City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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City of Oroville PLANNING COMMISSION

CHAIR: Damon Robison
VICE-CHAIR: Carl Durling
MEMBERS: Adonna Brand; Randy Chapman; Tua Vang; Wyatt Jenkins; Michael Britton

PLANNING COMMISSION MEETING AGENDA

Monday, July 28, 2014 at 7:00 p.m.
MEETING AGENDA

OROVILLE CITY HALL
1735 MONTGOMERY STREET, OROVILLE, CA 95965
ALL MEETINGS ARE RECORDED

ADMINISTRATIVE AGENDA

1. **CALL TO ORDER**

2. **ROLL CALL**

Commissioners Adonna Brand, Michael Britton, Randy Chapman, Tua Vang, Wyatt Jenkins, Vice Chairperson Carl Durling, Chairperson Damon Robison

3. **PLEDGE OF ALLEGIANCE**

4. **INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

This is the time the Chairperson will remind persons in the audience who wish to address the Commission on a matter that is on the agenda to fill out one of the cards located in the lobby and hand it to the clerk of the meeting. The Chairperson will also remind persons in the audience that under Government Code Section 54954.3, the time allotted for each presentation may be limited.

5. PUBLIC COMMENTS

This is an opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

6. CORRESPONDENCE

None

7. APPROVAL OF MINUTES

Approve the minutes of the June 9, 2014 Special Planning Commission Meeting.

REGULAR AGENDA

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8. PUBLIC HEARINGS

8.1 Oroville Walmart Project: Second Partially Recirculated Final Environmental Impact Report and Related Entitlements - The City of Oroville Planning Commission will conduct a public hearing to consider adopting Resolution No. P2014-12 for the purpose of certifying the Final Environmental Impact Report ("Final EIR"), including the 2010 Draft Environmental Impacts Report, the 2010 Partially Recirculated Environmental Impact Report, the 2010 Final Environmental Impact Report, and the Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project. The Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project includes an update to the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously released 2010 Draft Environmental Impact Report. The Planning Commission will also consider re-adopting CEQA Findings of Fact and a Statement of Overriding Considerations and adopt an updated Mitigation Monitoring and Reporting Program that includes an amended mitigation measure clarifying that the Oroville Walmart Project will be required to pay all transportation-related fees to the City in accordance with the latest adopted fee schedule prior to issuance of building permits. The Planning Commission will also consider adopting Resolution No. P2014-14 for the purpose of approving the following entitlements for the Oroville Walmart Project: Use Permit No. 09-02; Use Permit No. 10-06; Use Permit No. 10-07; Use Permit No. 10-08; Development Review No. 09-07; Variance No. 10-01; and Sign Permit No. 10-01.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2014-12: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, RESCINDING

RESOLUTION NO. P2010-19 AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, INCLUDING THE SECOND PARTIALLY RECIRCULATED FINAL ENVIRONMENTAL IMPACT REPORT, RE-ADOPTING CEQA FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OROVILLE WALMART PROJECT

Adopt Resolution No. P2014-14: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE APPROVING USE PERMIT 09-02, USE PERMIT 10-06, USE PERMIT 10-07, USE PERMIT 10-08, DEVELOPMENT REVIEW 09-07, VARIANCE 10-01 AND SIGN PERMIT 10-01 FOR THE OROVILLE WALMART PROJECT

9. DISCUSSION ITEMS

None

10. DIRECTOR'S REPORT

None

11. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public.

12. ADJOURNMENT

Adjourn to Monday, August 25, 2014 at 7:00 P.M. at Oroville City Hall.

Respectfully submitted by,

Donald Rust, Director
Community Development Department

***** *NOTICE* *****

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact Donald Rust, Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact Donald Rust, Director as soon as possible and preferably at least 24 hours prior to the meeting. Donald Rust, Director may be reached at 530-538-2433, or at e-mail rustdl@cityoforoville.org, or at the following address: City of Oroville Planning and Development Services Department, 1735 Montgomery Street, Oroville, CA 95965.

***** *NOTICE* *****

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.

CITY OF OROVILLE PLANNING COMMISSION MEETING MINUTES
JUNE 9, 2014 – 7:00 PM

These minutes detail the action which was taken related to each particular agenda item and do not reflect any discussion that may have occurred. For information regarding what was discussed related to a particular item, if anything, you can obtain a copy of the audio recording for this meeting by sending an email to cityclerk@cityoforoville.org or by calling the Clerk's office at 530-538-2535.

The agenda for the June 9, 2014 special meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall on Thursday, June 5, 2014, at 11:30 a.m.

1. CALL TO ORDER

The June 9, 2014 special meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:00 p.m.

2. ROLL CALL

Present: Commissioners Brand, Britton, Jenkins, Vang, Vice Chairperson Durling, Chairperson Robison
Absent: Commissioner Chapman (excused)

Staff Present:

Donald Rust, Director of Community Development
Dawn Nevers, Administrative Assistant
Luis Topete, Associate Planner
Gary Layman, Building Official

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3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS - None

5. PUBLIC COMMENT - None

6. CORRESPONDENCE - None

7. APPROVAL OF MINUTES

A motion was made by Vice Chairperson Durling, seconded by Commissioner Britton, to:

Approve the minutes of the May 12, 2014 Planning Commission meeting.

The motion was passed by the following vote:

Ayes:	Commissioners Brand, Vang, Jenkins, Vice Chairperson Durling, Chairperson Robison
Noes:	None
Abstain:	None
Absent:	Commissioner Chapman

8. PUBLIC HEARINGS

8.1 ZC 13-04 and Amendment to UP 10-05 (Digital Display Signs)

The Oroville Planning Commission conducted a public hearing to review and consider approving an amendment to UP 10-05 for the purpose of converting a 12' X 24' double sided off premise/outdoor advertising sign structure (billboard) located at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign and sending a recommendation to the City Council to amend the City's Municipal Code Sections 26-04.020, 26-19.030 and 26-19.045 regarding digital display signs. **(Staff Report: Luis A. Topete, Associate Planner)**

Chairperson Robison opened the Public Hearing. Hearing no further public comment, Chairperson Robison closed the Public Hearing.

Jim Moravec, of Stott Outdoor Advertising, answered Commission questions and spoke in support of the Digital Display Sign.

Following discussion, a motion was made by Vice Chairperson Durling, seconded by Commissioner Jenkins, to:

Adopt Resolution No. P2014-10: A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 10-05 FOR THE PURPOSE OF MODIFYING AN EXISTING 12' X 24' DOUBLE SIDED OFF PREMISE SIGN LOCATED AT 555 ORO DAM BLVD (APN: 035-030-067) INTO A 12' X 24' DOUBLE SIDED DIGITAL DISPLAY SIGN AND RECOMMENDING THE CITY COUNCIL APPROVE THE AMENDMENTS TO THE CITY'S ZONING CODE §26-04.020, §26-19.030, AND §26-19.045 REGARDING DIGITAL DISPLAY SIGNS

The motion was passed by the following vote:

Ayes:	Commissioners, Vang, Britton, Jenkins, Vice Chairperson Durling, Chairperson Robison
Noes:	Brand
Abstain:	None
Absent:	Commissioner Chapman

9. REGULAR BUSINESS

9.1 Finding of Public Convenience or Necessity for Dollar General

The Oroville Planning Commission will review and consider adopting a finding of public convenience or necessity for a Type-20 Off-Sale Beer and Wine license for a new Dollar General store to be located at 2084 3rd Street (APN: 031-161-072) **(Staff Report: Luis A. Topete, Associate Planner)**

Following discussion, a motion was made by Commissioner Vang, seconded by Commissioner Brand, to:

Adopt Resolution No. P2014-11: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVEIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN OFF-SALE BEER AND WINE (TYPE-20) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR THE DOLLAR GENERAL LOCATED AT 2084 3RD STREET, OROVILLE CA 95965 (APN: 031-161-072)

The motion was passed by the following vote:

Ayes:	Commissioners, Brand, Vang, Britton, Jenkins, Vice Chairperson Durling, Chairperson Robison
Noes:	None
Abstain:	None
Absent:	Commissioner Chapman

10. DISCUSSION ITEMS - None

11. DIRECTOR'S REPORT

Donald Rust, Director of Community Development provided an update on the following:

- Community Development Department Monthly report, as submitted to city Council on May 20, 2014
- Super Wal-Mart update
- Oroville Ford to break ground in the coming weeks
- Redevelopment Agency (RDA) wind down update
- Arts, Culture and Entertainment District regional award
- Recent grants received by the Community Development Department
- Oroville Inn update
- Presevoir update
- DWR riverbed project to re-divert water flow for salmon spawning

12. CHAIRPERSON/COMMISSIONERS REPORTS

Vice Chairperson Durling reported on the DRC Meeting. Gary Layman commented in response.

13. ADJOURNMENT

The meeting was adjourned at 8:29 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, July 28, 2014, at 7:00 p.m.

Donald Rust, Secretary
Planning Commission

Damon Robison, Chairperson
Planning Commission

City of Oroville

Donald Rust
DIRECTOR

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PLANNING COMMISSION STAFF REPORT **July 28, 2014**

Oroville Walmart Project: Second Partially Recirculated Final Environmental Impact Report and Related Entitlements - The City of Oroville Planning Commission will conduct a public hearing to consider adopting Resolution No. P2014-12 for the purpose of certifying the Final Environmental Impact Report ("Final EIR"), including the 2010 Draft Environmental Impacts Report, the 2010 Partially Recirculated Environmental Impact Report, the 2010 Final Environmental Impact Report, and the Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project. The Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project includes an update to the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously released 2010 Draft Environmental Impact Report. The Planning Commission will also consider re-adopting CEQA Findings of Fact and a Statement of Overriding Considerations and adopt an updated Mitigation Monitoring and Reporting Program that includes an amended mitigation measure clarifying that the Oroville Walmart Project will be required to pay all transportation-related fees to the City in accordance with the latest adopted fee schedule prior to issuance of building permits. The Planning Commission will also consider adopting Resolution No. P2014-14 for the purpose of approving the following entitlements for the Oroville Walmart Project: Use Permit No. 09-02; Use Permit No. 10-06; Use Permit No. 10-07; Use Permit No. 10-08; Development Review No. 09-07; Variance No. 10-01; and Sign Permit No. 10-01.

