

### 3.1 INTRODUCTION

This section includes minor edits to the Draft EIR. These modifications resulted in response to comments received during the Draft EIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline and italicized for new text and ~~strike out~~ for deleted text).

### 3.2 CHANGES AND EDITS TO THE DRAFT EIR

#### 1.0 INTRODUCTION

No changes were necessary.

#### 2.0 EXECUTIVE SUMMARY

Page 2.0-3, changes were required to Table 2.0-1, Summary of Impacts and Mitigation Measures, to respond to modifications in mitigation measures listed below. The enforcement/monitoring responsibilities for the City of Ceres have been modified to reflect the appropriate departments and divisions. Each change may not be listed herein but is reflected in Section 4.0, Final Mitigation Monitoring and Reporting Program.

Page 2.0-8, Impact 4.2.1, the level of significance changed from significant and unavoidable to less than significant. Please see summary of corrections to Section 4.2, Air Quality on page 3.0-6.

Page 2.0-8, the timing and enforcement on mitigation measure MM 4.2.2a is revised as follows:

Timing/Implementation: Mitigation shall be implemented throughout project construction phase. The noted mitigations will appear on the grading or street improvement plans as Air Quality.

Enforcement/Monitoring: City of Ceres ~~Development Services Department~~ - Public Works Department - Engineering Division

Page 2.0-12, Impact 4.2.11 level of significance is corrected to less than significant as reflected in Section 4.2, Air Quality of the Draft EIR, page 4.2-45.

Page 2.0-25, Mitigation measure MM 4.10.7c is revised for clarification:

MM 4.10.7c: If the City determines that the parcel adjacent to Majors 2/3/4 has ceased to be considered by the City as having a noise-sensitive use prior to implementation of either MM 4.10.7a or 4.10.7b, the City may consider the impact to have been reduced to a level that is less than significant and waive both of those mitigation options.

Timing/Implementation: The determination may be made by the City prior to issuance of a certificate of occupancy for Majors 2, 3 and/or 4.

Enforcement/Monitoring: City of Ceres ~~Development Services Department~~ Planning and Building Division

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Page 2.0-32, Impact 4.13.2, MM 4.13.2e resulting level of significance is corrected to less than significant after mitigation as reflected in Section 4.13, Transportation and Traffic of the Draft EIR, page 4.13-32.

Page 2.0-36, Mitigation measure MM 4.13.6 is revised for clarification:

MM 4.13.6: In development of the ~~final site plan~~ *Final Exhibit*, the project applicant shall:

- Consult with Ceres Area Transit and City staff regarding the final location of transit amenities prior to approval of the ~~site plan~~ *Final Exhibit*.
- Provide pedestrian connectivity between building entrances and planned transit stops.
- Ensure pedestrian connectivity to transit and other planned pedestrian facilities with development of any sound walls proposed within the project site.
- Construct sidewalks wide enough to comfortably accommodate two-way pedestrian travel (minimum of 5 feet).
- Consult with City of Ceres staff to determine the type of bicycle facility that should be accommodated on Service Road along the project frontage and provide sufficient right-of-way.
- Orient bicycle parking for both patrons and employees of the project.

Timing/Implementation: Mitigation shall be completed prior to ~~site plan~~ *Final Exhibit approval*.

Enforcement/Monitoring: City of Ceres ~~Development Services Department and~~ Public Works Department - *Engineering Division*

Page 2.0-38, mitigation measure MM 4.13.7b is revised as follows:

MM 4.13.7b: The project applicant shall pay its pro-rata share of the future SR 99/Mitchell Road/Service Road improvements.

Timing/Implementation: Prior to issuance of a building permit.

Enforcement/Monitoring: City of Ceres ~~Development Services Department~~ Public Works Department - Engineering Division, Planning and Building Division

## **3.0 PROJECT DESCRIPTION**

Page 3.0-17, Figure 3.0-5, Landscaping Plan is revised and included as Appendix A.

Page 3.0-19, Figure 3.0-6, Proposed Walmart Pylon Signage is revised and included as Appendix B.

## **4.1 AESTHETICS**

No changes were necessary.

#### 4.2 AIR QUALITY

Page 4.2-18 of the Draft EIR under 4.2.3 Project Impact Analysis, Project Construction Impacts, the first paragraph will be revised as follows:

The SJVAPCD's approach to CEQA analyses of construction PM<sub>10</sub> impacts is to require implementation of effective and comprehensive control measures ~~rather than to require detailed quantification of emissions (although a lead agency may elect to do so)~~. The SJVAPCD has determined that the proposed project is of sufficient size to warrant quantification of fugitive PM<sub>10</sub> emissions. ~~compliance with Regulation VIII for all sites and implementation of all other control measures provided in Tables 6-2 and 6-3 of the guidance document (as appropriate, depending on the size and location of the project site) will constitute sufficient mitigation to reduce PM<sub>10</sub> impacts to a level considered less than significant (SJVAPCD, 1998)~~.

