after the project had been approved.

15-4

What will be done now to make up for the fact that the Elderberry bushes, among other plants were removed from the site during the demolition. Aren't plants and trees, etc. that are indigenous to the area supposed to be worked into the landscape of this project? I know that on the bicycle path along Hatch Road that the Elderberry bushes could not be cut down because the beetle that feeds off the leaves and flowers of the bush is on the endangered species list.

15-5

Sincerely,



## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 15

ANDY AZEVEDO, JR., 1404 FANNELL DRIVE, CERES; JULY 5, 2010

**Response 15-1:**

The commenter states his opinion that the amount of trash generated by the project will be significant. Please see pages 4.12-34 through 4.12-36 of the Draft EIR for further discussion of the project's impact on the landfill. As indicated on page 4.12-35, although the project will result in an average of 2.97 tons of solid waste per day, the Fink Road Landfill capacity is 1,500 tons per day. The project will produce solid waste that is approximately 0.19 percent of the daily capacity of the landfill. As stated on page 4.12-36 of the Draft EIR, this impact is considered to be less than significant.

The City consulted with Gerry Garcia, Landfill Operations Manager at Stanislaus County on the status of both the Fink Road Landfill and the Canyon Fill land. Mr. Garcia confirmed that the County has purchased the Canyon Fill land but is not seeking to permit the land at this time. The County is currently pursuing a permit change on the existing landfill that would increase the capacity at the Fink Road Landfill on the current plan within the same footprint. The permit change is currently in the CEQA process. The term of the increased landfill capacity will be determined by what is allowed by the permitting agency which could be anywhere from 5 to 15 years. The Draft EIR determined that the impacts to the landfill resulting from the project would be less than cumulatively significant.

**Response 15-2:**

The commenter believes that businesses will need to recycle materials rather than add waste to landfills. The project will be required to comply with the CalRecycle (California Integrated Waste Management Board, CIWMB) mandates, which require the recycling of materials. As identified on pg 4.12-36 of the Draft EIR, the project will be designed to have equal storage for trash and recycling.

**Response 15-3:**

The commenter states that the project needs to make provisions for recycling garbage. Please see Section 4.12 of the Draft EIR, which discusses recycling. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 15-4:**

The commenter reiterates concerns by the citizenry with respect to elderberry bushes and project site alteration. Please see Appendix 4.3-4 of the Draft EIR, which includes correspondence with the U.S. Fish and Wildlife Service regarding removal of the elderberry shrubs.

**Response 15-5:**

The commenter asks about reparation for removal of the elderberry shrubs. Please see response to comment 15-4 above.

### Letter 16

Richard DeSignori  
2905 King Henry Court  
Ceres, CA 95307

July 3, 2010

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

DRAFT EIR COMMENT LETTER: Mitchell Ranch Center



Dear Mr. Westbrook,

I am concerned about the vacant lots and blight in our community that could be caused by the proposed Mitchell Ranch Center with a Wal-mart Supercenter. I am also concerned that Wal-mart is now saying they plan to abandon the Hatch Road store.

The Mitchell Ranch Center project is being proposed with the speculation that ten other tenants will join the anchor store (the Wal-mart Supercenter) at a time when fewer new businesses are forming. There has not been an adequate assessment of how many businesses in and around Ceres will close as a result of this project or how the increase in blighted areas will impact the city.

We know that if the project is approved, the current Wal-mart on Hatch Road will become vacant and would likely become a problem. I believe few companies could fill Wal-mart's existing 124,000 square foot store on Hatch.

On page 2.0-16 of the Environmental Impact Report, it says that the Hatch Wal-mart building will be preserved until there is a new tenant. But the wording is vague about what kind of supplemental agreement will be instituted to manage the property, its vacant buildings, and its landscape. It says the owner of the building will have to foot part of the bill. Is that Wal-mart, or someone else?

I am concerned about the future language of the agreement and how the agreement applies. What if Wal-mart's promise to preserve the building is an empty promise? What if Wal-mart is just making the promise to get the new project passed, and once it is passed, the old building is forgotten about? What if no one is appointed to maintain the property and then the building falls into disrepair? Or worse, would the city with its limited resources be expected to pick up the excessive burden of maintenance?

No analysis has been offered concerning the effect of the combined retail power of a general merchant, pharmacy and groceries in one location, on existing local businesses. Likewise, all the assumptions about predicted Modesto shoppers' behavior is speculative. We really don't know whether Ceres, or Modesto stores will be hurt the worst, or just how many stores will be affected by the retail competition posed by the new Supercenter.

**16-1**

**16-2**

**16-3**

### Letter 16 Continued

Richard DeSignori  
2905 King Henry Court  
Ceres, CA 95307

I do not understand how the Wal-mart Supercenter development fits within a plan to redevelop the core of Ceres, which includes our downtown area and Mitchell Road. There is no discussion of how the proposed Wal-mart would keep downtown economically viable. It seems more likely that the Supercenter would have a negative effect on our downtown economic viability.

Please think twice about the Wal-mart Supercenter, and redistribute a more detailed public report, so we can comment again about the environmental effects of the Supercenter.

Respectfully,



**16-4**

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 16 RICHARD DESIGNORI, 2905 KING HENRY COURT, CERES; JULY 3, 2010

**Response 16-1:** The commenter states concern with vacancies and blight in Ceres and the proposed project's contribution to same. Please see Section 4.5 of the Draft EIR which discusses economics and blight and response to comment 14-13.

**Response 16-2:** The commenter raises questions regarding the building on Hatch Road that will become vacant. Please see Section 4.5 of the Draft EIR, which discusses economics and blight. The commenter does not raise a specific issue regarding the urban decay analysis; therefore, no further response is required. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 16-3:** The commenter asks about the impact of the proposed project on existing local businesses. Please see Section 4.5 of the Draft EIR, which discusses economics and blight. The analysis included consideration of a Walmart that includes grocery, retail, and personal services at one location. (See page 3.0-10 and discussion under Impact 4.5.1, specifically page 4.5-15) where impacts associated with the project are defined.

**Response 16-4:** The commenter opines the Supercenter would impact the downtown's economic viability. Please see Section 4.5, Economics and Blight, of the Draft EIR for discussion of the project's impact on existing businesses, specifically Impact 4.5.1, pgs. 4.5-14 through 4.5-19 and the cumulative discussion in Impact 4.5.2, pg. 4.5-20.

## **Letter 17**

July 5, 2010



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

*RE: Mitchell Ranch Center DEIR*

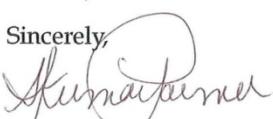
Dear Mr. Westbrook,

I believe estimates based on shopping centers with a supercenter that has a separate drive-through pharmacy and an external garden center would result in more traffic than the traffic study suggests. I believe a review of supercenters within a shopping center similar to that proposed for Mitchell Ranch Center would help Ceres evaluate the real traffic impacts.

Perhaps a study should be conducted of the three closest Wal-Mart Supercenters whose size is around 190,000 to 200,000 square feet per center (about the proposed size of the Ceres Supercenter), have a drive-through pharmacy, garden center, and are adjacent to the freeway, and are in a shopping center. If Stockton, Fresno, and Sacramento have Wal-Mart Supercenter shopping centers, then Ceres should be analyzing similar supercenter shopping center configurations in a separate assessment. Will any more evaluation be done to understand the potential and real traffic impacts?

**17-1**

Sincerely,

A handwritten signature in black ink, appearing to read "Shasi Parmer".

Shasi Parmer  
3512 Archcliffe Drive  
Ceres, CA 95307

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 17

SHASI PARMER, 3512 ARCHCLIFFE DRIVE, CERES; JULY 5, 2010

**Response 17-1:** The method for estimating project trips is described in Section 4.13, Transportation, pg. 4.13-19 of the Draft EIR and is summarized below:

Trip generation rates and equations presented in the Institute of Transportation Engineers (ITE), *Trip Generation* are based on trip generation surveys conducted across the United States, including California and are used to estimate the trip generating potential of new development. For this project, vehicle trip generation estimates were developed for each major project component – the Walmart and the general shopping center uses using the 7th Edition of *Trip Generation*. The sites surveyed for inclusion in *Trip Generation* are reflective of uses similar to the proposed project.

For the shopping center portion of the project, trip generation rates for ITE Land Use 820 (Shopping Center) were used to calculate weekday and Saturday trip generation. Two ITE land uses, Free-Standing Discount Superstore (Land Use 813) and Free-Standing Discount Store (Land Use 815) both adequately describe the proposed Walmart portion of the project. To present a conservative assessment of project trip generation, the highest trip generation rates for each analysis period between the two uses were used. Weekday daily and PM peak hour and Saturday daily and peak hour rates for Free Standing Discount Store (LU 815) and weekday AM peak hour rates for Free-Standing Discount Superstore (LU 813) were used.