APPLICANT: PACLAND
901 Douglas Boulevard, Suite 295
Roseville, CA 95661

LOCATION: APNs 035-360-019 through -027 and 035-360-006 **(Attachment A)**	**GENERAL PLAN:** Retail and Business Services **ZONING:** Intensive Industrial (M-2) **FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

ENVIRONMENTAL DETERMINATION:
Second Partially Recirculated Final Environmental Impact Report

REPORT PREPARED BY:	**REVIEWED BY:**
Luis A. Topete, Associate Planner Community Development Department	Donald Rust, Director Community Development Department

RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive testimony on the proposed certification of the Final EIR, including the Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project, and the proposed approval of entitlements, including use permits, development review, sign permit, and a variance; and

2. **RESCIND** Resolution No. P2010-19, a resolution of the Oroville Planning Commission adopted on November 10, 2010 Certifying the Final Environmental Impact Report, including errata, adopting CEQA Findings of Fact and a Statement of Overriding Considerations, and approving a Mitigation and Monitoring Reporting Program for the Oroville Walmart Project; and

3. **ADOPT** Resolution No. P2014-12 **(Attachment B)**, in which the Planning Commission will:

   A. **CERTIFY** the Final EIR, including the Second Partially Recirculated Final Environmental Impact Report, determining in part that the proposed project, accounting for all verifiable reductions, exceeds the 29 percent Business as Usual threshold used to determine consistency with Assembly Bill 32. Thus, the project's Greenhouse Gas Emissions are considered less than significant; and

   B. **RE-ADOPT** CEQA Findings of Fact and a Statement of Overriding Considerations; and

   C. **RE-ADOPT** a Mitigation Monitoring and Reporting Program, including a modified Mitigation Measure MM Trans 2a, which require the applicant to pay all applicable transportation-related impact fees in accordance to the fee schedule in effect at the time building permits are issued, for the Oroville Walmart Project; and

4. **ADOPT** Resolution No. P2014-14 **(Attachment C)**, in which the Planning Commission will approve Use Permit No. 09-02; Use Permit No. 10-06; Use Permit No. 10-07; Use Permit No. 10-08; Development Review No. 09-07; Variance No. 10-01; and Sign Permit No. 10-01

SUMMARY

The City of Oroville Planning Commission will conduct a public hearing to consider adopting Resolution No. P2014-12 for the purpose of certifying the Final EIR, including the 2010 Draft Environmental Impacts Report, the 2010 Partially Recirculated Environmental Impact Report, the 2010 Final Environmental Impact Report, and the Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project. The Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project includes an update to the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously

released 2010 Draft Environmental Impact Report.

The Planning Commission will also consider re-adopting CEQA Findings of Fact and a Statement of Overriding Considerations and adopt an updated Mitigation Monitoring and Reporting Program that includes an amended mitigation measure clarifying that the Oroville Walmart Project will be required to pay all transportation-related fees to the City in accordance with the latest adopted fee schedule prior to issuance of building permits.

The Planning Commission will also consider adopting Resolution No. P2014-14 for the purpose of approving the following entitlements for the Oroville Walmart Project: Use Permit No. 09-02; Use Permit No. 10-06; Use Permit No. 10-07; Use Permit No. 10-08; Development Review No. 09-07; Variance No. 10-01; and Sign Permit No. 10-01.

PROJECT DESCRIPTION

The proposed project consists of the development of an approximately 200,225-square-foot Walmart store and associated parking and infrastructure on a 20.75-acre site bounded by Feather River Boulevard (west); Cal Oak Road (north); 7th Avenue (east); and vacant, industrially zoned land (south) in the City of Oroville, Butte County, California (APNs: 035-360-019 through -027 and 035-360-006). The interior of the store would contain general merchandise and grocery sales areas. Additionally, the interior would include a fast-food restaurant tenant, a bank, a medical clinic, a vision center, a photo lab, and a nail and hair salon. The existing Walmart store located at 355 Oroville Dam Boulevard East (approximately 0.25 miles northwest of the project site across Feather River Boulevard) will be closed, but the existing store would be sold to a third party who has plans to re-tenant it in the future.

BACKGROUND

On November 10, 2010, at a noticed public hearing, the City of Oroville Planning Commission reviewed the discretionary permit applications required by the City of Oroville Municipal Code (OMC) for the proposed Super Walmart. The Planning Commission adopted Resolution No. P2010-19 certifying the Environmental Impact Report (EIR) for the project and adopted Resolution No. P2010-20 approving the project, which included the following entitlements:

- Use Permit No. 09-02 to allow a general retail store greater than 10,000 square feet of gross floor area in an M-2 zoning district (OMC Table 26-36.010-1)

- Use Permit No. 10-06 to allow more than 500 square feet of outdoor storage in an M-2 zoning district (OMC Section 26-16.140(B)(4))

- Use Permit No. 10-07 to allow more than 125 percent of the minimum required of off-street vehicular parking spaces (OMC Section 26-13.070(P))

- Use Permit No. 10-08 to allow the outdoor display of merchandise to exceed a height of six (6) feet above grade (OMC Section 26-16.130(C)(1))

- Development Review No. 09-07 for the construction of the new Super-Walmart

- Variance No. 10-01 to allow deviations from the City's sign regulations (OMC 26-19)

- Sign Permit No. 10-01 approving the proposed project signage

Per the OMC Section 26-56.100(B), the Planning Commission's November 10, 2010 decision to approve the Oroville Walmart Project was appealed to the City Council through two separate appeals, which were as follows:

- On November 17, 2010 an appeal was filed by PACLAND representing Walmart, appealing Condition of Approval No. 5, which states that "Pursuant to Section 26-13.010(C)(1) of the Zoning Code, as modified for improved vehicular circulation, light fixtures shall not exceed 20 feet above grade."

- On November 24, 2010 an appeal was filed by William Kopper representing Friends of Oroville and John Clough, appealing the Planning Commission's approval of Resolution No. P2010-19 and Resolution No. P2010-20.

On December 2, 2010, at a noticed public hearing, the City of Oroville City Council heard both appeals and unanimously agreed to continue the public hearing to December 14, 2010. No action was taken at this meeting.

On December 14, 2010, at a noticed public hearing, the City of Oroville City Council continued the public hearing of the two appeals of the Planning Commission's November 10, 2010 decision to approve the Oroville Walmart Project. At this meeting, the City Council adopted the following resolutions:

- Resolution No. 7635: A resolution of the Oroville City Council denying appeals of the November 10, 2010 decision of the Oroville Planning Commission to approve the Oroville Walmart Project.

- Resolution No. 7636: A resolution of the Oroville City Council certifying the Final Environmental Impact Report including errata, adopting CEQA Findings of Fact and a Statement of Overriding Considerations, and approving a Mitigation Monitoring Report Program for the Oroville Walmart Project.

- Resolution No. 7637: A resolution of the Oroville City Council approving Use Permit No. 09-12 , Use Permit No. 10-06, Use Permit No. 10-07, Use Permit No. 10-08, Development Review No. 19-07, Variance No. 10-01 and Sign Permit No. 10-01 for the Oroville Walmart Project.

DISCUSSION

Following the City Council's decision to approve the Oroville Walmart Project, the Project was taken into litigation which has been ongoing. On August 19, 2013, the Third Appellate District Court of Appeal of the State of California reaffirmed all aspects of the

project with the exception of the following two items:

(1) Prior to the issuance of building permits for the Walmart Supercenter, Walmart will be required to pay all transportation-related fees to the City of Oroville in accordance with the latest adopted fee schedule; and

(2) Ensure the Project's greenhouse gas (GHG) emissions constitute a significant or a less than significant environmental impact in light of a proper application of the threshold-of-significance standard of Assembly Bill 32, which, according to the EIR, seeks to cut about 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2010 levels. As part of this analysis, the EIR must set forth how the Project's EIR-specified operational GHG emissions compare to those for the existing Walmart store, and must provide a quantitative or qualitative determination or estimate of the mitigation measures' effect on GHG emissions.

In response to the court's decision, the City completed the Second Partially Recirculated Draft Environmental Impact Report (State Clearinghouse No. 2008052081) which went out for a 45 day public review period beginning May 19, 2014 and closing July 2, 2014. Additionally, Mitigation Measure MM Trans 2a has been amended to require the applicant to pay all applicable transportation impact fees prior to the issuance of building permits in accordance with fee schedule then in effect, currently the recently adopted 2012 Transportation Capital Improvement Program and Impact Fee Update adopted by the City Council on December 18, 2012 (Resolution No. 8018).

COMMENTS RECEIVED

During the 45 day public review period the City received five (5) separate comments from:

(1) Central Valley Regional Water Quality Control Board
(2) Lynndee Caput
(3) Oroville Area Chamber of Commerce
(4) Law Office of William D. Kopper
(5) Caltrans District #3

All comments received have been responded to in writing **(Attachment E).**

ENVIRONMENTAL REVIEW

In response to the decision of the Third District Court of Appeal, a Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project has been prepared in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines, which includes an update to the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously released 2010 Drat EIR for the Oroville Walmart Project. It has been determined that the proposed project, accounting for all verifiable reductions, exceeds the 29 percent Business as Usual threshold used to determine consistency with Assembly Bill 32. Thus,

the project's Greenhouse Gas Emissions are considered less than significant.