Page 4.2-20, the last paragraph will be deleted from Impact 4.2.1 and moved to Impact 4.2.9, as noted below:

~~Compliance with ISR, however, does not mitigate all impacts with respect to PM<sub>10</sub> and NO<sub>x</sub>. This is because the rule requires projects to reduce their construction emissions by 20 percent for NO<sub>x</sub> and 45 percent for PM<sub>10</sub> and operational emissions by 33 percent for NO<sub>x</sub> and 50 percent for PM<sub>10</sub>. Reductions by these percentages allow the SJVAPCD to achieve the emission reduction targets needed for attainment by the end of 2010 and thus do not fully mitigate all emissions related to a development project.~~

Page 4.2-21, under Impact 4.2.1, the first full paragraph is amended to read:

*The ISR materials submitted on the actual square footage of the proposed project indicate that the operational and construction impacts will not exceed the results of the analysis indicate that the proposed project will exceed* significance thresholds established by the SJVAPCD for emissions of ozone precursors (ROG and, NO<sub>x</sub>), and particulate matter during long-term project operational activity, ~~even with implementation of the on-site mitigation measures included in this Draft EIR~~ The measures included *in the ISR and* mitigation measures MM 4.2.2a through MM 4.2.2d, which address dust control, equipment maintenance, soil stabilization, and the use of generators, as well as mitigation measure MM 4.13.6, which addresses future transit, use of bicycle paths, and connectivity of sidewalks. Most of the operational emissions from the proposed project are related to personal vehicles, which are regulated by the California Air Resources Board (CARB). ~~While~~ The proposed project has an efficient circulation pattern, adequate parking, shade for the parking areas, and pedestrian and bicycle circulation and will make improvements to roadways and intersections to maintain levels of service and reduce idling or wait time. *As expressed in the ISR materials submitted to the District, operational emissions do not have the potential to violate or contribute substantially to an existing or projected air quality violation. As expressed in the ISR application, the proposed project is not considered to be consistent with the applicable SJVAPCD AQAP. This impact is considered significant and unavoidable.* *less than significant.*

#### Mitigation Measures

No further mitigation available.

Page 4.2-21, under Impact 4.2.2, the second paragraph will be revised as follows:

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As noted above, the SJVAPCD's approach to CEQA analyses of construction PM<sub>10</sub> impacts is to require implementation of effective and comprehensive control measures ~~rather than to require detailed quantification of emissions, based on quantification of construction-related emissions.~~ The SJVAPCD has determined that *the proposed project is of sufficient size to warrant quantification of fugitive PM<sub>10</sub> emissions. Quantification of PM<sub>10</sub> emissions are outlined in Table 4.2-6. The project does not exceed the District's 15 tons per year threshold of significance for PM<sub>10</sub>. However, project construction activities will still be required to comply with District Regulation VIII, a series of fugitive dust control measures. In addition, the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts contains enhanced and additional control measures that provide a greater degree of PM<sub>10</sub> reduction than Regulation VIII for construction sites of significant size. The SJVAPCD has determined that compliance with Regulation VIII and the implementation of additional measures constitute sufficient mitigation to reduce construction generated PM<sub>10</sub> impacts to a level considered less than significant.*

Page 4.2-22, Table 4.2-6 of the Draft EIR and text following the table will be revised as follows:

**TABLE 4.2-6**  
**EMISSIONS SUMMARY OF CONSTRUCTION ACTIVITIES (WITHOUT MITIGATION) (TONS PER YEAR)**

	ROG	NO <sub>x</sub>	PM <sub>10</sub>	CO	SO <sub>x</sub>
Construction Emissions (2008)	1.56	4.43	<b>1.76</b>	4.20	0
SJVAPCD Significance Threshold	10	10	<b>15</b>	n/a	n/a
Threshold Exceeded?	No	No	<b>No</b>	n/a	n/a
Construction Emissions (2009)	2.98	2.47	<b>0.19</b>	3.97	0
SJVAPCD Significance Threshold	10	10	<b>15</b>	n/a	n/a
Threshold Exceeded?	No	No	<b>No</b>	n/a	n/a

