DRAFT

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

State Clearinghouse No. 2015102017

APPENDICES

Prepared for:
City of Chico
Community Development Department
411 Main Street, 2nd Floor
Chico, CA 95927
530.879.6800

Contact: Mr. Mike Sawley, Associate Planner

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Date: June 17, 2016
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Notice of Preparation and Responses
A.1 - Scoping Meeting Notice and Notice of Preparation
City of Chico  
Notice of Preparation and Notice of Public Scoping Meeting  
Chico Walmart Expansion Project

Date:  
Tuesday, October 6, 2015

To:  
Public Agencies and Interested Parties

From:  
Mike Sawley, Associate Planner, City of Chico

Subject:  
Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting

The City of Chico will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified herein. The project description, location, and probable environmental effects of the Chico Walmart Expansion Project are described in the attached materials.

The City of Chico is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the EIR, and the environmental issues and alternatives to be addressed in the EIR. Public agencies may need to use the EIR when considering permitting or other approvals that are germane to the agencies’ responsibilities in connection with the projects.

Because of time limits mandated by state law, public agencies must submit any comments in response to this notice at the earliest possible date but not later than 30 days after receipt of this notice. The City also will accept comments from other interested parties regarding this notice during this time period. Accordingly, please provide your written response to the address shown below by 5:00 p.m., Friday, November 6, 2015. If you wish to be placed on the notification list for this project, or if you have any questions or need additional information, please contact the person below.

Mr. Mike Sawley, Associate Planner  
City of Chico  
411 Main Street, 2nd Floor  
P.O. Box 3420  
Chico, CA 95927  
Phone: (530) 879-6800  
Fax: (530) 895-4726  
Email: mike.sawley@chicoca.gov

Public Scoping Meeting

A public scoping meeting will be held at on Thursday, October 15, 2015 starting at 5:30 p.m. in the City Council Chambers, 421 Main Street, Chico, CA. At this meeting, public agencies, organizations, and members of the public will be able to review the proposed project application materials and provide comments on the scope of the environmental review process.
CHICO WALMART EXPANSION PROJECT

1.1 - Project Location

The project site is located at 2044 Forest Avenue in the City of Chico, Butte County, California (Exhibit 1). The 27.08-acre project site is bounded by the Business Lane cul-de-sac, two restaurants, and State Route 99 (west); Baney Lane, a gas station/sandwich shop, undeveloped land, and a hotel (north); Forest Avenue, a bank, and an office complex (east); and the Wittmeier Drive cul-de-sac and an auto dealership (south) (Exhibit 2). The project site is located on the Chico, California, United States Geological Survey 7.5-minute topographic quadrangle map, Township 22 North, Range 2 East, Section 12 (Latitude 39°43'20” North; Longitude 121°48’13” West).

1.2 - Existing Conditions

1.2.1 - Land Use Activities

The project site consists of two parcels: a 16.46-acre parcel that contains Walmart Store No. 2044 and associated parking and landscaped areas (AP Nos. 002-370-057 and -055), and 10.62-acre parcel to the south that contains undeveloped land (AP No. 002-170-004). The existing store is 131,302 square feet in total area (indoor and outdoor), retails general merchandise and a limited amount of food and beverage items, and operates between 6 a.m. and 12 a.m. midnight, 7-days a week. Vehicular access is taken from three driveways on Baney Lane (two of which allow full access and the third which allows only left-in, right-in, and right-out turning movements); a right-in, right-out driveway on Forest Avenue; and a service driveway from the Business Lane cul-de-sac. The undeveloped parcel supports ornamental landscaping, weedy vegetation, and isolated wetlands. A Class I bicycle/pedestrian path is located on the western and southern boundaries of the Walmart store and parking lot.

1.2.2 - Land Use Designations

The project site is designated “Regional Commercial” by the City of Chico General Plan and zoned “CR – Regional Commercial” by the Chico Zoning Ordinance.