FISCAL IMPACT

Walmart is responsible for paying all applicable expenses related to the processing of their project application.

PUBLIC NOTICE

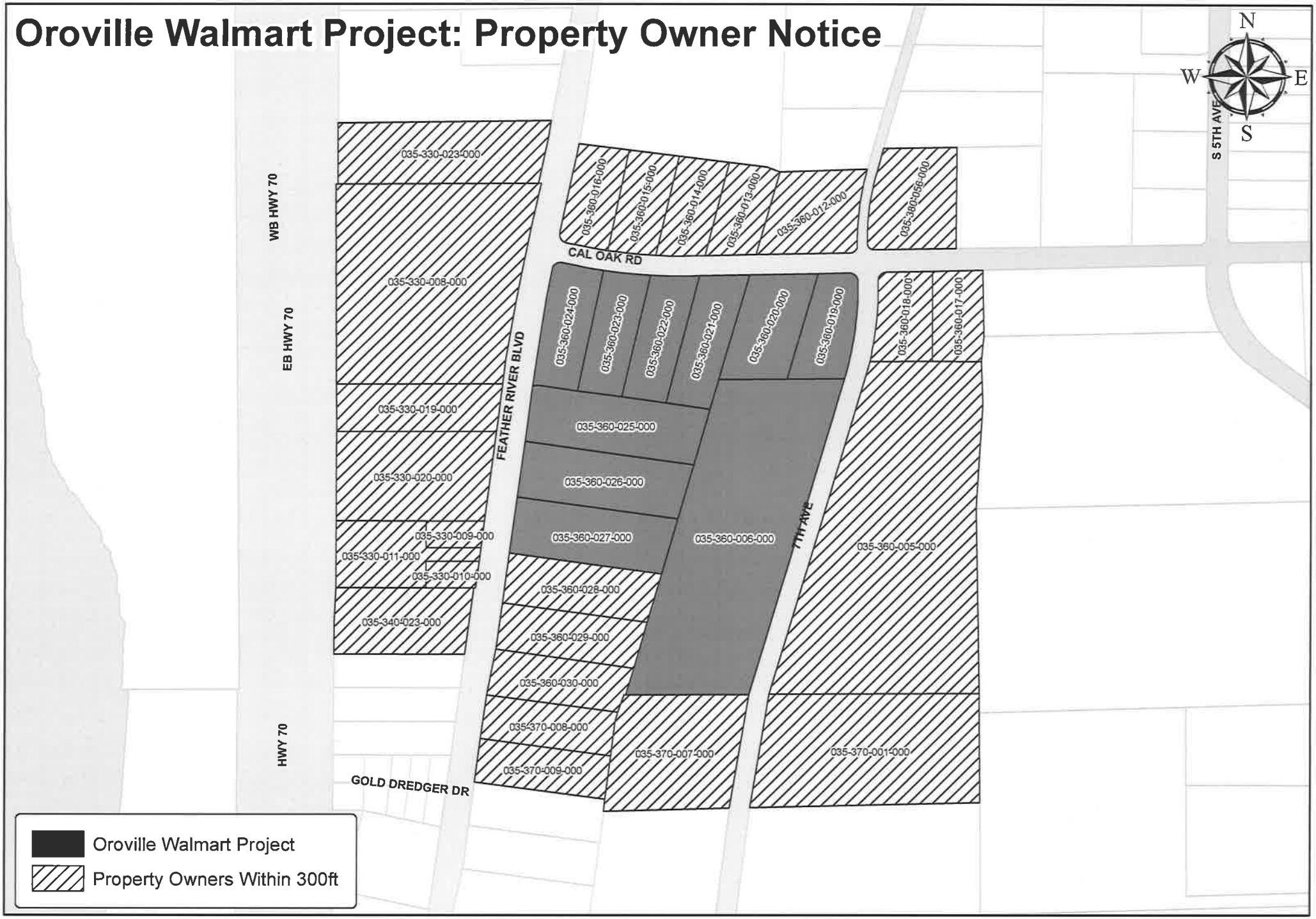
Notice of this meeting, including meeting date, time and project description, and availability of the Second Partially Recirculated Final Environmental Impact Report was sent to local agencies, surrounding property owners and respondents to the Second Partially Recirculated Draft Environmental Impact Report **(Attachment H)** and noticed in the Oroville Mercury Register on July 18, 2014 **(Attachment I)**.

ATTACHMENTS

A – Vicinity Map
B – Resolution No. P2014-12
C – Resolution No. P2014-14
D – Second Partially Recirculated Draft EIR & Appendices
E – Comments/Responses to the Second PRDEIR
F – Second Partially Recirculated Final EIR
G – Amended Mitigation Monitoring and Reporting Program
H – Agency/Respondent/Property Owner Notice
I – Newspaper Notice

ATTACHMENT - A

Oroville Walmart Project: Property Owner Notice



Produced By: City of Oroville
May 20, 2014

ATTACHMENT - B

RESOLUTION NO. P2014-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, RESCINDING RESOLUTION NO. P2010-19 AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, INCLUDING THE SECOND PARTIALLY RECIRCULATED FINAL ENVIRONMENTAL IMPACT REPORT, RE-ADOPTING CEQA FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OROVILLE WALMART PROJECT

WHEREAS, the project is known as the "Oroville Walmart Project" and is located on an approximately 20.75 acres identified as Assessor Parcel Numbers 035-360-019 through -027 and 035-360-006 located at the southeast corner of Cal Oak Road and Feather River Boulevard in the City of Oroville; and

WHEREAS, at a noticed public hearing on November 10, 2010, the project's Environmental Impacts Report (State Clearinghouse No. 2008052081) was certified and the project's entitlements were approved by the City of Oroville Planning Commission; and

WHEREAS, the Planning Commission's November 10, 2010 decision to approve the project was appealed to the Oroville City Council under two separate appeals; and

WHEREAS, at a noticed public hearing on December 14, 2010, the Oroville City Council denied both appeals of the Planning Commission's November 10, 2010 decision and approved the Oroville Walmart Project; and

WHEREAS, following the City Council's decision to approve the Oroville Walmart Project, the project was taken into litigation which has been ongoing; and

WHEREAS, on August 19, 2013, the Third Appellate District Court of Appeal of the State of California reaffirmed all aspects of the project with the exception of the following two items:

(1) Prior to the issuance of building permits for the Walmart Supercenter, the Project Applicant will be required to pay all transportation-related fees to the City of Oroville in accordance with the latest adopted fee schedule; and

(2) Ensure the project's greenhouse gas (GHG) emissions constitute a significant or a less than significant environmental impact in light of a proper application of the threshold-of-significance standard of Assembly Bill 32, which, according to the EIR, seeks to cut about 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2010 levels. As part of this analysis, the EIR must set forth how the project's EIR-specified operational GHG emissions compare to those for the existing Walmart store, and must provide a quantitative or qualitative determination or estimate of the mitigation

measures' effect on GHG emissions; and

WHEREAS, in response to the court's decision, the City completed the Second Partially Recirculated Draft Environmental Impact Report (PRDEIR), which includes an update to the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously released 2010 Draft Environmental Impact Report (EIR) for the Oroville Walmart Project; and

WHEREAS, the Second PRDEIR went out for a 45 day public review period beginning May 19, 2014 and closing July 2, 2014; and

WHEREAS, at the end of the 45 day public review period, the City reviewed, considered, and responded in writing to all who had commented (5 total) on the Second PRDEIR; and

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the Second Partially Recirculated Final EIR; and

WHEREAS, the Planning Commission has reviewed 2010 Final Environmental Impacts Report, including the Draft EIR, Partially Recirculated DEIR, information submitted and the consultant's responses thereto, the Second Partially Recirculated Final EIR prepared for the project, the staff report pertaining to project, and all evidence and testimony received at the regular hearing held July 28, 2014, all of which is hereby incorporated by reference into this Resolution; and

WHEREAS, at a duly noticed public hearing on July 28, 2014, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of this item, and also considered City staff's report regarding the project.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. The Planning Commission has independently reviewed, analyzed and considered Final Environmental Report (Final EIR), including the 2010 Draft Environmental Impacts Report, the 2010 Partially Recirculated Environmental Impact Report, the 2010 Final Environmental Impact Report, and the Second Partially Recirculated Final Environmental Impact Report and all written documentation and public comments prior to making a decision on the proposed project.

2. The Final EIR was prepared and completed in compliance with the provisions of CEQA and the CEQA Guidelines.

3. The information and analysis contained in the Final EIR reflects the City's independent judgment as to the environmental consequences of the proposed project.

4. The documents and other materials, including without limitation staff reports, memoranda, maps, letters and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the Planning Commission's decision is based are located at the City of Oroville, City Clerk, 1735 Montgomery Street, Oroville, California 95965. The custodian of records is the City Clerk.

5. On the basis of the evidence contained in the administrative record of the Final EIR, including the information submitted following the conclusion of the public comment period on the Draft EIR, PRDEIR, the 2010 Final EIR, and the Second PRDEIR, and the consultant's responses thereto, the Planning Commission finds that there is no significant new information concerning the project's environmental effects, feasible mitigation measures, or feasible project alternatives, and therefore there is no need or requirement to recirculate the EIR for additional public comment.

6. The Planning Commission hereby rescinds Resolution No. P2010-19, a resolution of the Oroville Planning Commission adopted on November 10, 2010 Certifying the Final Environmental Impact Report, including errata, adopting CEQA Findings of Fact and a Statement of Overriding Considerations, and approving a Mitigation and Monitoring Reporting Program for the Oroville Walmart Project.