Since the preparation of the technical analysis presented in this report, the 8th Edition of *Trip Generation* was released by ITE. Peak hour trip generation rates for the analysis periods evaluated in the report decreased slightly from the 7th Edition rates used in this study. Additionally, a national study of Walmart centers was conducted by the Texas Transportation Institute in 2007 to determine trip generation characteristics (ITE Journal, June 2009). The observed rates reported in that study are also lower than the 7th Edition trip generation rates used in this study for the Walmart component of the project.

Trip generation estimates were calculated separately for the Walmart and shopping center portions of the project. Some Walmart patrons may shop at the other shopping center portion and vice versa. However, no reductions to account for this internal interaction were made.

The garden center was included in the total square footage of the proposed Walmart and trips associated with this portion of the site were calculated and included in the assessment.

Based on a review of trip generation rates presented the Institute of Transportation Engineers (ITE), *Trip Generation* 8th Edition, pharmacies "without a drive through" generate approximately 2 percent more traffic than a pharmacy "with a drive through". Therefore, a negligible difference in trip generation would be expected between a Supercenter with a drive-through pharmacy and one without.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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The trip generation estimates presented in the Draft EIR are conservative as the highest observed trip generation rates from similar land uses were used to calculate daily and peak hour trip generation. No internalization discount was used. The garden center was included in the square footage used to calculate trip generation, and the provision of a drive through pharmacy does not result in additional trip generation as compared to a non-drive through pharmacy. Therefore, the analysis results, based on the trip generation estimates included in the Draft EIR, represent a “conservative” scenario.

# Letter 18

### Tom Westbrook - Mitchell Ranch Center / Comments for the Draft EIR

**From:** <socles85844@mypacks.net>  
**To:** <tom.westbrook@ci.ceres.ca.us>  
**Date:** 7/6/2010 2:21 PM  
**Subject:** Mitchell Ranch Center / Comments for the Draft EIR

July 6, 2010

City of Ceres  
Planning Division  
2220 Magnolia Street  
Ceres, CA 95307

RE: Mitchell Ranch Center / Comments for the Draft EIR

Tom Westbrook:

Ceres has real job needs that are not being met. Since Wal-Mart states that it will be providing 85 new jobs with the opening of the supercenter, how many of those jobs will be part-time, low-paying jobs and will not provide for the real monetary needs of our citizens? How many of those jobs will provide 40 hours a week with good pay?

It is naive to accept without question that the additional new jobs from Wal-Mart will bring better things. Ceres shouldn't ignore its own policy for wage-earner jobs, nor resign itself to being a prime producer of low-paying jobs, making itself less attractive to job seekers, and companies looking for skilled labor. I believe Ceres' policy for jobs helps our families have better lives.

If Wal-Mart is not committed to providing Ceres with full-time, living-wage jobs, we should deny their application. We would be better off to solicit businesses that are willing to train their employees and pay a living wage, rather than allow large companies (such as Wal-Mart) who hire "temporary associates", who earn less than it takes to subsist.

And, now, to my series of questions about the Mitchell Ranch Center project that is being proposed on Mitchell Road, between Service and Don Pedro Road.

What system will be put in place to truly keep the shopping carts within the shopping center? How many shopping carts are proposed for this shopping center? How many of the shopping carts are proposed for the supercenter? How many and where are the shopping cart return stalls located? How many carts will each stall hold?

How much more air pollution will be created from the increase in traffic and how will the city deal with the increase? If the increase cannot be mitigated, will some sort of compensation be given to the citizens of Ceres for the loss of air quality?

What will happen to the runoff water from the roof and parking lot? It could potentially contaminate the ground water that is used for Ceres' drinking water. What design is being planned to treat the parking lot runoff water of motor oil, anti-freeze, chemicals and other pollutants?

The research on Native American Cultural Resource and follow-up were not completed before the demolition of buildings and excavation of the proposed project site. How will the city make sure that studies and surveys of the land are now conducted and finished, properly? It appears that the studies and surveys were not conducted and finished, properly.

With the budget cuts that the city is currently facing and will probably continue to face in the near future, how does the city of Ceres propose handling the increase of needs to public safety? The increase in crime from Wal-Mart Supercenters that are open 24 hours have been discussed frequently in the news. Residents of Ceres, especially those along and off of Don Pedro Road, will be adversely affected by any such increase in crime. How will Ceres and the residents along Don Pedro Road be affected by the increased crime element, and who will pay to take of these extra crime problems before and after they occur?

How many jobs will be lost from the store closures? I didn't see any numbers that state how many projected Wal-Mart jobs will replace existing jobs that are lost from other retailers. But the report does say that some Ceres stores will be affected. Is there a way to consider these impacts? Will a simple breakdown of jobs lost and wages lost be calculated?

How much is the government currently paying for healthcare, tax credits and deductions for low income families and housing assistance for the Wal-Mart in Ceres? How much would this figure be increased with the proposed supercenter?

How long does Wal-Mart plan on being in control of the Wal-Mart on Hatch that is to be abandoned, if this supercenter is authorized? What guarantee does the city have that Wal-Mart won't just sit on the empty store space to freeze out other

**18-1**

**18-2**

**18-3**

**18-4**

**18-5**

**18-6**

**18-7**

**18-8**

**18-9**

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### Letter 18 Continued

businesses?

How will Mitchell Road, Service Road, and the Highway 99 interchange handle the increase in traffic? It seems like the traffic will be bumper to bumper on the local streets, and back up on Highway 99. The estimated car trips per day, in the report, seem low, and the report implies that estimates were made based on regular Wal-mart shopping centers instead of shopping centers with a Wal-Mart Supercenter. Which Wal-Mart shopping centers locations were used in the study?

**18-10**

How will the city address the depressed land values that come from a supercenter? How will Wal-Mart compensate for the fact that residents along Don Pedro Road will have difficulty negotiating the extra traffic and won't be able to leave their driveways? This type of situation can't be easily mitigated with speed bumps.

**18-11**

Sincerely,

Rick A. Rushton

3405 Fowler Road, Ceres, CA 95307

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## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 18 RICK A. RUSHTON, 3405 FOWLER ROAD, CERES; JULY 6, 2010

**Response 18-1:** The commenter asks about the types of jobs that the project will provide. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 18-2:** The commenter requests information about shopping carts to be made available at the project site. As shown on the site plan in the EIR, Figure 3.0-4, approximately 36 cart corrals are provided within the parking lots for the Walmart store. Title 4, Public Welfare, Safety and Health, Chapter 4.04 Shopping Carts of the Ceres Municipal Code regulates shopping carts, including an Abandoned Cart Prevention Plan, which requires every owner who allows or intends to allow the use of carts outside a building or enclosed area of a business shall develop, implement and comply with an abandoned cart prevention plan. This City Ordinance requires businesses assure the retrieval of their carts.

**Response 18-3:** The commenter asks about the impact of the project on area air quality. Please see Section 4.2, Air Quality, of the Draft EIR. As discussed in Impact 4.2.4, the results of the proposed project's air quality analysis indicate that the project's long-term ROG, NOx, and particulate matter emissions would have a less than significant impact on an individual project basis. However, the Draft EIR determined on page 4.2-32 that the project's cumulative impact to air quality from operational emissions is considered significant and unavoidable.

For discussion of health risk assessment of diesel particulate emissions, see Impact 4.2.6 (Draft EIR, pg. 4.2-28).

**Response 18-4:** The commenter requests information related to runoff water, impacts to groundwater, and water treatment. Please see Section 4.8, Hydrology, and Section 4.12, Public Services, Utilities, and Service Systems, of the Draft EIR.

As noted in Impact 4.8.3 (page 4.8-16), the stormwater runoff from the roof drains and the parking lot will be retained and stored in a series of pipes that are designed to infiltrate the runoff prior to release into the system. The runoff from the parking lot will be pretreated. Other areas of the parking lot will drain to catch basins equipped with a sump and hooded outlet pipes. All catch basins and roof downspouts will have screens to collect larger particles and trash prior to entering the system. The City of Ceres regulates pollutants in its storm drain system through Chapter 13, Water and Sewer, of the Municipal Code. Further mitigation is required to ensure project impacts to surface water quality are reduced (MM 4.8.3). This mitigation would ensure that adequate BMPs are implemented during project operation to minimize polluted runoff entering downstream drainages. The Draft EIR determined that this impact was less than significant with mitigation. (See Draft EIR, page 4.8-17)

**Response 18-5:** The commenter states that cultural resource studies were not completed prior demolition of building and excavation at the project site.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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As noted on page 4.4-10 of the Draft EIR, cultural resource specialists conducted a records search of the project site on November 7, 2007. The records search did not identify any previously recorded cultural resources of historical significance and no mitigation was recommended. A standard mitigation measure imposed on projects requires construction personnel to halt work and notify the City if any archaeological remains are discovered during the course of ground-disturbing construction activities.