1.3 - Project Description

1.3.1 - Proposed Project

The project applicant is proposing to subdivide the project site to facilitate the following development and use activities: (1) expand the existing Walmart store; (2) develop a fuel station with a convenience market; and (3) create two outlot parcels for future commercial use. Following the subdivision, the Walmart / fuel station parcel (Parcel 1) would total 21.88 acres, Parcel 2 would be 2.63 acres and Parcel 3 would be 2.57 acres. Table 1 summarizes the proposed project. Exhibit 3 depicts the site plan.
Table 1: Chico Walmart Expansion Project Summary

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Acres</th>
<th>Characteristics</th>
<th>Development Potential to be Evaluated in EIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>21.88</td>
<td>Walmart: General merchandise and grocery sales; drive-thru pharmacy; grocery or general merchandise pickup service area; 6 a.m. to 12 a.m. daily operations</td>
<td>131,302 square feet (existing) 66,500 square feet (new) 197,802 square feet (total)</td>
</tr>
<tr>
<td>2</td>
<td>2.57</td>
<td>Fuel Station: Canopy with fueling positions; kiosk; 5 a.m. to 11 p.m. daily operations</td>
<td>8 fueling positions 1,500 square feet</td>
</tr>
<tr>
<td>3</td>
<td>2.63</td>
<td>Retail or restaurant</td>
<td>25,700 square feet</td>
</tr>
<tr>
<td>Total</td>
<td>27.08</td>
<td>—</td>
<td>120,000 square feet (new) 8 fueling positions</td>
</tr>
</tbody>
</table>

Source: RSC Engineering, 2015.

Walmart Expansion

The existing Walmart store would be expanded by approximately 64,400 square feet for a total size of approximately 195,700 square feet. All new square footage would be for indoor uses; no change to outdoor square footage would occur. The expanded store would provide 55,730 square feet for grocery sales and grocery stockroom area. The remaining square footage would be used for general merchandise sales and storage. The Walmart store expansion will be evaluated in the EIR at 66,500 square feet, which is approximately 3 percent larger than 64,400 square feet. (Total store square footage would be 197,800 using the larger-than-actual expansion square footage). The expanded store would include a drive-through pharmacy and a grocery/merchandise pickup area. This drive-through use would involve minor exterior improvements such as a drive-through window, designated parking area, parking canopy, or a designated location within the interior of the existing store for distribution of the ordered products. Parking areas and drive aisles would be reconfigured as part of the store expansion. The store would continue to operate between 6 a.m. and 12 a.m. midnight, 7 days a week.

Fuel Station

The fuel station would be located at the corner of Forest Avenue and Wittmeier Drive. The station would provide 16 fueling positions under an outdoor canopy and a 1,500 square-foot “kiosk,” that would function like a convenience store. The fuel station would be open from 5 a.m. to 11 p.m., 7 days a week, and utilize underground storage tanks.

Parcels 2 and 3

End uses for Parcels 2 and 3 have not been identified at the time of this writing. Based on the allowable uses of the “CR – Regional Commercial” zoning district, it will be assumed for the purposes of the EIR that they can support retail or restaurant uses at approximately 10,000 square feet per acre. This would yield a building of approximately 26,300 square feet on Parcel 2 and a building of...
approximately 25,700 square feet on Parcel 3. Future development proposals on these parcels may require additional environmental review.

**Vehicular Access Points**

The three Baney Lane driveways would be converted to allow only right-out turning movements via the installation of raised concrete islands. (Right-in and left-in movements would still be permitted from Baney Lane.) The intent is to direct outbound traffic towards Forest Avenue in order to reduce traffic on Business Lane. In addition, two new driveway connections would be provided to the Wittmeier Drive cul-de-sac. A full-access traffic signal would be installed at the intersection of Forest Avenue and Wittmeier Drive.

**Bicycle/Pedestrian Path Relocation**

The existing Class I bicycle/pedestrian path (and easement) would be relocated farther south. The proposed new alignment runs along the western, southern, and eastern boundaries of the site.

### 1.4 - Required Discretionary Approvals

The proposed project requires the following discretionary approvals from the City of Chico:

- Tentative Parcel Map
- User Permits (two total)
- Planned Development Permit
- Site Design and Architectural Review

### 1.5 - Environmental Review

#### 1.5.1 - Potential Environmental Effects

The EIR will evaluate whether the proposed project may potentially result in one or more significant environmental effects, which will be evaluated in the relevant EIR sections listed below.