7. Exhibit A (Findings of Fact) and Exhibit B (Mitigation Monitoring and Reporting Plan) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The Planning Commission hereby re-adopts these various Findings of Fact attached hereto as Exhibits A and B.

8. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The Planning Commission has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The Planning Commission, therefore, finds the adverse environmental effects of the project to be "acceptable". The Planning Commission hereby re-adopts the Statement of Overriding Considerations included as a part of Exhibit A.

9. After considering the EIR and in conjunction with making these findings, the Planning Commission hereby finds that pursuant to Section 15092 of the CEQA Guidelines, approval of the project will result in significant effects on the

environment, however, these significant effects will be eliminated or substantially lessened where feasible, and the Planning Commission has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.

10. The Mitigation Monitoring and Reporting Plan attached hereto as Exhibit B (Mitigation Monitoring and Reporting Plan), which contains an amended mitigation measure requiring the Project Applicant to pay all transportation-related fees to the City of Oroville prior in accordance with the latest adopted fee schedule at the time building permits are issued, is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The Planning Commission finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City, the applicant, and affected parties.

11. The Planning Commission finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.

12. The Planning Commission hereby certifies the Final EIR, including the Second Partially Recirculated Final EIR and the portions of the previous 2010 Final EIR that were not affected by the Court of Appeal's decision. The Planning Commission will also require the Project Applicant to pay all transportation-related fees to the City of Oroville prior in accordance with the latest adopted fee schedule at the time building permits are issued.

13. A Notice of Determination shall be filed by the City Clerk within 5 days of final approval of the project.

****

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 28h of July, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

Exhibits

A – CEQA Findings of Fact and Statement of Overriding Considerations
B – Mitigation Monitoring and Reporting Plan

EXHIBIT A, CEQA FINDINGS OF FACT

Oroville Walmart Project

Final Environmental Impact Report
(SCH No. 2008052081)

Findings of Fact and
Statement of Overriding Considerations
in Support of Certification of the EIR

November 2010

TABLE OF CONTENTS

Page

I. Introduction 1

II. Purpose and Background 1

A. The Project 1

B. Purpose of the Project 2

C. Purpose of the EIR 2

D. Procedural Background 3

III. Description of the Record 4

IV. Discretionary Actions 6

V. General Findings 6

A. Terminology of Findings 6

B. Certification of Final EIR 9

C. Changes to the Draft EIR 9

D. Evidentiary Basis for Findings 11

E. Findings Regarding Mitigation Measures 12

1. Mitigation Measures Adopted 12

2. Effect of Mitigation Measures 12

F. Location and Custodian of Records 12

VI. Findings Regarding Monitoring/Reporting of CEQA Mitigation Measures 12

VII. Findings Regarding Environmental Impacts and Mitigation Measures 13

A. Effects Not Found to Be Significant 13

B. Less-Than-Significant Impacts Without Mitigation 14

1. Aesthetics, Light, and Glare 14

a. Impact 14

b. Finding 15

2. Air Quality 15

a. Impacts 15

b. Finding 16

3. Biological Resources 16

a. Impacts 16

b. Finding 16

4. Geology, Soils, and Seismicity 17

a. Impact 17

b. Finding 17

5. Hazards and Hazardous Materials 17

a. Impacts 17

b. Finding 19

6. Hydrology and Water Quality 20

a. Impacts 20

b. Finding 21

7. Land Use 22

a. Impacts 22

b. Finding 22

8. Noise 23

a. Impacts 23

b. Finding 25

9. Public Services and Utilities 25

a. Impacts 25

b. Finding 26

10. Transportation 26

a. Impacts 26

b. Finding 29

11. Urban Decay 30

a. Impacts 30

b. Finding 31

C. Less-Than-Significant Impacts With Mitigation Incorporated 31

1. Aesthetics, Light, and Glare 31

a. Impact AES-2: Visual Character 31

(1) Impacts and Mitigation 31

(2) Finding 31

(3) Facts in Support of Finding 32

b. Impact AES-3: Light and Glare 33

(1) Impacts and Mitigation 33

(2) Finding 33

(3) Facts in Support of Finding 33

2. Air Quality 34

a. Impact AIR-1: Construction Emissions 34

(1) Impact and Mitigation 34

(2) Finding 35

(3) Facts in Support of Finding 35

b. Impact AIR-2: Regional Operational Emissions 36

(1) Impact and Mitigation 36

(2) Finding 36

(3) Facts in Support of Finding 37

c. Impact AIR-5: Objectionable Odors 37

(1) Impact and Mitigation 37

(2) Finding 37

(3) Facts in Support of Finding 38

d. Impact AIR-6: Air Quality Attainment Plan Consistency 38

(1) Impact and Mitigation 38

(2) Finding 40

(3) Facts in Support of Finding 40

e. Impact AIR-7: Cumulative Air Quality 41

(1) Impact and Mitigation 41

(2) Finding 43

(3) Facts in Support of Finding 43

f. Impact AIR-8: Greenhouse Gas Emissions 44

(1) Impact and Mitigation 44

(2) Finding 45

(3) Facts in Support of Finding 45

3. Biological Resources 46

a. Impact BIO-1: Special Status Species 46

(1) Impact and Mitigation 46

(2) Finding 47

(3) Facts in Support of Finding 47

b. Impact BIO-2: Sensitive Natural Communities and Riparian Habitat 48

(1) Impact and Mitigation 48

(2) Finding 48

(3) Facts in Support of Finding 48

c. Impact BIO-5: Local Biological Policies and Ordinances 49

(1) Impact and Mitigation 49

(2) Finding 49

(3) Facts in Support of Finding 49

4. Cultural Resources 49

a. Impact CUL-1: Historic Resoures 49

(1) Impact and Mitigation 49

(2) Finding 50

(3) Facts in Support of Finding 50

b. Impact CUL-2: Archaeological Resources 51

(1) Impact and Mitigation 51

(2) Finding 51

(3) Facts in Support of Finding 51

c. Impact CUL-3: Paleontological Resources 52

(1) Impact and Mitigation 52

(2) Finding 52

(3) Facts in Support of Finding 52

d. Impact CUL-4: Burial Sites 53

(1) Impact and Mitigation 53

(2) Finding 53

(3) Facts in Support of Finding.....53

5. Geology, Soils, and Seismicity 54

a. Impact GEO-1: Seismic Hazards 54

(1) Impact and Mitigation.....54

(2) Finding 54

(3) Facts in Support of Finding.....54

b. Impact GEO-2: Erosion 55

(1) Impact and Mitigation.....55

(2) Finding 56

(3) Facts in Support of Finding.....56

c. Impact GEO-3: Unstable Geologic Units or Soils.....57

(1) Impact and Mitigation.....57

(2) Finding 57

(3) Facts in Support of Finding.....57

6. Hydrology and Water Quality.....58

a. Impact HYD-1: Short-Term Water Quality.....58

(1) Impact and Mitigation.....58

(2) Finding 59

(3) Facts in Support of Finding.....59

b. Impact HYD-2: Long-Term Water Quality 59

(1) Impact and Mitigation.....59

(2) Finding 61

(3) Facts in Support of Finding.....61

c. Impact HYD-4: Drainage 61

(1) Impact and Mitigation 61

(2) Finding 62

(3) Facts in Support of Finding 62

7. Land Use 62

a. Impact LU-2: Municipal Code Consistency 62

(1) Impact and Mitigation 62

(2) Finding 63

(3) Facts in Support of Finding 63

8. Public Services and Utilities 65

a. Impact PSU-3: Potable Water 65

(1) Impact and Mitigation 65

(2) Finding 66

(3) Facts in Support of Finding 66

b. Impact PSU-5: Storm Drainage 67

(1) Impact and Mitigation 67

(2) Finding 67

(3) Facts in Support of Finding 67

c. Impact PSU-6: Solid Waste 68

(1) Impact and Mitigation 68

(2) Finding 68

(3) Facts in Support of Finding 68

9. Transportation 69

a. Impact TRANS-13: Public Transit, Bicycles, and Pedestrians 69

(1) Impact and Mitigation 69

(2) Finding 69

(3) Facts in Support of Finding 70

b. Impact TRANS-14: Construction Traffic and Parking 71

(1) Impact and Mitigation 71

(2) Finding 71

(3) Facts in Support of Finding 71

D. Significant Environmental Impacts That Cannot be Mitigated to a Less-than-Significant Level 72

1. Transportation 72

a. Impact TRANS-2: Year 2030 Intersection Operations 72

(1) Impact and Mitigation 72

(2) Finding 72

(3) Facts in Support of Finding 72

(4) Statement of Overriding Considerations 74

b. Impact TRANS-4: Year 2030 Arterial Corridor Operations 75

(1) Impact and Mitigation 75

(2) Finding 75

(3) Facts in Support of Finding 75

(4) Statement of Overriding Considerations 76

c. Impact TRANS-5: Existing Plus Project Roadway Segment Operations 76

(1) Impact and Mitigation 76

(2) Finding 76

(3) Facts in Support of Finding 76

(4) Statement of Overriding Considerations 77

VIII. Findings Regarding Alternatives 77

A. Significant and Unavoidable Impacts of the Project 80

B. Project Objectives 81

C. Analysis of Alternatives 82

1. The No Project Alternative 82

a. Description of the Alternative 82

b. Comparison to the Project 82

c. Finding 82

2. Reduced Density Alternative 84

a. Description of the Alternative 84

b. Comparison to the Project 84

c. Finding 85

d. Environmentally Superior Alternative 86

3. Retail Center Alternative 87

a. Description of the Alternative 87

b. Comparison to the Project 88

c. Finding 88

4. Mixed-Use Center Alternative 90

a. Description of the Alternative 90

b. Comparison to the Project 90

c. Finding 90

IX. Growth-Inducing Impacts 92

X. Cumulative Impacts 93

A. Aesthetics, Light, and Glare 93

B. Air Quality 94

C. Biological Resources 95

D. Cultural Resources 96

E. Geology, Soils, and Seismicity 96

F. Hazards and Hazardous Materials 96

G. Hydrology and Water Quality 97

H. Land Use 97

I. Noise 98

J. Public Services and Utlities 99

K. Transportation 102

L. Urban Decay 103

XI. Energy 103

XII. Statement of Overriding Considerations 105

A. Significant and Unavoidable Impacts 107

B. Finding 107

C. Overriding Considerations 107

D. Benefits of the Project 108

E. Determination and Adoption of Statement of Overriding Considerations 110

I. Introduction

The California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA"), states that if a project would result in significant environmental impacts, it may be approved if feasible mitigation measures or feasible alternatives are proposed which avoid or substantially lessen the impact or if there are specific economic, social, or other considerations which justify approval notwithstanding unmitigated impacts.