Source: *Urban Crossroads, 2008*

As shown in Table 4.2-6, emissions resulting from project construction will not exceed the criteria pollutants' thresholds established by the SJVAPCD. ~~However, due to the proposed project's construction related particulate matter emissions, this impact remains potentially significant. Even though PM<sub>10</sub> will not exceed the threshold, District regulations require the standard mitigation measures below.~~

Page 4.2-22, the timing and monitoring on mitigation measure MM 4.2.2a is modified as follows:

Timing/Implementation: Mitigation shall be implemented throughout project construction phase. *The noted mitigations will appear on the grading or street improvement plans as Air Quality requirements.*

Enforcement/Monitoring: City of Ceres Development Services Department - *Public Works Department* - Engineering Division

Page 4.2-25, Table 4.2-7 of the Draft EIR will be revised with the table:

**TABLE 4.2-7**  
**SUMMARY OF PEAK OPERATIONAL EMISSIONS (WITHOUT MITIGATION) (TONS PER YEAR)**

	VOCs/ROGs	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Walmart	7.42	11.33	63.42	0.05	3.89	0.96
Major 2	1.08	0.99	9.25	0.01	0.63	0.14
Major 3	0.52	0.47	4.53	0	0.30	0.07
Major 4	0.54	0.49	4.69	0	0.31	0.07
Shops 1	0.47	0.43	4.11	0	0.27	0.06
Shops 2	0.45	0.41	3.95	0	0.26	0.06
Shops 3	0.28	0.25	2.42	0	0.16	0.03
Shops 4	0.33	0.29	2.87	0	0.19	0.04
Pad A Retail	0.13	0.12	1.19	0	0.07	0.02
Pad A Restaurant	0.13	0.12	1.19	0	0.07	0.02
Pad B	0.12	0.11	1.11	0	0.07	0.01
Pad C	0.16	0.14	1.45	0	0.09	0.02
Total Operational Emissions	11.63	15.15	100.18	0.06	6.31	1.5
SJVAPCD Significance Threshold	10	10	N/A	N/A	15	N/A
Threshold Exceeded?	Yes	Yes	N/A	N/A	No	N/A

Source: *Urban Crossroads, November 3, 2010 (Appendix 4.2-6)*

As shown in Table 4.2-7 above, the total emissions from the proposed project exceed the District's thresholds for ROG and NO<sub>x</sub> *prior to mitigation*. In addition, the proposed project would emit a significant amount of PM<sub>10</sub> and PM<sub>2.5</sub> that would contribute to the District's existing air quality violations for particulate matter. *Table 4.2-8 represents the total emissions from the proposed project with mitigation.*

Page 4.2-26, the following Table 4.2-8 is added to the Draft EIR to clarify Impact 4.2.4:

**TABLE 4.2-8**  
**SUMMARY OF PEAK OPERATIONAL EMISSIONS (WITH MITIGATION) (TONS PER YEAR)**

	VOCs/ROGs	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Walmart	6.38	6.41	53.72	0.04	3.12	0.84
Major 2	0.92	0.84	7.81	0.01	0.53	0.12
Major 3	0.44	0.40	3.84	0	0.25	0.06
Major 4	0.46	0.42	3.97	0	0.26	0.06
Shops 1	0.40	0.37	3.48	0	0.23	0.05
Shops 2	0.39	0.35	3.34	0	0.22	0.05
Shops 3	0.24	0.21	2.05	0	0.13	0.03
Shops 4	0.28	0.25	2.43	0	0.16	0.03

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	VOCs/ROGs	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Pad A Retail	0.11	0.10	1.02	0	0.06	0.01
Pad A Restaurant	0.11	0.10	1.02	0	0.06	0.01
Pad B	0.10	0.10	0.95	0	0.06	0.01
Pad C	0.14	0.12	1.23	0	0.08	0.02
Total Operational Emissions	9.97	9.67	84.86	0.05	5.16	1.29
SJVAPCD Significance Threshold	10	10	N/A	N/A	15	N/A
Threshold Exceeded?	No	No	N/A	N/A	No	N/A

Source: Urban Crossroads, November 3, 2010 (Appendix 4.2-6)

As shown in Table 4.2-8, the project will not exceed the District emissions thresholds for ROG and NO<sub>x</sub> (after implementation of measures outlined in the Indirect Source Review (ISR) and agreed to by the SJVAPCD). (See Appendix 4.2-6)

Page 4.2-31, Impact 4.2.9, first paragraph, the following revision is made:

CEQA defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant projects. As described above, The District considers any proposed project that would have an air quality impact to also have a significant contribute to cumulative air quality impacts except in the case of CO and HAP emissions, to which different standards of significance apply. It is reasonable to assume that numerous projects will be under construction simultaneously with the proposed project throughout the air basin.