- Aesthetics, Light, and Glare
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services and Utilities
- Transportation
- Urban Decay

#### 1.5.2 - Effects Found Not To Be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the project to result in significant impacts, the following issues will be addressed in the Effects Found not to be Significant section of the EIR.
Agriculture and Forest Resources
The project site contains an existing Walmart store, parking areas, and undeveloped land and is not used for either agricultural or timber production activities. The California Department of Conservation Farmland Mapping and Monitoring Program classifies the project site as “Urban and Built-Up Land” and “Other Land,” which are non-agricultural designations. Additionally, the project site is zoned “CR – Regional Commercial,” which is a non-agricultural and non-forest land use designation, and is not encumbered by a Williamson Act contract. This condition precludes the possibility of adverse impacts to agricultural and forest resources.

Mineral Resources
The project site contains undeveloped land and does not support mineral extraction operations. Neither the State nor the City of Chico designates the project site as a location of known mineral deposits. These conditions preclude the possibility of a loss of mineral resources of statewide or local importance. No impacts would occur.

Population and Housing
The proposed project would develop new commercial uses on the project site; no residential uses are proposed. As such, no direct population growth would occur. Additionally, the project site does not contain any existing dwelling units, which precludes the possibility of displacement of existing residents. No impacts would occur.

Recreation
The proposed project would not facilitate direct population growth and, thus, would not increase demand for parks or recreational facilities. Additionally, the project site does not propose to construct new or modify existing recreational facilities, which precludes the possibility of physical impacts on the environment in this regard. No impacts would occur.

1.6 - Scoping Meeting
A public scoping meeting will be held on Thursday, October 15, 2015 starting at 5:30 p.m., at the following location:

Chico City Council Chambers
421 Main Street
Chico, CA 95927

At this meeting, agencies, organizations, and members of the public will be able to review the proposed project and provide comments on the scope of the environmental review process.
Exhibit 1
Regional Location Map

Exhibit 2
Local Vicinity Map
Aerial Base

Source: ESRI Imagery, 2014
A.2 - Sign-In Sheet and Comment Letters
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Sawley</td>
<td>411 Main Street, Chico</td>
<td><a href="mailto:Mike.Sawley@chicoca.gov">Mike.Sawley@chicoca.gov</a></td>
</tr>
<tr>
<td>STEPHANIE TABER</td>
<td>10 STRATFORD Way</td>
<td><a href="mailto:Taber.S.L@Gmail.com">Taber.S.L@Gmail.com</a></td>
</tr>
<tr>
<td>Lorene Torres</td>
<td>1 Stratford Way</td>
<td><a href="mailto:riceagusty@att.net">riceagusty@att.net</a></td>
</tr>
<tr>
<td>BENJAMIN HILLS</td>
<td>545 W. 12th Ave, Chico, 97926</td>
<td><a href="mailto:benjaminmnations@gmail.com">benjaminmnations@gmail.com</a></td>
</tr>
<tr>
<td>Nicholas Ambrosia</td>
<td>1581 CAUF. PARK DR #131, Chico 95928</td>
<td><a href="mailto:nickAmbrosia@sbcglobal.net">nickAmbrosia@sbcglobal.net</a></td>
</tr>
<tr>
<td>MATT JOHNSON</td>
<td>CITY OF CHICO</td>
<td></td>
</tr>
<tr>
<td>Steve Weinberger</td>
<td>410 Mendocino Ave suite 201 Santa Rosa</td>
<td><a href="mailto:swinberger@w-trains.com">swinberger@w-trains.com</a></td>
</tr>
<tr>
<td>Jason Broadman</td>
<td>1350 Fred Blvd St 380</td>
<td><a href="mailto:Brandonman@FS-101.com">Brandonman@FS-101.com</a></td>
</tr>
<tr>
<td>John Hewlett</td>
<td>948 Alder St, Chico 95928</td>
<td><a href="mailto:Zehnow@att.net">Zehnow@att.net</a></td>
</tr>
<tr>
<td>Luke Pyle</td>
<td>5000 5th St Chico CA</td>
<td></td>
</tr>
<tr>
<td>Jason Mandy</td>
<td>621 Enterprise Ave Suite 15 Chico</td>
<td><a href="mailto:jmandy@beagirl.org">jmandy@beagirl.org</a></td>
</tr>
<tr>
<td>AL RANA</td>
<td>PO Box 661 Chico CA 95927</td>
<td><a href="mailto:AL2RANA@Yahoo.com">AL2RANA@Yahoo.com</a></td>
</tr>
<tr>
<td>Adam Wittmeyer</td>
<td>22558 Forest Ave Chico (425) 95928</td>
<td><a href="mailto:adam@wittmeyer.com">adam@wittmeyer.com</a></td>
</tr>
<tr>
<td>MAGIC HABIB</td>
<td>414 Salem St Chico 95928</td>
<td>MHABIB&amp;<a href="mailto:Peter@Chico.com">Peter@Chico.com</a></td>
</tr>
<tr>
<td>Russ Erickson</td>
<td>883 Manzanita Ct, Suite 101 Chico 95926</td>
<td><a href="mailto:russ@robertsonerickson.com">russ@robertsonerickson.com</a></td>
</tr>
<tr>
<td>BT CHAPMAN</td>
<td>18 K3ST RE FC CT, 95928</td>
<td>BTCh@<a href="mailto:5USNCC@GMAIL.COM">5USNCC@GMAIL.COM</a></td>
</tr>
</tbody>
</table>
2 October 2015