Therefore, when an environmental impact report ("EIR") has been completed which identifies one or more potentially significant or significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

1. Changes or alternatives which avoid or substantially lessen the significant environmental effects as identified in the EIR have been required or incorporated into the project; or

2. Such changes or alternatives are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or

3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (Pub. Resources Code, § 21081).

As "lead agency" under California Code of Regulations, title 14, Section 15367, the City of Oroville ("City") hereby adopts the following CEQA findings relating to the Oroville Walmart Project Draft Environmental Impact Report dated February 11, 2010 ("Draft EIR"), the Partially Recirculated Draft EIR dated September 1, 2010 and the Final Environmental Impact Report ("Final EIR") certified by the City on November 10, 2010. The Draft EIR, Partially Recirculated Draft EIR, and Final EIR are collectively referred to herein as the "EIR."

II. Purpose and Background

A. The Project

The project site is located within the City and consists of 10 contiguous parcels totaling 20.75 acres. The site is bounded by Feather River Boulevard to the west; Cal Oak Road to the north; 7th Avenue to the east; and vacant, industrially zoned land to the south. The site is currently zoned Intensive Industrial (M-2); however, the City is processing a Zoning Ordinance Update that contemplates rezoning the site to Intensive Commercial (C-2). Because it was uncertain if the Zoning Ordinance Update would be completed by the time the project is before the City for consideration, the EIR analyzed the project's consistency with both zoning districts.

Proposed development on the project site consists of a 197,411-square-foot Walmart store and associated parking and infrastructure ("Project"). For the purposes of providing a conservative evaluation of Project impacts, the EIR analyzed the store square footage at 200,225 square feet. (Draft EIR, pp. 3-1 to 3-2; Partially Recirculated Draft EIR, pp. 3-1 to 3-2.)

B. Purpose of the Project

The Project objectives are as follows:

- Positively contribute to the local economy.
- Provide new regional commercial retail activities that will complement existing local retail activities.
- Create new job opportunities for local residents.
- Provide a new retail establishment that serves local residents and visitors with essential goods and services in a safe and secure, 24-hour shopping environment.
- Promote increased economic growth and development that is consistent with the policies of the City's General Plan.
- Generate additional sales tax and property tax revenues to accrue to the various agencies within the Project area.
- Solidify the City's position as the regional shopping destination for southern Butte County and northern Yuba County.
- Minimize travel lengths and utilize existing infrastructure to the maximum extent possible by developing a store located in an area served by existing urban infrastructure.

(Draft EIR, p. 3-29; Partially Recirculated Draft EIR, pp. 3-28 to 3-29.)

C. Purpose of the EIR

The EIR was prepared in accordance with CEQA, Public Resources Code sections 21000-21178, and the CEQA Guidelines, California Code of Regulations, title 14, sections 15000-15387, to address the environmental impacts associated with the development of the 20.75-acre Project site and the construction of a 197,411-square-foot Walmart store. To provide a conservative evaluation Project impacts, the EIR analyzed a total building square footage that was higher than the actual application. Accordingly, many of the technical reports contained in the EIR examine the impacts of a 200,225 square foot store. As required by Section 15121 of the

CEQA Guidelines, the EIR assessed the potential environmental impacts resulting from approval, construction, and operation of the Project, and identified feasible means of minimizing potential adverse environmental impacts.

The City is the lead agency for the environmental review of the Project and the EIR was prepared under the direction and supervision of the City. (Draft EIR, pp. 3-1 to 3-30.)

D. Procedural Background

Following is an overview of the environmental review process for the Project.

1. In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation ("NOP") of an Environmental Impact Report and filed it with the Office of Planning and Research ("OPR") on May 19, 2008. The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the Project. A public scoping meeting was held on May 28, 2008. Environmental issues and alternatives raised by comments received on the NOP during the public review period were considered for inclusion in the EIR.

2. A Notice of Availability ("NOA") of the Draft EIR was prepared and circulated on February 11, 2010, as required by CEQA. The NOA was circulated to interested parties, including any person who filed a written request for such a notice, and published in the Oroville Mercury Register and the Chico Enterprise Record.

3. The Draft EIR was circulated for public review on February 11, 2010. Copies of the Draft EIR were available at the City offices and the local public library.

4. The public comment period for the Draft EIR was February 11, 2010 through March 29, 2010.

5. Following release of the Draft EIR, the City determined that portions of the document needed to be recirculated in accordance with CEQA Guidelines Section 15088.5. Accordingly, the City prepared the Partially Recirculated Draft EIR.

6. A Notice of Availability of the Partially Recirculated Draft EIR was prepared and circulated on September 1, 2010, as required by CEQA. The NOA was circulated to interested parties, including any person who filed a written request for such a notice, and published in the Oroville Mercury Register and the Chico Enterprise Record.

7. The Partially Recirculated Draft EIR was circulated for public review on September 1, 2010. Copies of the Partially Recirculated Draft EIR were available at the City offices and the local public library.

8. The public comment period for the Partially Recirculated Draft EIR was September 1, 2010 through October 18, 2010.

9. In response to comments received concerning the Draft EIR and Partially Recirculated Draft EIR, the Final EIR was issued on October 29, 2010, at least 10 days prior to certification by the Planning Commission. The Final EIR contains copies of all comments received on the Draft EIR and Partially Recirculated Draft EIR and responses to those comments. The Final EIR also contains errata revisions to the Draft EIR and Partially Recirculated Draft EIR as well as supplemental information deemed necessary in response to public comments.

10. Copies of the Final EIR were sent to the commenting responsible agencies. All other commenters received notice with instructions for accessing the Final EIR. The Final EIR was also made available at the City offices and the local public library. In addition, the Final EIR was made available on the City's website.

11. Pursuant to Public Resources Code Section 21092.5, the City provided a written response in the form of the Final EIR to all public agencies commenting on the Draft EIR or the Partially Recirculated Draft EIR, 10 days prior to certifying the EIR.

12. On November 10, 2010, the Planning Commission certified the Final EIR and passed a resolution approving the Project.

(Draft EIR, pp. 1-2; Resolutions P2010-20 (certifying the EIR) and P2010-21 (approving the project) adopted by the Planning Commission November 10, 2010)

III. <u>Description of the Record</u>

The record of proceedings for the Planning Commission's decision on the Project includes, but is not limited to, the following documents:

- The NOP and all other public notices issued by the City in conjunction with the Project;

- All applications for approvals and development entitlements related to the Project and submitted to the City;

- The Draft EIR for the Project (February 11, 2010) and technical appendices;

- The Partially Recirculated Draft EIR (September 1, 2010) and technical appendices;

- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR and Partially Recirculated Draft EIR;

- The Final EIR for the Project (dated October 29, 2010), including comments received on the Draft EIR and Partially Recirculated Draft EIR, responses to those comments, the Draft EIR and technical appendices as well as the Partially Recirculated Draft EIR and technical appendices;

- The Mitigation Monitoring and Reporting Program for the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR, Partially Recirculated Draft EIR, or Final EIR;

- The City of Oroville General Plan, Zoning Code, any other relevant City planning documents, and the Butte County Airport Land Use Compatibility Plan;

- All documents submitted to the City (including to the Planning Commission) by other public agencies or members of the public in connection with the Project, up through the close of the public comment period on October 18, 2010;

- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project; and

- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The Planning Commission has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Commission or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Planning Commission was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of*

Personnel Administration (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the Planning Commission. For that reason, such documents form part of the underlying factual basis for the Commission's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. Planning Commission of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

IV. Discretionary Actions

The Project involves the following actions and approvals by the City:

1. Use permit (UP 09-02) for general retail in the Intensive Industrial (M-2) zone – more than 10,000 square feet of gross floor area (Zoning Code, Table 26-36.010-1)

2. Use permit (UP 10-06) for outdoor storage area over 500 square feet in the Intensive Industrial (M-2) zone (Zoning Code, Section 26-16.140 B.3)

3. Use permit (UP 10-07) to allow more than 125 percent of the minimum required parking (Zoning Code, Section 26-13.070 P)

4. Use Permit (UP 10-08) to allow outdoor display and sales greater than six feet in height (Zoning Code, Section 26-16.130 C)

5. Development Review (DRC 09-07) approval for new commercial construction (Zoning Code, Section 26-53.020)

6. Variance (VAR 10-01) to allow deviations from the signage regulations (Zoning Code Section 26-19.130-1)

7. Sign Permit (SP 10-01) approval for proposed project signage.

The following findings, as well as the accompanying statement of overriding considerations in Section XII, have been prepared to comply with the requirements of CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

V. General Findings

A. Terminology of Findings

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such

projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which an EIR is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The agency must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or

feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less-than-significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, *supra*, 52 Cal.3d at p. 576.)