Page 4.2-32, Impact 4.2.9, third paragraph, the following revision is made:

The results of the proposed project's air quality analysis indicate that the project's long term ROG, NO<sub>x</sub>, and particulate matter emissions would be significant on an individual project basis. While the proposed project will comply with the District's ISR program, & compliance with ISR, will however, does not mitigate all impacts with respect to PM<sub>10</sub> and NO<sub>x</sub> in the cumulative setting. This is because the rule requires projects to reduce their construction emissions by 20 percent for NO<sub>x</sub> and 45 percent for PM<sub>10</sub> and operational emissions by 33 percent for NO<sub>x</sub> and 50 percent for PM<sub>10</sub>. Reductions by these percentages allow the SJVAPCD to achieve the emission reduction targets needed for attainment by the end of 2010 and thus do not fully mitigate all emissions related to a development project. In addition, the mitigation measures provided in this section would reduce emissions, but not to a less than significant level. At this time no other feasible mitigation measures are available that would reduce impacts to a less than significant level. Therefore, the proposed project's cumulative impact to air quality from operational emissions is considered cumulatively considerable and significant and unavoidable.

Appendix 4.2-6 is added to the Draft EIR. This appendix is reflected as Appendix C in this Section.

Appendix 4.2-3 - Mobile Source Diesel-Particulate Health Risk Assessment, Urban Crossroads, June 11, 2008. The AERMOD electronic computer modeling files have been provided to the SJVAPCD as requested. The AERMOD files are not capable of being printed in a useable form for this EIR and, therefore, are not reproduced here. The electronic files are available on request.

### 4.3 BIOLOGICAL RESOURCES

Page 4.3-21, the enforcement/monitoring of mitigation measure MM 4.3.1 is changed as follows:

Enforcement/Monitoring: City of Ceres *Public Works Department – Engineering Division* Planning and Building Division, ~~CDFG, USFWS~~

### 4.4 CULTURAL RESOURCES

No changes were necessary.

### 4.5 ECONOMICS

No changes were necessary.

### 4.6 GEOLOGY/SOILS

No changes were necessary.

### 4.7 HAZARDS AND HAZARDOUS MATERIALS

No changes were necessary.

### 4.8 HYDROLOGY AND WATER QUALITY

No changes were necessary.

### 4.9 LAND USE

Pages 4.9-4 and 4.9-5, Table 4.9-1, the following clarification is made to the analysis for Policy 1.I.2 and 1.1.3:

~~The proposed project would be expected to employ a total of 580 employees of which 375 are being transferred from the existing Walmart, many of which would likely be residents of Ceres.~~

*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 (Information provided by Walmart). The proposed project is expected to employ 580 employees at full buildout and occupancy.*

### 4.10 NOISE

Page 4.10-28, mitigation measure MM 4.10.7c is revised as follows:

**MM 4.10.7c:** If the City determines that the parcel *adjacent to Majors 2/3/4* has ceased to be considered by the City as having a noise-sensitive use prior to implementation of either MM 4.10.7a or 4.10.7b, the City may consider the impact to have been reduced to a level that is less than significant and waive both of those mitigation options.

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*Timing/Implementation: The determination may be made by the City prior a certificate of occupancy for Majors 2, 3 and/or 4.*

*Enforcement/Monitoring: City of Ceres Development Services Department Planning and Building Division*

#### 4.11 AGRICULTURE

No changes were necessary.

#### 4.12 PUBLIC SERVICES

Page 4.12-35, under Impact 4.12.4.1, the third paragraph Increased Demand for Solid Waste Service and Landfill Capacity, will be modified as follows:

Although the Fink Road Landfill is projected to close in 2021, the County ~~has applied~~ may be able to extend the life of the existing landfill, as indicated in email correspondence with County Department of Environmental Resources staff dated September 26, 2008. This extension would be accomplished by infill expansion of the landfill ~~and~~ by removing the existing road (converting the road into usable landfill space) between LF1 and LF2. The County is currently pursuing this permit change ~~is currently in the CEQA process~~ but it has not yet been approved. Approval of the new permit would provide an additional ~~5-15~~ 80 years of service.

Page 4.12-37, under Impact 4.12.4.3 Cumulative Demands for Waste Disposal and Landfill Capacity, will be modified as follows:

In the cumulative condition, the Fink Road Landfill ~~has capacity~~ is predicted to be closed in the future as that landfill is anticipated to operate until the year 2021. ~~The County is pursuing a permit change that would increase the capacity at the Fink Road landfill on the current plan within the same footprint. This 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 County has purchased and set aside land for a new landfill ~~but will not be seeking a permit unless the Fink Road Landfill is not permitted to expand.~~ and has begun planning this landfill. The Canyon Fill is anticipated to provide 20 years of capacity during the first phase and an additional 60 years of capacity beyond that. This landfill is anticipated to provide service to the proposed Mitchell Ranch Center project in the cumulative condition after the closure of the Fink Road Landfill. The County is pursuing the additional landfill capacity in order to meet the needs of the projected growth in Stanislaus County, including the City of Ceres.