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

COMMENTS ON THE ENVIRONMENTAL DOCUMENT FOR PROPOSED VESTING TENTATIVE PARCEL MAP 15-02 WALMART PROJECT, CHICO, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 28 September 2015, we received your request for comments on the Environmental documents for the Vesting Tentative Parcel Map 15-02 Walmart Project.

The project proposes to subdivide a 27-acre site into three parcels: one of approximately 22 acres for the Walmart store and gas station, and two smaller parcels, each approximately 2.6 acres in size for future development consistent with the existing zoning. The site is bounded by Forest Avenue, Baney Lane, State Route 99 and Wittmeier Drive.

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

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)
Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Vesting Tentative Parcel Map 15-02 Walmart Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:

Post-Construction Storm Water Requirements
Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. To comply with Phase II Municipal Storm Water Permit requirements the City of Chico must ensure that new developments comply with specific design strategies and standards to provide source and treatment controls to minimize the short and long-term impacts on receiving water quality. The design standards include minimum sizing criteria for treatment controls and establish maintenance requirements. The proposed project must be conditioned to comply with post construction standards adopted by the City of Chico in compliance with their Phase II Municipal Storm Water Permit.
If you have any questions or comments regarding this matter please contact me at (530) 224-4784 or by email at Scott.Zaitz@waterboards.ca.gov.

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

SAZ: wrb:sjs

cc w/o
enclosures: Ms. Leah Fisher, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
October 6, 2015

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

RE: Vesting Tentative Parcel Map – PM 15-02 (Walmart)
APNs 002-370-055, 002-370-057, and 002-170-004

Dear Mr. Sawley:

Reference is made to your request for comments dated September 21, 2015 on the above noted development.

1. Install full urban improvements including curb, gutter and sidewalk.
2. Provide a permanent solution for drainage designed to not allow peak flows from the site to exceed current undeveloped levels.

If you have any questions concerning this matter, please contact this office at (530) 538-7266, Monday through Friday, 8:00 a.m. to 4:00 p.m.

Sincerely,

Thomas A. Fossum, P.E.
Deputy Director
Butte County Public Works
Mike Sawley

From: Hammond, Jason <JHammond@calwater.com>
Sent: Friday, October 09, 2015 2:19 PM
To: Mike Sawley
Cc: Stalions-Hibsch, Marion
Subject: Walmart

Mike,

I have received the Vesting Tentative Parcel Map PM 15-02. I do not have any concerning comments and we will engineer relocation of water facilities upon receipt of application from the developer. Any other question or concerns you have, please feel free to contact me.

Thank you,

Jason Hammond
Superintendent II
CALIFORNIA WATER SERVICE
530-893-6315

This e-mail and any of its attachments may contain California Water Service Group proprietary information and is confidential. This e-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this e-mail, please notify the sender immediately by replying to this e-mail and then deleting it from your system.
Thanks Mike,

Although Caltrans will not be represented at the meeting tonight, I do have one comment I would like to pass on for your consideration.