**Response 18-6:** The commenter makes statements regarding a possible increase in crime and public safety impacts. See response to comment 3-2.

The commenter does not provide any specific comments on the police services analysis; therefore, no further response can be provided. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 18-7:** The commenter questions jobs and wages that might be lost as a result of the project. As noted on page 3.0-16 of the Draft EIR, the proposed Walmart store (Major 1) will provide 85 new jobs in addition to the 375 existing jobs at the existing store, which will be relocated to the new Walmart in Mitchell Ranch for a total of 460 jobs. The other shops are estimated to employ 1.1 people per 1,000 square feet resulting in approximately 120 employees. The proposed project is expected to employ 580 employees at full buildout and occupancy. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no additional response is necessary.

The Draft EIR discussed the potential for the project to result in urban decay; please see Impact 4.5.1 on pgs. 4.5-13 through 4.5-19 of the Draft EIR.

**Response 18-8:** The commenter asks about public assistance for low-income families resulting from the existing and proposed Walmart stores. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 18-9:** The commenter raises questions about the existing Walmart store that will become vacant once the proposed project is built and occupied. As noted on page 4.5-18 of Impact 4.5.1 in the Draft EIR, the City has an existing ordinance that requires property owners to maintain structures to avoid blight (Chapter 9.40 of the Ceres Municipal Code, Property Maintenance and Public Nuisances). Because of the size of the existing Walmart building, the City is requiring an additional mitigation measure to augment the ordinance. See mitigation measure MM 4.5.1 (Draft EIR, pg. 4.5-18). With mitigation, the physical blight that might arise from a large empty building is mitigated to a less than significant level.

**Response 18-10:** The SR 99/Mitchell Road interchange currently operates poorly, and these conditions would be exacerbated by the addition of traffic from the Project. Operations of the Service Road and Don Pedro Road intersections would degrade to unacceptable service levels with Project. Mitigation measures to

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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improve operations of the SR 99/Mitchell Road interchange and Mitchell Road have been identified and the Project Applicant is required to implement the improvements. Improvements to Service Road along the project frontage and access restrictions to the site from Service Road are also required to provide acceptable operations on Service Road with completion of the proposed project.

Please see response 17-1 for a discussion on trip generation.

**Response 18-11:** The commenter requests information as to how the City will address impacts to land values. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

The commenter expresses concern over the increased traffic and inability of residents on Don Pedro Road to exit their driveways. Please see Impact 4.13.1 discussed in the Draft EIR (pg. 4.13-25 through 4.13-26), which addresses project-related traffic loading of Don Pedro Road. The traffic impact analysis determined that even with the traffic calming measures described in mitigation measure MM 4.13.1, it could not be known with certainty that the vehicle reduction on Don Pedro Road would occur. The Draft EIR determined that the impact would remain significant and unavoidable (Draft EIR, pg. 4.13-26).

# Letter 19

### Tom Westbrook - DEIR for the Mitchell Ranch Center

**From:** Geri Ottersbach <geriottersbach@yahoo.com>  
**To:** <tom.westbrook@ci.ceres.ca.us>  
**Date:** 7/6/2010 4:05 PM  
**Subject:** DEIR for the Mitchell Ranch Center

Jon & Geri Ottersbach  
1519 E. Taylor Road  
Ceres, CA 95307

July 6, 2010

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

*RE: The Draft Environmental Impact Report for the Mitchell Ranch Center*

Dear Tom Westbrook,

Water towers are a common scene in rural America, and especially in Northern California. The water tower located in downtown Ceres once provided storage of natural water for distribution. Thanks to citizens expressing their desire years ago to keep the tower and *Ceres' Redevelopment Agency* recently tapping funds to paint it, the water tower will be refurbished and is something that we can continue to enjoy. We and others believe the tower helps connect Ceres to its agricultural heritage, and let's those driving on Highway 99 identify the location of our town.

But that is an aside, our big concern in the *Environmental Impact Report* is that it tries to hide the true impact of losing our prime farmland by stating that the land has not been cultivated for a long time. In the report we are not being told our options or more information about what alternatives exist that would prevent paving over prime farmland.

The developer may not care, but we are concerned about the loss of more prime farmland. Why don't any of the alternate site proposals for the project include non-prime farmland? Where is the nearest location of lower-grade land?

In the Draft EIR, it states that this agricultural land will inevitably be lost to development because the Ceres General Plan suggests development all around. These developments are not inevitable. For example, a beautiful strawberry field still exists, right in the middle of new development off Pelandale in Modesto.

Our second concern in the *Environmental Impact Report* is that over the years, Ceres has made steps to revitalize downtown. In 1990 the *Ceres Downtown Revitalization Area Board* or CDRAB was formed to assist business owners, merchants and land owners with the revitalization and promotion of downtown Ceres. Revitalization in a bad economy, an endeavor that Ceres and the rest of the nation is dealing with now, means that Ceres must work harder and smarter so downtown revitalization projects are already in place when the economy starts to pick up.

Ceres seems to be doing just that because we have a new community center that has been open just over a year. The center's draw has been more than expected and for 2010 the large assembly room is booked for every Saturday. The center has been called "the crown jewel" or "impetus for the full revitalization of the downtown Ceres area". Our farmer's market provides healthy food choices and makes use of our open spaces.

Having said that we are wondering how the supercenter fits into Ceres' plan to revitalize our downtown. Our downtown is one of a few areas in the nation that can be viewed from a major freeway. How will the proposed supercenter be instrumental in keeping with developing of downtown? Will any of the money set aside for revitalization of downtown somehow be diverted or spent on the proposed supercenter project? Will our downtown area and the area of the proposed site have to compete in any way for the same public funds? We most certainly hope not.

19-1

19-2

Sincerely,

Jon & Geri Ottersbach

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## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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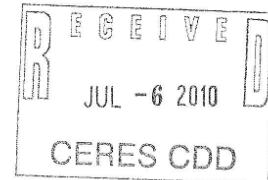
LETTER 19 JOHN & GERI OTTERS BACH, 1519 E. TAYLOR ROAD, CERES; JULY 6, 2010

**Response 19-1:** The commenter expresses concern over the project's impact on prime farmland. Please see Alternative 4 as discussed in Section 5.0, Alternatives, of the Draft EIR and response to comment J-1.

**Response 19-2:** The commenter provides background information on the revitalization of downtown Ceres and questions the Walmart Supercenter's impact on the downtown. Please see Section 4.5, Economics and Blight, of the Draft EIR for discussion of the project's impact on existing businesses, specifically Impact 4.5.1, pgs. 4.5-14 through 4.5-19 and the cumulative discussion in Impact 4.5.2, pg. 4.5-20. The commenter does not raise a question regarding the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

## **Letter 20**

**Sherri R. Jacobson  
P.O. Box 2523, Ceres, CA 95307**



July 6, 2010

Dear Tom Westbrook,

I appreciate the time and care that you have shown in relationship to this project. Thank you for answering my questions about the "Mitchell Ranch Center Draft Environmental Impact Report".

Looking forward to receiving a response to my concerns.

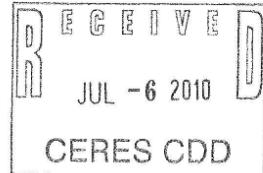
Most sincerely,



Sherri R. Jacobson

### Letter 20 Continued

Draft EIR/CEQA  
**Mitchell Ranch Center: Proposed Wal-Mart Supercenter**  
Comments by Sherri R. Jacobson  
July 6, 2010



#### Baseline Conditions Affected By The Demolition

When evaluating environmental impacts under CEQA, I understand that analysis of the baseline conditions and establishing the environmental setting of the project is required. During the evaluation of the two baselines (1. as the project site existed prior to the demolition, and 2. as the project will appear if the project is built according to the plans), what incremental and cumulative project impacts were evaluated, or as a result of a truncated baseline and environmental setting what information was omitted from the Draft EIR?