The County operates the landfill as an enterprise account meaning that the costs of replacing the landfill are included in the tipping (dumping) fees. The tipping fees are revised periodically to meet the needs of the landfill including changes to regulations and the need to expand or replace the facilities. All contributors to the landfill are charged the tipping fee. The tipping fee was increased from \$30.00/ton to \$33.00/ton in July of 2009. As the proposed project will be served by an existing landfill that has adequate capacity ~~until 2021 and is pursuing permit for more capacity~~ for at least the next ~~5-15~~ 60-80 years, ~~and the County who manages the landfill collects tipping fees, a portion of which go to future expansion and replacement, and as this project will pay the tipping fees for all solid waste sent to the landfill, this impact is less than cumulatively considerable.~~

### 4.13 TRANSPORTATION

Page 4.13-46, mitigation measure MM 4.13.6 is revised as follows:

**MM 4.13.6:** In development of the ~~final site plan~~ *Final Exhibit*, the project applicant shall:

- Consult with Ceres Area Transit and City staff regarding the final location of transit amenities prior to approval of the ~~site plan~~ *Final Exhibit*.
- Provide pedestrian connectivity between building entrances and planned transit stops.
- Ensure pedestrian connectivity to transit and other planned pedestrian facilities with development of any sound walls proposed within the project site.
- Construct sidewalks wide enough to comfortably accommodate two-way pedestrian travel (minimum of 5 feet).
- Consult with City of Ceres staff to determine the type of bicycle facility that should be accommodated on Service Road along the project frontage and provide sufficient right-of-way.
- Orient bicycle parking for both patrons and employees of the project.

*Timing/Implementation: Mitigation shall be completed prior to ~~site plan~~ *Final Exhibit approval*.*

*Enforcement/Monitoring: City of Ceres Planning and Building Division and Public Works Department – Engineering Division*

Appendix 4.13.1 - The HCS analysis worksheets provided in Appendix D reflected a prior iteration of the HCS analysis results. The results presented in the report reflect the most recent analysis. Appendix D has been updated to reflect the latest HCS analysis of the freeway mainline segments and ramp junctions and is included on the enclosed CD.

### 4.14 ENERGY

No changes were necessary.

## 5.0 ALTERNATIVES

No changes were necessary.

## 6.0 CUMULATIVE

No changes were necessary.

## 7.0 REPORT PREPARERS AND REFERENCES

The following references are added to the Draft EIR:

- City of Ceres. 1996, City of Ceres General Plan Policy document

### **3.0 REVISIONS TO THE DRAFT EIR**

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- Resolution No. 89-176. Resolution of the City Council of the City of Ceres Certifying the Final Environmental Impact Report for the Mitchell Road Corridor Specific Plan and General Plan Amendment.
- Resolution of the 89-177, Resolution of the City Council of the City of Ceres Approving Certain Amendments to the Land Use and Circulation Element of the General Plan of the City of Ceres to Identify and Establish certain Land Use Designations to Implement the Mitchell Road Corridor Specific Plan and Design Guidelines.
- Resolution No. 96-135, A Resolution Adopting and Certifying the Environmental Impact Report for the 1996 General Plan, Making Findings, and Approving a Motion of Intent to Adopt the 1996 General Plan as the General Plan for The City of Ceres.

#### **APPENDICES (CONTAINED ON CD AT BACK OF FINAL EIR)**

Appendix A: Figure 3.0-5, Landscape Plan

Appendix B: Figure 3.0-6, Proposed Walmart Pylon Signage

Appendix C: Mitchell Ranch Center Air Quality Impact Analysis, Supplemental Evaluation. Urban Crossroads, November 3, 2010

Notice of Receipt of Complete Application. San Joaquin Air Pollution Control District, October 20, 2010; and

Air Quality Assessment for Mitchell Ranch Center and Air Impact Assessment (AIA) Application. Michael Brandman Associates. October 13, 2010

(Appendix 4.2-6 to the Draft EIR)

Appendix D: HCS Analysis Worksheets, Update to Appendix D in Appendix 4.13-1, Traffic Impact Analysis for Mitchell Ranch Center, Fehr & Peers, March 2010

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