Caltrans would like to opportunity to review the trip generation/distribution rates once they are provided, prior to the City’s approval.

Thanks for your assistance and consideration.

Susan Zanchi
Branch Chief, Transportation Planning - North
District 3
703 B Street
Marysville, CA 95901
(530) 741-4199

"In every encounter we either give life or we drain it; there is no neutral exchange." Brennan Manning

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From: Mike Sawley [mailto:mike.sawley@Chicoca.gov]
Sent: Wednesday, October 14, 2015 3:18 PM
To: Zanchi, Susan E@DOT <susan.zanchi@dot.ca.gov>
Subject: FW: Chico Walmart Expansion - Traffic scope for EIR

Susan, please find attached documents for the subject project. - Mike

---

From: Mike Sawley
Sent: Monday, September 28, 2015 9:29 AM
To: 'dianira.soto@dot.ca.gov'
Subject: Chico Walmart Expansion - Traffic scope for EIR

Hi Dianira, nice to meet you over the phone this morning. Attached, please find a scope of work for the traffic study that we plan to prepare for the subject project. Also as mentioned, the EIR scoping meeting is tentatively scheduled for October 15th at 5:30 PM in the City Council Chambers in Chico. I will send you a notice when it is official, so I suppose this is more like a save-the-date, if you please.

I’ve also attached the parcel map and site plans for the project, in case the hard copy map has not made it to your desk yet. I will update our map distribution list to put our name on it.

Thank You,

Mike Sawley
Walmart Superstore Proposal City Council Meeting

The news that Walmart again wants to expand the current Chico store into a super center that will include groceries brought serious concern from thousands of residents who already declared their preference that this not happen back in the six years prior to 2010.

Stacks of signature cards were collected from people who objected to the expansion.

The EIR finalized by 2011 noted that as much as $57 million could be taken out of the local economy. The average revenue over the western states for groceries is about $420 per square foot annually. At the expansion level of 61,000 square feet, that is over $25 million. I suppose the truth is somewhere in between but the impact is clear.

The EIR at that time noted significant economic impact but also traffic increases that would be difficult to mitigate by road construction by the city. A similar situation in the City of Pomona in Southern California resulted in the need for $27,000 worth of improvements that Walmart would not pay.

All these documents are available online but are rather long and complicated.

Walmart amassed nearly $800 million in fines, fees, and penalties when an investigation into their bribery in Mexico revealed what they had done to build more stores there. They now have around 1000 stores in that country.

There is much more history and issues to be found here but the people of Chico did not want more Walmart six years ago and they don’t want it now. Walmart is facing a long road to override that consensus.

Thank you, Benjamin Hills
October 15, 2015
November 5, 2015

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

RE: Notice of Preparation for an Environmental Impact Report (EIR) for the Chico Walmart Expansion Project

Dear Mr. Sawley:

The Butte County Air Quality Management District (District) is contacting you regarding the project noted above. Based on the information submitted, the District recommends the following:

1. Based on the District’s 2014 CEQA Air Quality Handbook (Handbook), this project exceeds the size provided by the screening criteria table in Section 4.3 Screening for Criteria Air Pollutants. The District recommends using the latest version of CalEEMod to perform modeling and quantification of pollutants created by construction and operational activities to estimate impacts of criteria air pollutants as well as greenhouse gases.

2. If construction and/or operational emissions of the project exceed the District’s Thresholds of Significance listed in Table ES-2 in the Handbook, the District recommends incorporating all standard and feasible mitigation measures into the proposed project to reduce the impacts to less than significant. If on-site mitigation measures are not deemed feasible, off-site mitigation may be available. Please consult the District regarding potential off-site mitigation measures.

3. Incorporate best practices to minimize air quality and greenhouse gas impacts from diesel particulate matter exhaust from construction equipment, operational toxic air contaminant emissions from mobile and stationary sources, diesel idling during construction phases, and fugitive dust. Examples of best practice measures may be found in Appendix C-1 Best Practices of the Handbook. Some of the listed best practice measures are required by federal, state or local regulations.

4. The proposed retail gasoline dispensing facility will require an Authority to Construct Permit from the District prior to construction. If the proposed project anticipates operation of diesel generators or other processes as listed in Appendix A of the Handbook, an Authority to Construct Permit may be required prior to installation.