These findings constitute the City Planning Commission members' best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been

modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Planning Commission adopts a resolution approving the Project.

B. Certification of Final EIR

The Final EIR for the Project is hereby certified pursuant to CEQA (Pub. Resources Code, § 21000 et seq.). (CEQA Guidelines, § 15090.) The Planning Commission hereby certifies that the Final EIR has been completed in compliance with the requirements of CEQA. The Planning Commission further certifies that the Final EIR was presented to it and that the Commission reviewed and considered the information contained in the Final EIR prior to approving the Project. Finally, the Commission certifies that the Final EIR reflects the Commission's independent judgment and analysis.

C. Changes to the Draft EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Following release of the Draft EIR, the City determined that several portions of the document needed to be revised and recirculated to reflect changes to the City's Municipal Code requirements and the revised Traffic Impact Analysis Report. These changes were determined to meet the CEQA Guidelines Section 15088.5 criteria concerning disclosure of a new significant environmental impact and substantial increase in the severity of an environmental impact. Accordingly, the City prepared the Partially Recirculated Draft EIR and released it for public review on September 1, 2010.

The Planning Commission recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR and Partially Recirculated Draft EIR were completed, and contains additions, clarifications, modifications, and other changes. For example, the Final EIR includes en error regarding the minimum Municipal Code parking requirement (Final EIR, p. 4-1), modifies the list of discretionary actions to reflect the entitlements being sought (Final EIR, pp. 4-1 to 4-2), revised the text of Mitigation Measure BIO-1 to correct an inconsistency with the dates of the nesting season (Final EIR, p. 4-2), revised a discussion of 100-year flood hazards to acknowledge the differences in floodplain mapping for the project vicinity (Final EIR, p. 4-3), revised a sentence to clarify which agency has jurisdiction over the project (Final EIR, p. 4-3), revised Impact HYD-5 to acknowledge the differences in floodplain mapping for the project vicinity (Final EIR, pp. 4-3 to 4-4), revised a statement regarding flooding events to correct a factual error (Final EIR, p. 4-4), revised the text regarding a General Plan consistency determination to correct an error regarding the minimum Municipal Code requirement (Final EIR, p. 4-4), revised the discussion regarding allowed and permitted land use activities to correct several errors (Final EIR, pp. 4-4 to 4-6), revised text about parking to correct an error regarding the minimum Municipal Code requirement (Final EIR, p. 4-6), revised an imagine in Exhibit 4.11-1 to show the correct lane geometry for the intersection of Oroville Dam Boulevard and Lincoln Boulevard (Final EIR, pp. 4-6 to 4-7), revised Table 4.11-2 to note that the intersection of Oroville Dam Boulevard and Veatch Street is controlled by a signal and not a two-way stop control (Final EIR, p. 4-9), revised Table 4.11-9 to correct the heavy vehicle percentages for consistency with the values shown in the Revised Traffic Impact Analysis Report (Final EIR, pp. 4-9 to 4-10), revised text to correct an error regarding the minimum Municipal Code requirement (Final EIR, p. 4-10), revised Table 4.11-3 to remove the word "Reduction" and clarify a footnote about trip generation (Final EIR, 4-10), and revised Impact TRANS-9 to correct an error regarding the municipal Code requirement (Final EIR, pp. 4-10 to 4-11).

The Final EIR also included Appendix M, which provided supplemental traffic analysis supporting data. This data assisted in clarifying conclusions reached in the traffic analysis.

In addition, some comments on the Draft EIR and Partially Recirculated Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR and Partially Recirculated Draft EIR as well as additional mitigation measures. For example, one commenter suggested that the City should require the applicant to: (1) provide Class 2 bicycle lanes on Feather River Boulevard adjacent to the Project and provide its fair share of funding for the Class 2 bicycle facility from Oroville Dam Boulevard to the Project site;

(2) consider mitigation measures associated with nighttime lighting; (3) install light colored paving or other light colored material in the parking lot; and (4) include a number of other features intended to further reduce greenhouse gas emissions. Such suggestions were not found appropriate and/or feasible and were not adopted or included. (See, e.g., Response to KOPPER-13 (Final EIR pp. 3-128 to 3-131); Response to KOPPER-18 (Final EIR, pp. 3-133 to 3-134); Response to KOPPER-21 (Final EIR, pp. 3-134 to 3-135); Response to KOPPER-24 (Final EIR pp. 3-136 to 3-137); Response to KOPPER-25 (Final EIR, p. 3-137); Response to KOPPER-30 (Final EIR, pp. 3-139 to 3-140; Response to KOPPER-33 (Final EIR, p. 3-142).)

Notably, CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "'CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.)

In sum, the information added to the EIR merely clarifies or amplifies the prior information, or makes insignificant modifications; therefore, neither the Draft EIR nor the Partially Recirculated Draft EIR not need to be further recirculated.

D. Evidentiary Basis for Findings

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by this Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

The findings below identify specific pages within the Draft EIR, Partially Recirculated Draft EIR, and Final EIR in support of various conclusions reached below. The Commission incorporates by reference and adopts as its own, the reasoning set forth in all three environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Commission's approval of all mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR. The Planning Commission further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this Planning Commission with respect to any

particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

E. Findings Regarding Mitigation Measures

1. Mitigation Measures Adopted

Except as otherwise noted, the Mitigation Measures herein referenced are those identified in the Draft EIR and Partially Recirculated Draft EIR.

2. Effect of Mitigation Measures

Except as otherwise stated in these findings, in accordance with CEQA Guidelines Sections 15091, 15092, and 15093, the City finds that the environmental effects of the Project:

- Will not be significant; or
- Will be mitigated to a less-than-significant level by the mitigation measures adopted by the City; or
- Will remain significant after mitigation, but specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects.

The City finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not already analyzed in the Draft EIR and Partially Recirculated Draft EIR.

F. Location and Custodian of Records

Pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, title 14, Section 15091, the City is the custodian of the documents and other materials that constitute the record of proceedings upon which the City's decision is based, and such documents and other material are located at: Oroville City Hall, City of Oroville, 1735 Montgomery Street, Oroville, CA 95965-4897.

VI. Findings Regarding Monitoring/Reporting of CEQA Mitigation Measures

A Mitigation Monitoring and Reporting Program ("MMRP"), which is attached as Exhibit A to these findings, was prepared for the Project and was approved by the Planning Commission by the same resolution that has adopted these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

VII. Findings Regarding Environmental Impacts and Mitigation Measures

A. Effects Not Found to Be Significant

Based on the discussion in the Final EIR, and other supporting information in the record, the Planning Commission finds that the Project would have no impact to aesthetics, light and glare; agricultural resources; biological resources; geology, soils, and seismicity; hazards and hazardous materials; land use; mineral resources; population and housing; public services; and recreation associated with the specific issues identified below:

1. Implementation of the Project would not adversely affect views from a state scenic highway. (Draft EIR, p. 7-1.)

2. Implementation of the Project would not result in the conversion of Important Farmland to non-agricultural use. (Draft EIR, p. 7-1.)

3. Implementation of the Project would not conflict with an active Williamson Act contract or an agricultural zoning designation. (Draft EIR, p. 7-1.)

4. Implementation of the Project would not create pressure to convert surrounding farmland to non-agricultural uses. (Draft EIR, p. 7-2.)

5. Implementation of the Project would not conflict with the provisions of a habitat conservation plan or natural community conservation plan. (Draft EIR, p. 7-2.)

6. Implementation of the Project would not impact septic or alternative wastewater disposal systems. (Draft EIR, p. 7-2.)

7. Implementation of the Project would not expose schools within a 0.25-mile radius of the Project site to hazardous materials. (Draft EIR, p. 7-2.)

8. Implementation of the Project would not expose persons residing or working in the project area to aviation hazards associated with private airstrips. (Draft EIR, p. 7-2.)

9. Implementation of the Project would not divide an established community. (Draft EIR, p. 7-2.)

10. Implementation of the Project would not conflict with the provisions of a habitat conservation plan or natural community conservation plan. (Draft EIR, p. 7-2.)

11. Implementation of the Project would not result in the loss of a mineral resource of statewide or local significance. (Draft EIR, p. 7-3.)

12. Implementation of the Project would not induce substantial population growth. (Draft EIR, p. 7-3.)

13. Implementation of the Project would not displace persons or housing. (Draft EIR, p. 7-3.)

14. Implementation of the Project would not result in the need for new or expanded school facilities. (Draft EIR, p. 7-3.)

15. Implementation of the Project would not result in the need for new or expanded park facilities. (Draft EIR, p. 7-3.)

16. Implementation of the Project would not result in the need for new or expanded libraries or other public facilities. (Draft EIR, p. 7-4.)

17. Implementation of the Project would not result in physical deterioration of recreational facilities. (Draft EIR, p. 7-4.)

18. Implementation of the Project would not result in the need for new or expanded recreational facilities. (Draft EIR, p. 7-4.)

B. Less-Than-Significant Impacts Without Mitigation

Based on the Final EIR and the record, the Planning Commission finds that the Project would have less-than-significant environmental impacts associated with the specific issues identified below, as addressed in the EIR.