Separately, since the baseline conditions were altered after the Notice of Preparation, the DEIR is understating or misstating the conditions. For example, on page 3.0-9, "3.4 BASELINE CONDITION OF THE PROJECT SITE," it states:

20-1

...the City of Ceres issued demolition permits (Permit Nos. BLD07 0924, 0927, 0928, and 0929) for the removal of three of the four structures on the project site. Additionally, some vegetation was removed...

However, as I understand CEQA, merely issuing a permit does not alter the baseline or environmental setting identified for purposes of evaluating potentially significant environmental effects. Therefore, the EIR's baseline and environmental setting inaccurately describe the actual physical setting concerning the proposal and this inaccuracy distorts the EIR's evaluation of environmental impacts.

I personally observed some of the demolition activity. This demolition activity happened after the Notice of Preparation was made public. The demolition company removed three houses, some out buildings (more than "three" structures), and a great majority of vegetation (not just "some" vegetation) and trees. The demolition was stopped after community members reported seeing heavy equipment and a demolition crew on the property removing vegetation, trees and buildings, and foxes inhabiting the proposed site running from the property. (Prior to the demolition, during a Scoping Meeting, PMC was made aware of the existence of foxes on the proposed site.)

20-2

An order to stop the November 2007 demolition was made once the city's Community Development Director became aware of it. Had the Community Development Director not intervened, it is possible that the fourth house and more of the vegetation and trees would have been removed. Furthermore, any removal of vegetation prior to project approval seems to be a procedure that is not consistent with Ceres' General Plan policy.

### Letter 20 Continued

**Draft EIR/CEQA**  
**Mitchell Ranch Center: Proposed Wal-Mart Supercenter**  
Comments by Sherri R. Jacobson  
July 6, 2010

Was the removal of the house on Mitchell Road that contained lead done in an appropriate and safe manner? Heavy cranes lifted the house off its foundation and onto a large dump truck.

See the attached illustration that depicts the vegetation that was known to exist on the site prior to demolition and the vegetation that supposedly remained after the demolition. See the other attached document that includes some communication with the city, concerning the demolition.

**20-2  
con't**

#### **Tree Survey & Report Request Regarding Elderberry Bushes**

According to the Tree Survey originally dated 09/2007, but modified after the demolition that occurred in early November 2007, and supplied to the public 12/14/07, among the items removed were the Elderberry bushes. Those Elderberry bushes are subject to protection from removal because they are indigenous to the area. Consequently, they were supposed to be used as part of the proposed development's landscape. They also may have been subject to protection from removal under the Endangered Species Act. In that the Elderberry bushes were removed after the Notice of Preparation was made public, the Elderberry bushes are part of the EIR's baseline and environmental setting and must be studied as though the Elderberry bushes were not subsequently removed.

**20-3**

Appendix 4.3-4, begins with an original message dated November 13, 2007, after the demolition and removal. This appendix makes reference to an attached report, but that report is not included within Appendix 4.3-4. Why is the cited report not part of this appendix or why does the written communication fail to disclose where the document is available to the public so that the public can review its contents? This significant omission deprived the public of the opportunity to participate and comment on this aspect of the Draft EIR and project.

#### **Clarification Request**

I read in Appendix 4.4-1, "The Native American Consultation Letter", dated November 13, 2007, that "a record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area." The letter goes on to indicate that there may not be an absence of cultural resources in any project area and qualifies that opinion with other suggested information searches. As of November 13, 2007, a date that came after the demolition (and removal of vegetation, trees, buildings, and foxes were seen inhabiting the proposed site running from the property), it appears from the documents in Appendix 4.4-1 that no thorough search had

**20-4**

### Letter 20 Continued

**Draft EIR/CEQA**  
**Mitchell Ranch Center: Proposed Wal-Mart Supercenter**  
Comments by Sherri R. Jacobson  
July 6, 2010

been made regarding whether Native American cultural resources existed in the immediate project area.

The fact of the matter is that this letter and the research, itself (which was inconclusive), was not done until after the demolition occurred on November 1, 2007. The very notion that the demolition and removal of buildings, flora, disturbance of fauna, etc., had taken place before any proper studies were concluded, including studies of the historical nature of the buildings, the studies of wildlife and fauna, etc., is disturbing.

I ask, who is going to be held responsible for the demolition and removal? Who is going to evaluate the damages, and who is going to make reparations to the city for the damages? What punitive measures will be taken to prevent further breaches of the law? At a minimum, the EIR must treat the baseline and environmental setting as though none of these post-Notice of Preparation actions occurred, study the situation and impose meaningful mitigation measures. The developer should not be allowed to piecemeal the project in order to downplay the magnitude of the environmental harm resulting from the proposal.

**20-4  
con't**

#### **Protecting the Two Sycamore Trees During Construction**

As a reminder, the two Sycamore trees were not sectioned off with "highly visible tree protection barriers" during the demolition in November 2007. And now since the two Sycamore trees are selected for preservation and will remain on the proposed site, what guidelines are in place to make sure these two Sycamore trees are not damaged during construction? Please prepare a plan with an agreement that contains specific tree preservation methods that will be instituted, and circulate them for public review.

**20-5**

Typically, there are four forms of direct tree injury caused by mechanized equipment: bark removal, branch breakage, surface grading, and trenching injury. To avoid direct injury trees, a highly visible protection barrier should extend beyond the drip line of the tree, which will enable the tree's root system to remain protected. Construction vehicles should avoid soil compaction so as to not damage the existing soil structure by compressing soil particles. Construction vehicles should also avoid soil fills around the drip zone of the tree because excessive amounts of soil added around a tree base interferes with normal air and moisture circulation to the roots, and can cause the death of the tree. If there is grading to be done near the trees, personnel should build a retaining wall between the tree and the lower grade, to encompass an area extending at least to the drip line, in order to protect the tree's root system.

### Letter 20 Continued

**Draft EIR/CEQA**  
**Mitchell Ranch Center: Proposed Wal-Mart Supercenter**  
Comments by Sherri R. Jacobson  
July 6, 2010

#### **Wal-Mart's Architecture & Abandoning Its Existing Store**

When I think of "simple contemporary architecture", I don't think of Wal-Mart's big box buildings. So, I am wondering, will the "simple contemporary design" that Wal-Mart writes about in the DEIR (on page 3.0 of the Project Description) rise to the standard of contemporary architecture?

Contemporary architecture does not involve companies abandoning big box stores, just to build another big box down the road. Contemporary architecture involves a design position in which recycled, new materials and non-local materials and forms are ever-present in the design. Perhaps Wal-Mart will be required by the city to make use of the bricks from the store Wal-Mart plans to abandon on the corner of Mitchell and Hatch, so that they can help meet the standards of contemporary architecture.

Green building is becoming a strong component of contemporary architecture, and it involves an emphasis on energy efficiency. In this type of contemporary architecture, buildings are constructed using sustainable, natural, and recycled materials, thus creating eco-friendly structures. Let us not forget, contemporary architects are usually influenced by modern architecture, and they create buildings characteristic of "form following function", and the design is meant to complement the land.

To help keep the abandoned store from becoming an eyesore, will Wal-Mart be required to pay for the removal of the Ceres store (perhaps through a demolition bond)? That way the property can be restored to the original state, like other towns have requested of Wal-Mart. Perhaps, then they could use as many recycled materials as possible from the torn down building and asphalt parking lot, for the new one.

It is a known fact that Wal-Mart is America's (possibly the world's) largest producer of empty retail stores because Wal-Mart abandons its older stores to build new ones, often within the same community. According to one report, since 1995 Wal-Mart has abandoned over 1,000 stores just to build larger store across the road. The problem for Ceres relates to the fact that the existing 124,000 square foot Wal-Mart store is an old, large warehouse-style store that is not feasible for other types of retail businesses. (We already know how many years it took and how difficult it was for Ceres to fill the old Zody's store on Hatch Road.)

Simply, we shouldn't accept Wal-Mart's current version of "simple contemporary architecture". We should establish proper guidelines for what we will and won't accept for the building design, layout, landscaping, use of materials, and so on. Wal-Mart's latest design concept does not set a standard that is acceptable.

**20-6**

**20-7**

**20-8**

### Letter 20 Continued

**Draft EIR/CEQA**  
**Mitchell Ranch Center: Proposed Wal-Mart Supercenter**  
Comments by Sherri R. Jacobson  
July 6, 2010

#### **Impervious Pavement Limit**

The parking lot area of the proposed shopping center rests on approximately 16 acres of prime farmland. In the United States it is estimated that 3,000 acres of farmland is lost each day to sprawl. Will pervious/porous pavement be installed (instead of the impervious pavement Wal-Mart typically uses) for the parking lot? Pervious pavement will help lessen the impact on our city's treatment of ground water, which is Ceres' source of public drinking water.