5. The 2014 CEQA Air Quality Handbook and a link to the latest version of CalEEMod are available on the District website at http://bcaqmd.org/planning/.

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

Sincerely,

Jason Mandly
Associate Air Quality Planner

File No. 3455.3
November 5, 2015

VIA HAND DELIVERY

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

Attn: Mike Sawley, Associate Planner

Re: Walmart Expansion Project - Wittmeier Drive

Our Client: Wittmeier Auto Center

Dear Mr. Sawley:

This office represents Wittmeier Auto Center (Wittmeier) in connection with Walmart’s proposed Expansion Project. Wittmeier Drive serves as the main artery ingress and egress route for delivering all new and used vehicles to and from Wittmeier. This results in car carrier transport vehicles using Wittmeier Drive on a regular basis. Wittmeier Drive also serves as the exclusive ingress and egress route for Wittmeier’s Service Center and Parts Departments, generating significant traffic flows on any given day.

Our concern with Walmart’s proposed expansion Project relates to readily foreseeable impacts to Wittmeier Drive that will occur if the expansion Project goes forward without mitigation requirements in place that take Wittmeier’s requirements into consideration. These impacts will have a significant and detrimental impact on Wittmeier Auto Center, unless appropriately mitigated.

Enclosed is Wittmeier’s initial, tentative study of potential traffic impacts on Wittmeier Drive, resulting from the creation of parcels 2 and 3 in Walmart’s proposal. The most intensive use of parcels 2 and 3 will be retail, with a potential build out of nearly 100,000 square feet of building space, along with parking for approximately 300 vehicles. While uses and turnover of parking spaces can vary substantially, full retail development of parcels 2 and 3 may generate up to three thousand five hundred (3,500) vehicle trips per day on Wittmeier Drive, during normal business hours. Adding this intense level of usage to the car carrier and retail users now using Wittmeier Drive.
City of Chico  
Attn: Mike Sawley, Associate Planner  
Re: Walmart Expansion Project - Wittmeier Drive  
November 5, 2015  
Page 2

requires careful planning and mitigation efforts up front. Joint input and cooperation between Walmart and Wittmeier representatives, and City of Chico Planning Department representatives, is recommended and requested before the expansion Project moves forward.

Additionally, please note the proposed driveway location in Walmart’s plan that primarily serves the new proposed gas station does not match up or align with the driveway on Wittmeier’s side of the street. This is expected to cause traffic conflicts. Relatedly, since there is a proposed traffic light to be located at the Forest Avenue - Wittmeier Drive intersection, the backup or queue of automobiles waiting for the light to cycle at this location will likely backup on Wittmeier Drive, impacting Wittmeier’s driveway closest to Forest Avenue. Each of these traffic patterns and conflicts should be addressed for Wittmeier Drive in the EIR traffic analysis, taking into account the current uses of Wittmeier Drive by Wittmeier Auto, discussed above.

We have tried to arrange for legal and engineering representatives from Walmart and Wittmeier to meet in person to discuss these important issues. We understand that Walmart wants this as well, pursuant to the enclosed chain of communications between representatives of Walmart and Wittmeier. As of today, Wittmeier’s efforts to meet with Walmart representatives have been unsuccessful. We suggest that meetings be scheduled between Walmart, Wittmeier, and City of Chico at the earliest practical date, to discuss these issues in a manner beneficial to all concerned.

If you have any questions regarding the above or enclosed, please let me know. Thank you for your consideration.

Very truly yours,

PETERS, HABIB, McKENNA & JUHL, RHODES, LLP

MARK A. HABIB

MAH/tc  
Enclosures  
cc: Via Email  
Ed Wittmeier  
Russ Wittmeier  
Matt Gallaway  
Tiffany Wilson (for Walmart)
ZONING ANALYSIS

Client: Wittmeier
2288 Forest Avenue
Chico, CA 95928

Physical Location: 2044 Forest Avenue, Chico, CA
County: Butte County
APN: 002-170-004
Jurisdiction Location: City of Chico

Current Property Use: None
Parcel 2 Size: 2.63 acres (119,822 sq. ft.)
Parcel 3 Size: 2.57 acres (111,949 sq. ft.)