1. Aesthetics, Light, and Glare

a. Impact

Impact AES-1: Scenic Vistas: The Project would not have a substantial adverse effect on a scenic vista. The City of Oroville General Plan contains policies associated with preserving the views of Table Mountain and the Feather River. South Table Mountain is located approximately 4 miles north of the Project site and is visible from most of the site. The Feather River is approximately 2,000 feet west of the Project site and is not visible from the site because of SR-70 and intervening structures and vegetation. Customers and employees would be afforded unobstructed views of South Table Mountain from the store entrance and parking areas. Views of South Table Mountain from land uses to the west, north, and east of the Project site would not be affected. Views of South Table Mountain from the undeveloped industrial land immediately south of the Project site may be partially obstructed; however, this land is not occupied by an existing developed use. Therefore, no person or entity (such as a business or organization) would experience degradation of views of South Table Mountain. Views of South Table Mountain from the developed commercial uses abutting Feather River Boulevard immediately south of the Project site may be partially obstructed by the Walmart. However,

because the store would be located in the southeastern corner of the Project site, the roofline would be no more than 37 feet above grade, and the building would be set back 60 feet from the property line, most, if not all, of this site would retain unobstructed views of South Table Mountain. Therefore, the Project would not substantially degrade views of South Table Mountain from surrounding land uses. For these reasons, the Project would have a less-than-significant impact on scenic vistas. (Draft EIR, pp. 4.1-11 to 4.1-12; Partially Recirculated Draft EIR, pp. 4.1-11 to 4.1-12.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in a less-than-significant impact to aesthetics, light, and glare with respect to scenic vistas.

2. Air Quality

a. Impacts

Impact AIR-3: Carbon Monoxide Hotspots: The Project would not significantly contribute to a carbon monoxide ("CO") hotspot that would exceed federal or state air quality standards. CO concentrations were estimated at the most Project-impacted intersections, where the concentrations would be the greatest. The estimated 1-hour and 8-hour average CO concentrations at buildout in combination with background concentrations are below the state and national ambient air quality standards. No CO hotspots are anticipated as a result of traffic-generated emissions by the Project in Year 2030 conditions. Therefore, the mobile emissions of CO from the Project are not anticipated to contribute substantially to an existing or projected air quality violation of CO. For these reasons, the Project would have a less-than-significant impact with respect to CO hotspots. (Draft EIR, pp. 4.2-42 to 4.2-43; see also Draft EIR Appendix B.)

Impact AIR-4: Toxic Air Contaminants: The Project would not expose sensitive receptors to substantial toxic air pollutant concentrations. The Health Risk Assessment concluded that the Project (specifically, the diesel trucks associated with the Project) would not expose sensitive receptors to diesel emissions or toxic air contaminant concentrations that exceed the Butte County Air Quality Management District's ("BCAQMD") thresholds of 10 cancers per million. For these reasons, the Project would have a less-than-significant impact with respect to toxic air contaminants. (Draft EIR, pp. 4.2-44 to 4.2-47; see also Draft EIR Appendix B.)

Impact AIR-9: Climate Change Effects: The Project would not be subject to significant adverse effects as a result of global climate change. The Project would not be susceptible to flooding from sea level rise given its distance from the sea. The Project would also not be susceptible to wildfires because it would include the installation of adequate fire suppression systems and would be served by the Oroville Fire Department, which indicated that it has adequate resources to serve the Project. Finally, potential changes in water supply would not adversely impact the Project because California Water Company ("Cal Water") has sufficient resources to supply the Project with water, the Project would implement numerous efficiency

measures to reduce water demand, and the Project does not include a water-intensive use. For these reasons, the Project would have a less-than-significant impact with respect to climate change effects. (Draft EIR, pp. 4.2-69 to 4.2-71; see also Draft EIR Appendix B.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to air quality with respect to CO hotspots, toxic air contaminants, and climate change effects.

3. Biological Resources

a. Impacts

Impact BIO-3: Federal Wetlands and Jurisdictional Features: The Project would not adversely affect a federally protected wetland or jurisdictional feature. The Jurisdictional Delineation prepared for the drainage ditch on the site indicates that the feature does not possess the three criteria necessary to be classified as a wetland. In addition, this feature does not enter, intersect, or otherwise capture flows from any traditionally navigable waters, relatively permanent waters, or seasonal wetland and is, therefore, considered a non-federally jurisdictional feature. Therefore, the re-routing and culverting of the drainage ditch would not adversely affect a federally jurisdictional wetland or waterway. For these reasons, the Project would have a less-than-significant impact on federal wetlands and jurisdictional features. (Draft EIR, p. 4.3-19; see also Draft EIR Appendix C.)

Impact BIO-4: Wildlife Movement: The Project would not result in adverse impacts to fish or wildlife movement or impede the use of wildlife nursery sites. The Project site has some potential as a minor, localized movement venue for small mammals that are adapted to urban landscapes, such as raccoon, striped skunk, and opossum; however, the habitat present is marginal and is not used as a wildlife corridor or nursery site. The drainage ditch does not support fish movement and the Biological Resources Assessment prepared for the Project found no evidence of wildlife nursery sites on the Project site. For these reasons, the Project would have a less-than-significant impact on wildlife movement. (Draft EIR, p. 4.3-20; see also Draft EIR Appendix C.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to biological resources with respect to federal wetlands and jurisdictional features and wildlife movement.

4. Geology, Soils, and Seismicity

a. Impact

Impact GEO-4: Expansive Soils: The Project would not expose persons or structures to hazards associated with expansive soils. The Project site is underlain by Xerorthents or tailings. This soil is characterized as a very gravelly sandy loam. Laboratory testing indicated that the soils have a very low shrink/swell potential and, therefore, are not considered expansive. For these reasons, the Project would have a less-than-significant impact with respect to expansive soils. (Draft EIR, p. 4.5-12; see also Draft EIR Appendix E.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in a less-than-significant impact to geology, soils, and seismicity with respect to expansive soils.

5. Hazards and Hazardous Materials

a. Impacts

Impact HAZ-1: Past or Present Site Usage: The Project does not have the potential to expose human health and the environment to hazardous materials associated with past or present usage of the site or surrounding land uses. Dredge tailings associated with gold mining activities, which involved the use of toxic chemicals such as arsenic, lead, and mercury, are present on the Project site. Laboratory testing of 10 soil samples taken from the site show that concentrations of lead and mercury are well within both the residential and commercial CHHSLs for each metal. Arsenic concentrations exceed the residential and commercial CHHSL; however, the concentrations detected onsite are within the background arsenic concentrations for California soils. Concentrations of 14 other metals were at or below laboratory detection limits or were within typical background concentrations. Therefore, it can be concluded that the Project would not be exposed to hazardous materials associated with the past presence of dredge tailings.

The site also is not listed on any contaminated site databases compiled pursuant to Government Code Section 65962.5. However, there are several sites within 0.5 mile of the Project site that are recorded on hazardous materials databases. The Phase I ESA indicated that hazardous materials usage or contamination at the nearby sites does not pose a hazard to the Project site, but a Sewerage Commission Oroville Region ("SCOR") representative expressed concern that the Project could be exposed to hazardous materials emitted during an accidental release of chlorine gas at the nearby wastewater treatment plant. The Project would be outside of the Alternative Case Release zone of vulnerability, which is the most likely accidental release to occur at the SCOR wastewater treatment plant. SCOR has a number of procedures and programs in place to prevent the release of chlorine gas and, furthermore, has never experienced such an

incident in its history. Therefore, the Project would not be at undue risk of chlorine gas exposure from the SCOR wastewater treatment plant.

For these reasons, the Project would have a less-than-significant impact with respect to past or present site usage. (Draft EIR, pp. 4.6-14 to 4.6-19; see also Draft EIR Appendix F and Final EIR, Response to KOPPER-36, pp. 3-143 to 3-144.)

Impact HAZ-2: Risk of Upset: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions. Project construction activities may involve the use and transport of hazardous materials. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, Mitigation Measure HYD-1 requires the applicant to implement a Stormwater Pollution Prevention Plan ("SWPPP") during construction activities to prevent contaminated runoff from leaving the Project site. Therefore, no significant impacts would occur during construction activities.

The Project would not be a large-quantity user of hazardous materials. Small quantities of hazardous materials would be used onsite, which would be stored in secure areas and would comply with all applicable storage, handling, usage, and disposal requirements. The Walmart store would also stock and sell some hazardous materials. The potential risks posed by the use and storage of these hazardous materials are primarily limited to the immediate vicinity of the materials. Any in-store spills would be immediately contained and removed according to standard store procedures. Transport of these materials would be performed by commercial vendors who would be required to comply with various federal and state laws regarding hazardous materials transportation. The store may also include a medical clinic that would generate various medical wastes, which would be regularly picked up and disposed of by commercial vendors who would be required to comply with various federal and state laws regarding hazardous materials transportation.

For these reasons, the Project would have a less-than-significant impact with respect to risk of upset. (Draft EIR, pp. 4.6-19 to 4.6-20; see also Draft EIR Appendix F.)

Impact HAZ-3: Aviation Safety Hazards: The Project would not create aviation safety hazards for persons residing or working in the Project vicinity. The Oroville Municipal Airport is located to approximately 2 miles west of the Project site on the opposite side of the Feather River. The Butte County Airport Land Use Compatibility Plan identifies the Project site as being located within Zone D of the Oroville Municipal Airport, which is the least restrictive zone, placing no density recommendations on development density, requiring air space review only for objects 100 feet or more in height, and prohibiting land uses that would have characteristics that interfere with aviation (such as tall objects, visual and electronic forms of interference that may impair aircraft operations, and land uses that may attract large flocks of birds). The Walmart store would be a maximum of 37 feet above grade and, therefore, would

not be tall enough to create a hazard to aviation. In addition, the store would not have characteristics that emit dust or smoke, generate electrical interference, or attract large flocks of birds. For these reasons, the Project would have a less-than-significant impact with respect to aviation safety hazards. (Draft EIR, pp. 4.6-20 to 4.6-21; see also Draft EIR Appendix F.)