**20-9**

#### **Proposed Wal-Mart Pylon Signage**

The drawings of the two proposed pylon signs (on page 3.0-19) need to be updated because the dimensions of the depicted signs may exceed the allowable 12-ft. width. According to the drawings, as illustrated and marked with dimensions, the uppermost section of the sign (which includes the logo and crown) extends beyond the 12-foot width. If it is built according to the drawing, the uppermost section of the sign would be wider than the 12-foot width. What are the actual, overall dimensions of the sign structure?

**20-10**

Aesthetically, the proposed signs are very ordinary and unattractive. If this project is to be the gateway of Ceres, shouldn't these signs be redesigned to reflect our small-town values, consistent with Ceres' General Plan?

#### **Sound Wall Beautification**

The sound wall, in addition to protecting the nearby neighborhood from the excessive noise, should be attractive. (The proposed brick wall design will not be enough.) The sound wall should have a higher aesthetic quality to it, such a use of bas relief or a tile motif in order to beautify rather than detract from the surrounding neighborhood. The neighbors along Don Pedro Road and interested Ceres citizens should have a say-so regarding the beautification aspects of the wall. After all, if the project is approved, the nearby residents will have to live with the wall.

**20-11**

#### **Landscape Maintenance Agreement**

More details pertaining to the landscape maintenance agreement needs to be presented.

**20-12**

# Letter 20 Continued

**Draft EIR/CEQA**  
**Mitchell Ranch Center: Proposed Wal-Mart Supercenter**  
Comments by Sherri R. Jacobson  
July 6, 2010

### **Impact Fees**

The list of infrastructure requirements associated with this project to lessen the negative impacts of this project are not easily understood. Who will pay for each specified or implied infrastructure? What are the assessed impact fees of this development? Will the developer pay for the infrastructure improvements and construction of a new overpass, street widening, water mains, street lights, and the other items listed in the Draft EIR?

**20-13**

### **Financial Impacts**

Wal-Mart's recently released 2010 annual report states that new stores often steal sales from existing Wal-Mart stores and the addition of new stores cuts into a key indicator called "same store sales growth". Accordingly, what are the estimated sales dollars that this regional shopping center with a proposed Wal-Mart Supercenter will "steal" from existing businesses in Ceres and surrounding cities? What are the particular negative financial impacts?

**20-14**

### **Financial Cost to Public Safety**

Crime levels have a negative impact on the quality of residential life in the community, and can significantly affect the value of property. Wal-Mart sells alcohol at their supercenters and allows campers, big-rig trucks, and cars to park in their parking lots overnight for free. For safety reasons and associated costs to local taxpayers, the risk of this potential, unregulated, privately owned "party zone" should be thought through. For instance, there may be an increase in the number of police calls, similar to what other cities have experienced when a Wal-Mart allows overnight parking.

**20-15**

Separately, with the proposed Wal-Mart Supercenter store schedule of 24 hours a day, seven days a week, what are the estimated increased costs to the public to detain or apprehend, prosecute and/or incarcerate criminals, and pay for increased police hiring, training, patrols, squad cars, law enforcement equipment, and city liability insurance? Will the crime expenses be quantified by compiling police departments' "incident reports" from Wal-Mart street addresses? Will Wal-Mart, the owner of the property, pay for the increased crime costs necessary to maintain public safety?

### **Light Pollution & Added Cost of Energy**

There are cost and health issues to consider when undertaking a regional project of this magnitude. Technology exists to deal with light pollution posed by such a project.

**20-16**

### Letter 20 Continued

#### Draft EIR/CEQA

#### Mitchell Ranch Center: Proposed Wal-Mart Supercenter

Comments by Sherri R. Jacobson

July 6, 2010

What is the estimated energy usage and cost for the entire shopping center? How will the additional lighting usage affect the overall energy demand and cost to the area? Will the increased lighting usage affect residents' monthly electricity bills?

**20-16  
con't**

What assurances do the city and citizens of Ceres have from the developer and its future tenants (third parties, renters, employees, etc.) that they will follow prudent lighting practices? What lights will be installed and procedures followed that minimize wasted energy, reduce excessive outdoor lighting, and/or allow lumens lighted areas, and allow for the viewing of the stars at night?

**20-17**

Being able to see a starry night is key to our human heritage, so perhaps an established time for lighting to be automatically turned on and off will lessen the significant light pollution impact. Such timed lighting could include shielded and unshielded lighting; parking lot lighting; street lighting; landscape lighting; building and structural lighting; billboards, advertising or other sign lighting; product display area lighting; building overhangs and open canopies; searchlight, spotlight, flood lights, laser lights, and so forth.

#### Gas Tank

Table 4.7-1 is underinclusive and undervaluates the conditional impacts of the potential or actual hazardous material sites in the vicinity of the project site.

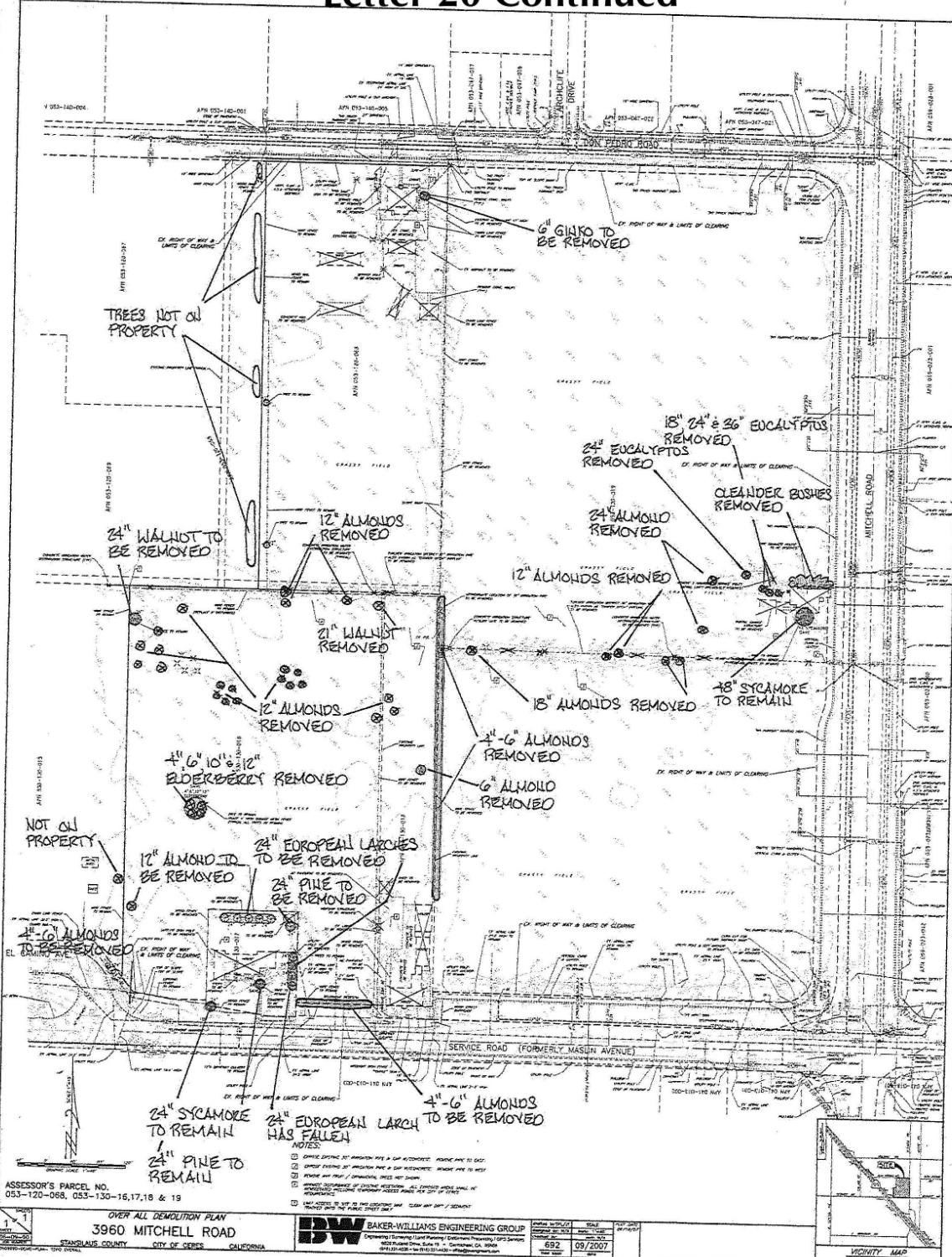
**20-18**

#### Traffic/ Delivery Trucks

The number of delivery trucks/deliveries used in the traffic study understates and under projects the potential number of delivery trucks/deliveries that will occur.