Typical Use: Drug store, restaurant, banks, offices, repair/maintenance, etc
(Retail is most intrusive)

Zoning: CR (Regional Commercial)
Minimum Lot: 6,000 sq. ft.
Setbacks: None
Lot Coverage: 90% (90% not reasonably achievable with city parking requirements)
(40% assumed)
Max Height: 35'

PARCEL 2: Two assumptions shown, Restaurant (low), Retail (High)

RETAIL
45,825 sq. ft. (40% coverage)
First 30,000 sq. ft. @ 1:250 = 120 stalls (per City of Chico)
15,825 sq. ft. @ 1:375 = 42.2 stalls (per City of Chico)
Total of 162.2 stalls

PARCEL 3: Two assumptions shown, Restaurant (low), Retail (High)

RETAIL
44,779.68 sq. ft. (40% coverage)
First 30,000 sq. ft. @ 1:250 = 120 stalls (per City of Chico)
14,779.68 sq. ft. @ 1:375 = 40 stalls (per City of Chico)
Total of 160 stalls

Maximum anticipate total stalls = 322.2
Tiffany: Just to confirm, we have not been contacted by Walmart counsel yet. I can contact counsel directly if you want to provide me with contact information. Is there a calendared timeframe for meetings? Our client would like to move these discussion forward at the earliest practicable date. Thank you for your consideration. Mark

Mark A. Habib
PETERS, HABIB, MCKENNA
& JUHL-RHODES, LLP
414 Salem Street
P.O. Box 3509
Chico, CA 95927
Tel: 530-342-3593
Fax: 530-342-4272

Thanks, Tiffany.

From: Tiffany Wilson [mailto:T.Wilson@rsc-engr.com]
Sent: Monday, August 03, 2015 8:45 AM
To: Mark Habib <mhabib@petersonlawchico.com>
Cc: Matt Gallaway (Matt@rgachico.com) <Matt@rgachico.com>; 'Russ Wittmeier' <ruws@wittmeier.com>
Subject: RE: Wittmeier Drive

Mark,

Thank you for providing your contact information. I have forwarded it to Walmart’s legal counsel who will be in touch with you regarding the street extension. Thanks.
From: Mark Habib [mailto:mhabib@peterslawchico.com]
Sent: Monday, August 03, 2015 8:33 AM
To: Tiffany Wilson
Cc: Matt Gallaway (Matt@rgachico.com); Russ Wittmeier
Subject: RE: Wittmeier Drive
Importance: High

Dear Ms. Wilson:

My office represents Wittmeier Auto Center in connection with Wal-Mart’s planned expansion, issues relating to the planned extension of Wittmeier Drive, and other issues of joint interest between Wal-Mart and Wittmeier Auto Center. Pursuant to your suggestion below, please provide my contact information to Wal-Mart’s attorneys, so that we can set up a meeting to discuss these issues on behalf of our respective clients.

Thank you for your consideration.

Mark A. Habib
PETERS, HABIB, McKENNA & JUHL-RHODES, LLP
414 Salem Street
P.O. Box 3509
Chico, CA 95927
Tel: 530 - 342-3593
Fax: 530 - 342-4272

From: Tiffany Wilson [mailto:T.Wilson@rsc-engr.com]
Sent: Thursday, July 23, 2015 2:54 PM
To: Matt Gallaway
Cc: 'russw@witmeier.com'; Russ@robertsonrickson.com
Subject: RE: Wittmeier Drive

Matt,

I have spoken with my contact at Walmart and they are open to the idea in concept. Walmart would like the attorney’s to be involved at this point to discuss the logistics/agreements/timing regarding this proposal. Can you forward the attorney’s contact information so I can have Walmart’s legal counsel contact them? Thanks.
Hello Tiffany,

It was good to talk this morning. Attached is the drawing that Russ Erickson presented to the City of Chico on June 3rd. From the correspondence that I see, it appeared as if the concept of connectivity was well received by City Staff.

It really seems as if we should get the Wittmeiers in contact with a member of the Walmart Real Estate Team to discuss options. There are design constraints on the north side of the drive as there are on the south. I would think there is a reasonable solution out there that helps all parties.

Sincerely,

Matt Gallaway, A.I.A., LEED
Russell Gallaway Associates, Inc.
530 342 0302