**20-19**

## **Letter 20 Continued**



REMOVED

TO REMAIN

[TO BE REMOVED]

### Letter 20 Continued



Community Development Department  
2220 Magnolia Street  
Ceres, CA 95307  
209-538-5774  
209-538-5752

**CITY COUNCIL**

Anthony Cannella, Mayor  
Chris Vierra, Vice Mayor  
Ken Lane, Councilmember  
Guillermo Ochoa, Councilmember

December 20, 2007

Re: Inquiries relating to demolition activities on parcels located at Mitchell Road and Service Road (also known as Mitchell Ranch Project Site)

Dear [REDACTED]

You have asked particular questions relating to demolition activities on the parcels associated with the Mitchell Ranch Project which is currently undergoing analysis associated with an environmental impact report for a project at the site.

The primary questions revolve around whether such activities have in any way:

1. Violated any Federal, State, or local laws, rules or regulations;
2. Violated any regulations or rules relating to the California Environmental Quality Act (CEQA) process;
3. Impinged upon the integrity of the environmental analysis process thereby invalidating the pending environmental impact report

The initial response to these questions is that no laws, rules, or regulations whether Federal, State or local or regulatory relating to the CEQA process have been violated, and that no action taken has impinged upon the integrity of the CEQA process and/or in any way invalidated the on-going environmental analysis.

This letter will outline the questions or concerns posed with a brief response to each and will provide a discussion of the events leading to the issuance of the demolition permits authorizing the demolition activities at the site.

**Q: Did the demolition crew violate any City, State and/or Federal ordinances or other regulations and/or laws? Have any CEQA regulations or the EIR process been violated and/or compromised because of the demolition crew?**

No violation of ordinances or laws occurred.

The demolition crew acted in accordance with demolition permits (Permit Nos. BLD07 0924, 0927, 0928, and 0929) issued by the City of Ceres Building Division. The issuance of demolition permits is a ministerial decision by the City and is not subject to CEQA.

### Letter 20 Continued

No violation of CEQA Guidelines or regulations occurred.

CEQA does not itself directly prohibit the changing of the environmental baseline after the NOP is published. Because the baseline will remain the same for the purposes of the environmental analysis, the demolition activities will not affect the EIR process.

CEQA requires an EIR to include a description of the physical environmental conditions (baseline) in the vicinity of the project site as they exist at the time the Notice of Preparation (NOP) is published. The Mitchell Ranch Project NOP was published September 5, 2007. Therefore, the Mitchell Ranch EIR will use the physical environmental conditions that existed on the project site on this date, prior to the demolition activities, as the baseline for the environmental analysis. All site visits and surveys required for completion of the EIR were conducted prior to demolition activities.

The CEQA process has not been compromised.

The demolition could potentially affect mitigation measures proposed in the EIR; however, the project is not anticipated to result in any impacts requiring mitigation that would be effected by the change in baseline conditions. For example, the structures on the site have been found to have no historical significance and would not have required mitigation prior to their demolition. Additionally, trees were removed from the site outside of nesting season and would not have required bird surveys prior to removal. The EIR will contain a detailed discussion of the change in baseline conditions that occurred as a result of the demolition and, if applicable, how the change effects proposed mitigation measures.

**Q: You explained to me that "Modesto Sand and Gravel, Inc." had a demolition permit. When was the permit issued? Did the permit or the City authorize the demolition crew to demolish or remove the numerous buildings and the vegetation? Did the demolition permit or those City regulations violate any mandated State, Federal or other regulations? Did "Modesto Sand & Gravel, Inc." follow City regulations when they proceeded with demolition?**

The demolition permits were issued by the City of Ceres on October 31, 2007. With the issuance of demolition permits, the property owner is authorized to demolish the buildings and accessory structures for which said permit was issued. Prior to the issuance of the demolition permit, the contractor is required to submit a Demolition Permit Release form that is signed off by the San Joaquin Valley Air Pollution Control District. The required release was obtained for the demolition of these structures and signed off by the San Joaquin Valley Air Pollution Control District. Therefore, Modesto Sand & Gravel, Inc. followed the required City of Ceres regulations with the demolition of the structures.

The trees and or other vegetation removed on the site were not placed there as a condition of approval of any project requiring landscaping as part of a project approval. The City of Ceres does not have an Urban Forestry Program and has no prohibition regarding the removal of trees on private property with the exception of those classified as street trees in a public landscape easement. Therefore, no authorization would be required for removal of trees on private property.

No violation of regulations, ordinances, or laws occurred. The regulations, ordinances and requirements of the City were met in the application, issuance and activities involved with the demolition permit.

### Letter 20 Continued

Does the public have access to copies of the permit(s) the City issued "Modesto Sand & Gravel, Inc." and information that provides what the permit(s) entail(s)? Did "Modesto Sand & Gravel, Inc." speak with City staff before any demolition occurred? Does the city have a requirement that would mandate the demolition crew to report to the City before any removal of buildings and vegetation can take place? Was the mandate in place before the crew started demolition on November 1?

Copies of the construction permits are on file in the Building Division and are available for review from 8:00 a.m. until 5:00 p.m. Monday through Friday. It is recommended that anyone may contact the Building Division in advance as permits may be with the building inspectors in the field for inspection purposes. With the issuance of demolition permits Modesto Sand & Gravel, Inc. was authorized to demolish the structures for which the permits were obtained. Once a demolition permit has been approved, there is no requirement that the applicant report to the City prior to commencing demolition.

As previously indicated, the trees and/or other vegetation removed on the site were not placed there as a condition of approval of any project requiring landscaping as part of a previous project approval. The City of Ceres does not have an Urban Forestry Program and has no prohibition regarding the removal of trees on private property with the exception of those classified as street trees.

What kind of inspection of the buildings occurred before the demolition occurred? Were Cereans exposed to airborne pollutants? I ask, because the buildings probably contained lead paint and asbestos. Even to this day, many building materials and cement pipes contain asbestos. The buildings on the proposed Wal-Mart Supercenter site most likely contained asbestos and when such asbestos is disturbed fibers may be inhaled into the lungs of innocent residents. It is a cause for concern, because significant health problems can occur.

Airborne asbestos from building demolition is regulated by the San Joaquin Valley Air Pollution Control District under District Rule 4002. Under this rule, any building at the site of a proposed public or commercial project is a regulated facility requiring inspection by a CAL-OSHA Certified asbestos inspector prior to start of demolition. If present, all regulated asbestos-containing materials must be removed under controlled conditions prior to demolition preventing fibers from being released into the air. The City requires (and received) a Demolition Permit Release Form, which was submitted by Modesto Sand & Gravel prior to the issuance of the demolition permits and was signed off by the San Joaquin Valley Air Pollution Control District, indicating compliance with District regulations, before the demolition permit was issued.

You also explained to me that the fire and/or police department received calls about possible vagrancy and a fire within the site. When did the vagrancy and fire occur, and in which buildings? Is the public allowed access to the police or fire reports? Regardless of any circumstances, I ask, "How can 'Modesto Sand & Gravel, Inc.' be allowed to remove any buildings or vegetation from the site while the EIR process is underway?" The buildings could have historical significance. How would the EIR mitigation work now?

Application for demolition was made to the Building Division. The application was processed and issued. While internal communication and discussion with the Planning Division would have been desirable and appropriate, and would likely have resulted in the suspension or modification of the application based on the on-going EIR process, the issuance of the permit did not violate any regulation or law. The routine processing of demolition permits now includes internal discussion and review by the Engineering and Planning Divisions.

Modesto Sand and Gravel obtained a "board-up permit" for each dwelling on September 20, 2007. An inspection was performed on September 24, 2007. Each dwelling complied with Stanislaus County

### Letter 20 Continued

Title 2 Stanislaus County Code Chapter 2.93.050 'Standards for Securing a Building', Boarding of Doorways, Windows and Exterior Openings. A copy of that standard is available in the City of Ceres Building Division upon request.

Cultural resource specialists conducted a site visit on the project site shortly after publication of the NOP (September 5, 2007) in order to observe and survey the baseline environmental conditions. The resulting cultural resource report prepared for the Mitchell Ranch Project concluded that the structures on the project site were not of historical significance and no mitigation was recommended for their demolition. The entire report will be available as part of the Draft EIR when it is released for public review.

I also have concerns for the possible violations that fall under Fish and Game. Specifically, an environmentally-protected fox is known to inhabit the area – much vegetation (mature trees, bushes, plants, and ground cover) and their possible inhabitants have been disturbed and removed. Doesn't Fish and Game have jurisdiction over actions that contribute to the disturbance of or unauthorized "taking" of birds, rare bushes, and the fox.

Biologists conducted a site visit on the project site shortly after publication of the NOP (September 5, 2007) in order to observe and survey the baseline environmental conditions. The change to the baseline conditions at the site will not significantly affect the biological study or the EIR process.

The fox that has been seen on the project site by nearby residents is a common, unprotected species. No special-status species of fox are known to occur in the county or surrounding area. Trees and vegetation were removed from the project site outside of nesting season and did not require mitigation to avoid impacts to birds.

In March of 2007, an Elderberry Inventory Report was prepared by Entomology Consulting Services. This report, with conclusions, was copied to the Department of Fish and Wildlife who concluded that they did not have jurisdiction over the Elderberry bushes under the Endangered Species Act, as they were isolated from any riparian area, and demonstrated no evidence of the elderberry beetle, and that the landowner did not require a permit and would not be required to compensate for any damage including cutting down the plants. No other protected tree or plant species were identified by biologists on the project site.

Did PMC conduct its field review and shoot photographs of the existing landscape prior to November 1, 2007, before any removal of buildings and vegetation occurred? It is reasonable to believe the cultural and biological resources and studies have been compromised before PMC was able to do their work and the City was able to double-check the findings.

Various Pacific Municipal Consulting staff or contracted specialists conducted site visits directly after publication of the NOP (September 5, 2007) and several weeks prior to the demolition activities in order to observe the baseline environmental conditions. Because the site visits were conducted prior to demolition, the demolition will not significantly affect the cultural or biological analyses; therefore there is nothing in these activities to indicate the CEQA process has been compromised.

And has the City taken any photos of the area, before November 1 and/or after my November 8 letter? Has an inventory of razed buildings and vegetation been recorded, after the demolition crew removed buildings and vegetation? Does the city have an inventory of all buildings, vegetation, structures, items, etc., that have been removed from the site? What documentation does the city have of all building and vegetation demolition procedures, processes, results, and removal?

### Letter 20 Continued

The City of Ceres has aerial photos of the project site that were flown on March 8, 2005. The City does not have any site specific photos of the property nor is there an inventory of the building structures or vegetation removed.

Additionally, a site map of the project site is attached which identifies the vegetation removed from the site. This has been verified by PMC whose experts conducted site survey several weeks prior to the demolition activities.

Is it possible the owners of the property or the developer or the Wal-Mart Corporation or someone else found a loophole in the CEQA regulations and/or the EIR process? Nevertheless, I wonder if there are still regulations that the City should be enforcing against any alleged violations. If a permit allows a certain action or behavior that violates a local, State, Federal, or other law, doesn't the requirement to follow a local, State or Federal, or other law supersede the contradictory action or behavior allowed by a permit?

No such "loophole" exists. The City has and will continue to enforce any and all violations should they occur.

The project applicant acted in compliance with demolition permits issued by the City of Ceres. The EIR for the Mitchell Ranch Project will analyze the project's impact to the baseline conditions, as they existed prior to demolition. Therefore, the demolition will not affect the EIR process and CEQA was not violated.

Does the public have access to any city communication regarding the topics in this e-mail? If so, what is available?

To the extent that a City communication regarding the matters addressed in your letter is determined to be a "public record" under the Public Records Act (Government Code, Sections 6250-6270), which communication is not otherwise exempt from disclosure under the Act, the public is entitled to a copy of the record upon request and payment of the direct cost of reproduction. Upon receipt of a request that reasonably describes an identifiable public record, the City has ten (10) days to determine whether it has such a record and whether the record is exempt from disclosure. If the City determines that the record is exempt from disclosure, the City must notify the person making the request of the reasons for non disclosure within the ten day time period.

And separately, the September 19<sup>th</sup>, 2007, Scoping Meeting Minutes for this project are still NOT available on-line. When will they become available to the public?

Tom Westbrook is working with PMC staff to get minutes from this meeting completed.

Staff has compiled into a spreadsheet format (attached) the record of public safety and code enforcement calls and actions at the project site address. As the spreadsheet demonstrates, 2007 saw an increase in the number of actions at the site including a fire incident in September 2007, deemed to have been intentional. These cumulative incidents resulted in abatement action being directed in October 2007 to ensure the public health and safety.

Ceres Municipal Code Chapter 9.40 Property Maintenance and Public Nuisances defines nuisances in part as: "...any condition on private property which is injurious to health...or a detriment to property values, or contributes to blight..." and provides mechanisms and methods for abatement of nuisances.

As demonstrated in the attached spreadsheet, the property owner was notified of the various issues associated with the property, and a decision made to abate by demolition. A demolition permit

### Letter 20 Continued

application was received by the Building Division, and after following the normal routine and verifying all standard approvals such as Air Control District, a building permit was issued.

At the time this application was submitted, the Demolition Permit was an over-the-counter permit (OTC) which required submittal of specific items including a completed and signed San Joaquin Valley Air Pollution Control District Demolition Permit Release. However, no part of the standard processing of the OTC required internal coordination or referral to other divisions including Planning Division to ascertain whether any conflicts or restrictions were applicable to the site of the requested demolition.

As indicated, the standard process required no collaboration with the Planning Division, thus none was undertaken. Demolition was undertaken on the Mitchell Road Project site in full compliance with the rules and regulations in place at the time. The Planning Division became aware of the demolition after receiving inquiries from citizens regarding the activity at the project site and upon notification given to the Community Development Director, demolition activities were immediately ordered suspended.

In conclusion, the rules and regulations in place at the time were followed, and as identified in the above responses to the questions posed and concerns raised, no violations of laws or infringement of rules or regulations occurred either in the issuance of the demolition permits nor in the undertaking of the demolition activities.

Additionally, as further identified in the aforementioned responses, the integrity of the environmental process has not been impinged upon, as the baseline had been established and CEQA does not prohibit or preclude the type of activity conducted at the site. A visit of the site on December 14, 2007 indicates that multiple health and safety issues remain to be addressed. The City, in coordination with the environmental consultant and staff, will develop a plan to address and remedy the remaining health and safety concerns.

In an effort to diminish the potential for confusion and public misunderstanding and to avoid the potential for complications as presented in this instance, the Community Development Department has instituted new processing rules for all future demolition permits to include review and comment from the Planning and Engineering Divisions to provide a higher level of scrutiny.

Sincerely,



Kenneth H. Craig,

Community Development Director

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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LETTER 20                    SHERRI JACOBSON, PO Box 2532, CERES; JULY 6, 2010

**Response 20-1:** The commenter is concerned that the demolition activities in November 2007 compromised the baseline conditions of the site. This issue was extensively discussed in correspondence from the City dated December 20, 2007, and included as an attachment to Letter 20. During a site visit performed by PMC staff on November 9, 2007, photos of baseline conditions were taken and observations made of the site were used in the analysis. The project's direct and cumulative impacts were evaluated from these baseline conditions in Chapter 4 of the Draft EIR.

**Response 20-2:** The commenter provides information regarding the demolition on the project site that took place in 2007. Please see Appendix 4.3-4, which includes correspondence from the U.S. Fish and Wildlife Service regarding removal of vegetation during demolition. As noted, the U.S. Fish and Wildlife Service does not claim jurisdiction over the elderberry bushes because they are not associated with a riparian area. None of the other species identified on the site are endangered, rare, or protected. See also Response 20-3.

**Response 20-3:** The commenter raises concerns regarding removal of elderberry bushes on the site and states that an EIR-referenced report was not available for review. The report referenced in Appendix 4.3-4 is the *Elderberry Inventory Report for the Ceres Marketplace Project in Ceres, CA*, prepared by Richard A. Arnold, Ph.D. in March 2007 and included as Appendix 4.3-3 to the Draft EIR.

**Response 20-4:** The commenter expresses concern that the demolition activities in November 2007 compromised the baseline conditions of the site. Please see Response 20-1.

**Response 20-5:** The commenter discusses existing trees on the project site and possible impacts to them, as well as suggests ways to prevent tree injury. The project will comply with the City's Adopted Tree Preservation Ordinance. As noted in Impact 4.3.4 (pg. 4.3-22 of the Draft EIR), two existing mature sycamore trees will be retained and will be incorporated into the project landscaping. The Draft EIR determined that the impact trees would be less than significant. The commenter suggests implementation measures that can be utilized to protect the sycamore trees during and following construction. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 20-6:** The commenter makes statements regarding project architecture and recommends "green" building concepts. The commenter is referred to Section 4.14, Energy Conservation, Impact 4.14.1 on page 4.14-10. The commenter is referred to Walmart's Construction and Demolition Recycling program outlined on page 3.0-26.

**Response 20-7:** The commenter asks whether the existing Walmart store will be removed. As noted on page 4.5-15 of the Draft EIR, the existing Walmart business will be relocated to the proposed project site; however, the structure is expected to be re-tenanted with other commercial uses and is not planned for demolition. (See Impact 4.5.1 beginning on page 4.5-13 of the Draft EIR and mitigation measure 4.5.1 which addresses long-term maintenance of the former Walmart

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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building.) The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

The commenter states that Walmart is the largest producer of empty retail stores. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

The commenter discusses problems with vacant buildings in Ceres and the effect on the city. For a discussion of urban decay, please see Impact 4.5.1 on pgs. 4.5-13 through 4.5-19 of the Draft EIR and mitigation measure MM 4.5.1

**Response 20-8:** The commenter opines that the project design is unacceptable. As noted in Table 4.1-1 of the Draft EIR (pgs. 4.1-28), the project is consistent with the City of Ceres design standards and the project has been designed accordingly. The project includes features described in this policy, such as common architectural themes, roofline variations and articulation in the walls, landscaping throughout the site, a comprehensive plan for signage and other site amenities. The commenter does not raise a question regarding the environmental impacts of the project or the adequacy of the EIR. The comment is included here for consideration by the lead agency; however, no response is necessary.

**Response 20-9:** The commenter is concerned about the loss of prime farmland and the impact of impervious pavement on groundwater. As discussed on page 4.11-10 of the Draft EIR, the City originally considered the conversion of agricultural land for the proposed project site during adoption of the Mitchell Ranch Corridor Specific Plan in 1989 (Resolution No. 89-176) with adoption of overriding considerations in Resolution 89-177. As part of the update to the Ceres General Plan (1996), the proposed project site was designated for urban development, and another statement of overriding considerations was made in Resolution 96-135 adopting the General Plan (See pg. 4 for Conversion of Agricultural Lands impacts).

See response to comment 18-4 for concerns on effect of impervious pavement runoff on groundwater. The commenter requests that pervious pavement be considered for the Walmart project. The proposed project includes a subsurface drainage system that collects water from the site. (See Section 4.8, Hydrology, Drainage and Water Quality in the Draft EIR, page 4-12)

**Response 20-10:** The commenter remarks on the size and design of the proposed pylon signs for the project. Please see Section 4.1, Aesthetics and Visual Resources, specifically Impact 4.1.1, pg. 4.1-33. The City of Ceres Municipal Code Chapter 18.42, Sign Ordinance, outlines the regulations and requirements for posting signs in the city. The proposed signs meet the requirements of the regulations. All signs require permits from the City, unless they meet specified exemptions. A sign approval must be obtained from the Planning/Building Division before erection or display of any signs.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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**Response 20-11:** The commenter believes that the sound wall should have a more aesthetic quality. Though the sound wall has the potential to be "aesthetically displeasing" the sound wall will not cause any new significant environmental impacts to aesthetics. The sound will not block any important viewsheds and will screen much of the new development from view. The project as proposed includes landscaping to screen and soften the massing of the wall, and this landscaping will be required as a condition of the project. The City will require the wall to be of an enhanced masonry type with decorative pilasters and cap. In addition, the City will require the landowner to ensure that the wall is kept free of graffiti.

**Response 20-12:** The commenter requests additional details related to the landscape maintenance agreement for the project. The City has adopted two ordinances that address landscaping that will apply to this project and the vacant store. As noted on pg. 4.8-10 of the Draft EIR, the City of Ceres Water Efficient Landscape Standards and Guidelines (landscape guidelines) were adopted in February 1994 to enhance the aesthetic appearance of development and reduce landscape water consumption. Also as noted on pg. 4.5-18, mitigation measure MM 4.5.1 requires a vacant building monitoring fee pursuant to Ceres Municipal Code Chapter 9.40 be paid, and a supplemental maintenance agreement with the City to ensure property maintenance of the vacant site until it is reoccupied, and whereby the City will be compensated (via bond or otherwise) for abatement of visual indications of blight on the property, including maintenance of existing landscaping.

**Response 20-13:** The commenter asks who will be responsible to pay for infrastructure required as part of project improvements, including construction of a new overpass, street widening, water mains and street lights.

The project applicant will be required to pay their fair share of traffic improvements as identified in Section 4.13, Transportation of the Draft EIR, pgs. 4.13-34 through 4.13-39 (specifically MM 4.13.2g and MM 4.13.2h). The commenter is referred to page 4.12-16 for discussion on whether the project would increase demand for water supplies. The proposed Mitchell Ranch Center project would connect to existing water supply lines located within the right-of-way along the project site's boundary. The City has an existing 24-inch water line in Service Road, a 10-inch water line in Mitchell Road, and an 8-inch water line in Don Pedro Road, all adjacent to the project site. No improvements will be needed to the City's water system to serve the project. Street lights are included in the improvements plans for the project and are reviewed by city staff.

**Response 20-14:** The commenter cites Wal-Mart's 2010 annual report and asks about financial impacts to existing businesses in Ceres. Please see response to comment 14-13 on the project's impacts to existing businesses in Ceres.

**Response 20-15:** The commenter expresses concern regarding increased crime levels and the impact on law enforcement as the result of 24-hour store hours and use of the parking lot. The Draft EIR (pg. 4.12-63) determined that the project could add up to an estimated additional 1,584 calls for service and an additional 300 traffic enforcement contacts annually. Based on the anticipated increase in

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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calls for service, the proposed project could result in the need for additional law enforcement personnel and vehicles. Payment of impact fees and Measure H will mitigate this impact to less than significant.

In addition, Walmart incorporates the following security measures:

- Install closed-circuit camera systems (surveillance cameras) inside and outside of stores.
- Establish a Risk Control Team, which is a team of associates responsible and trained to identify and correct safety and security issues at the site.
- Provide lighting in the parking areas that will ensure public safety.
- Prohibit consumption of alcohol in the parking lots by having associates regularly “patrol” the parking areas while collecting shopping carts, and report any inappropriate activity to the store managers. Also per State law, alcohol sales will be limited to the hours of 6 a.m. to 2 a.m. of the following day.

**Response 20-16:** The commenter asks about project energy usage and cost. The project would result in a low percentage of the overall combined TID and PG&E planning areas demand and incorporates several energy reduction features into the project design to lessen the demand for electricity. (See Section 3.0 Project Description, pg. 3.0-24 for energy reduction features and Impact 4.14.2, pg. 4.14-10 for discussion on project's energy use. The Draft EIR determined that the project's impact related to increased energy use was considered less than significant.

**Response 20-17:** The commenter requests information about efforts to minimize the impact of additional lighting on the area and offers suggestions. As noted in the Draft EIR (Section 4.1, Aesthetics and Visual Resources, pg. 4.1-36) as part of the project approval process, the project applicant has submitted a conditional use permit application, with exhibits that include a complete lighting concept for the proposed project. Mitigation measure MM 4.1.3 will ensure reduction of nighttime light impacts to adjacent residential properties. The Draft EIR determined this impact was less than significant with incorporation of mitigation. The commenter's suggestions are included for consideration by the lead agency; however, no response is necessary.

**Response 20-18:** The commenter opines that Table 4.7-1 [Hazardous Materials Sites in the Vicinity of the Project Site, in Section 4.7, Hazards and Hazardous Materials] is incomplete and does not adequately evaluate impacts. The commenter does not specifically state why Table 4.7-1 is incomplete. As noted in the Draft EIR (Section 4.7, Hazards and Hazardous Materials, pg. 4.7-20), EDR performed a search of standard sources of environmental records on hazardous materials within a 1-mile radius of the project site. The results are presented in Table 4.7-1. No hazardous materials waste sites were identified on the proposed project site; however, a total of 13 sites were identified in eight databases within one mile of the project site. None of the sites listed were considered to have potentially impacted the project site.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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**Response 20-19:** The commenter states that the number of truck trips is understated. The number of truck trips associated with the proposed project was provided by the applicant and is in the correct range in the expert opinion of the traffic engineer who prepared the traffic study for this EIR. The commenter does not provide information on why the truck trip generation estimates are underestimated, no changes to the truck-trip assumptions presented in the EIR were made.