Impact HAZ-4: Emergency Response and Evacuation: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Project would have five access points to surrounding roadways, each of which would be a minimum of 50 feet wide, which would provide sufficient width for large emergency vehicles (e.g., fire engines) as well as the orderly evacuation of the site. The Project would also implement half-width improvements along the three roadways adjacent to the site, which would include the installation of dedicated turn lanes. These improvements would promote efficient circulation in the Project vicinity and, therefore, would contribute to effective emergency response and evacuation. Finally, the Project does not propose any permanent road closures, lane reductions, or other measures that may adversely affect emergency response or evacuation in the Project vicinity. For these reasons, the Project would have a less-than-significant impact with respect to emergency response and evacuation. (Draft EIR, p. 4.6-21; see also Draft EIR Appendix F.)

Impact HAZ-5: Wildland Fires: The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The site is surrounded by parcels containing both urban development and ruderal (weedy) vegetation. According to the City of Oroville's General Plan, the site is located in a moderate wildland fire risk severity zone. The Project would include the installation of fire suppression systems (e.g., fire hydrants, fire sprinklers, smoke detectors). These systems would be designed in accordance with the latest requirements of the California Fire Code and would be considered adequate to provide fire suppression to the site. Further, the Oroville Fire Department would provide fire protection to the Project. The Fire Department is staffed 24 hours a day, and the nearest station is 1.6 miles from the Project site. The Fire Department indicated that it has adequate resources to serve the Project and did not foresee any operational challenges in providing fire protection. For these reasons, the Project would have a less-than-significant impact with respect to wildland fires. (Draft EIR, pp. 4.6-21 to 4.6-22; see also Draft EIR Appendices F and H.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to hazards and hazardous materials with respect to past or present usage of the site, risk of upset, aviation safety hazards, emergency response and evacuation, and wildland fires.

6. Hydrology and Water Quality

a. Impacts

Impact HYD-3: Groundwater: The Project does not have any characteristics that would contribute to groundwater overdraft or contamination. The Project would be served by the Cal Water, which has indicated that it can serve the Project from existing supplies, and no groundwater wells would need to be drilled to serve the Project. In addition, no groundwater wells would be drilled onsite as part of the Project. Therefore, the Project would not contribute to groundwater overdraft. The Project would not use underground storage tanks ("USTs") or handle bulk quantities of hazardous liquid materials that could potentially contaminate groundwater. The applicant would implement an onsite drainage system that would include stormwater quality control measures to treat runoff prior to being discharged from the Project site. This would prevent Project-related pollutants from entering groundwater sources downstream of the site. For these reasons, the Project would have a less-than-significant impact with respect to groundwater. (Draft EIR, p. 4.7-13; see also Draft EIR Appendix H. See also Final EIR, Response to KOPPER-42, pp. 3-146 to 3-147.)

Impact HYD-5: 100-Year Flood Hazards: The Project site is not within a Federal Emergency Management Agency (FEMA) designated 100-year flood hazard area. The nearest FEMA designated 100-year flood hazard area to the Project site is located within the Feather River channel, more than 650 feet west of the Project site. Exhibit 4.7-1 depicts FEMA floodplain mapping (based on Flood Insurance Rate Map Panel No. 06007C 0980C) for the project vicinity.

However, the City's Master Drainage Plan, prepared in 1991, evaluated effects of a 100-year flood of the Feather River and indicates that flood elevations would be 149.8 to 150.0 mean sea level at the Project site. (The Project site currently ranges in elevation from approximately 144.0 to 150.0 feet above mean sea level.) The City's Master Drainage Plan flood elevations are used by the City of Oroville as the determining flood elevation report for new development projects. (Final EIR, Master Response 1, pp. 2-1 to 2-2; Final EIR, Errata, pp. 4-3 to 4-4.)

Impact HYD-6: Dam or Levee Failure: The Project would not be susceptible to flooding from the reasonably foreseeable failure of a dam or levee. The Project site is within the fair-weather failure inundation area of Oroville Dam and Thermalito Diversion Dam, and within the overtopping inundation area for Oroville Dam, Thermalito Diversion Dam, and Bidwell Saddle Dam. The General Plan indicates that the Project site is within the dam failure inundation area (no distinction between fair-weather failure and overtopping) of Oroville Dam and Lake Almanor Dam. The Oroville Dam is designed to prevent overtopping and has overtopping preventative measures. Bidwell Saddle Dam and Lake Almanor Dam are upstream of Oroville Dam; therefore, if they were overtopped, water would spill into Lake Oroville and ultimately down the spillway or radial gate outlet. Thermalito Diversion Dam is downstream of Oroville Dam and is fed by water from the Diversion Pool. Because of the characteristics of the Diversion Pool, the California Department of Water Resources ("DWR") has flexibility in

managing the influx of a large amount of water; therefore, overtopping would occur only under extreme catastrophic conditions.

All four dams upstream of the Project site are theoretically susceptible to fair-weather failure. However, all of these dams are inspected at least annually by the owner (DWR's Division of Operations and Maintenance), the state regulator (DWR's Division of Safety of Dams), and by the federal regulator (Federal Energy Regulatory Commission). Based on the inspection by registered civil engineers, the dams have been deemed safe to impound water and continue operation. DWR also has regular monitoring practices in place for the facilities. Registered surveyors survey the dams on an annual basis. DWR engineering technicians monitor piezometric instruments that measure foundation uplift and embankment pore pressure on a monthly basis. DWR staff monitor seepage through and under the dams on a weekly basis. Finally, DWR staff visit and observe the facilities on a daily basis. If unsafe conditions develop, DWR would initiate appropriate measures to remedy the unsafe conditions and may impose restrictions limiting water surface levels until unsafe conditions are rectified. In addition, each dam has an Emergency Action Plan that would be initiated if necessary and would minimize risk during a dam-related emergency.

The Project site is located approximately 1,000 feet east of the Feather River channel. State Route 70 sits on an elevated roadbed between the project site and the river channel and serves as a levee. Caltrans is in the process of widening SR-70 between Oroville Dam Boulevard and Ophir Road, and the improvements will include upgrades that strengthen the structural stability of the roadbed. As such, impacts associated with levee failure would be less than significant.

For these reasons, the Project would have a less-than-significant impact with respect to dam or levee failure. (Draft EIR, pp. 4.7-15 to 4.7-16; Final EIR, Errata, p. 4-4.)

Impact HYD-7: Seiche, Tsunami, or Mudflow Hazards: The Project would not be susceptible to seiche, tsunami, or mudflow hazards. The Project site is approximately 115 miles from the Pacific Ocean, a distance that precludes the possibility of tsunami inundation. The Project site is not located in a volcanically active area or adjacent to steep slopes, a condition that precludes mudflow inundation. The City of Oroville General Plan indicates that seiches have the potential to occur in Lake Oroville and the Thermalito Forebay. Seiches in lakes are produced by seismic movement or weather and are not known to affect large areas. The Project site is located approximately 6 miles from Lake Oroville and 4 miles from the Thermalito Afterbay. These distances preclude the possibility of the Project being affected by a seiche occurrence in either water body. For these reasons, the Project would have a less-than-significant impact with respect to seiches, tsunamis, or mudflow hazards. (Draft EIR, pp. 4.7-16 to 4.7-17.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to hydrology and water quality with

respect to ground water, 100-year flood hazards, dam or levee failure, and seiches, tsunamis, or mudflow hazards.

7. Land Use

a. Impacts

Impact LU-1: General Plan Consistency: The Project would be consistent with applicable provisions of the City of Oroville General Plan. The General Plan designates the Project site as Retail and Business Services. The Retail and Business Services designation is intended for business activities that offer goods and services to the community. The General Plan limits development in the Retail and Business Services designation (outside of the Historic Downtown District overlay) to a maximum FAR of 0.40. The Project would have a FAR of 0.22 (200,225 square feet ÷ 20.75 acres [903,870 square feet]), which is within the maximum allowable FAR, and would be consistent with the intended uses of the Retail and Business Services designation. The Project also would be consistent with applicable General Plan goals and policies. For these reasons, the Project would have a less-than-significant impact with respect to General Plan consistency. (Draft EIR, pp. 4.8-10 to 4.8-56; Partially Recirculated Draft EIR, pp. 4.8-10 to 4.8-59.)

Impact LU-3: Airport Land Use Plan Consistency: The Project would be consistent with the applicable policies of the Butte County Airport Land Use Compatibility Plan. The Project site is located within Land Use Compatibility Zone D of the Oroville Municipal Airport. Zone D is the least restrictive of the airport compatibility zones and contains no height or density restrictions. Hazards to flight, such as tall objects, visual and electronic forms of interference that may impair aircraft operations, and land uses that may attract large flocks of birds, are prohibited, and airspace review is required for objects taller than 100 feet. The Project does not possess any characteristics that would generate visual or electronic forms of interference or attract flocks of birds. The maximum height of the building would be 37 feet above grade and, therefore, it would not be subject to airspace review by the Butte County Airport Land Use Commission. Therefore, the Project would be consistent with the Butte County Airport Land Use Compatibility Plan, and no conflicts would occur. For these reasons, the Project would have a less-than-significant impact with respect to consistency with the Butte County Airport Land Use Compatibility Plan. (Draft EIR, p. 4.8-60; Partially Recirculated Draft EIR, p. 4.8-63.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to land use with respect to consistency with the City General Plan and the Butte County Airport Land Use Compatibility Plan.

8. Noise

a. Impacts

Impact NOI-1: Construction Noise: Construction activities associated with the Project would not expose nearby land uses to excessive noise levels. Short-term noise impacts could occur during construction activities from either the transport of workers and movement of construction materials to and from the Project site, or from ground clearing/excavation, grading, and building construction activities. The noise analysis shows that construction activities would increase the noise levels by up to 2.7 dBA L_{eq} at the nearest sensitive receptor during construction activities, and the with construction noise levels could be as high as 64.5 dBA L_{eq} at the movie theater to the east. Construction activities would not increase the noise level by 3 dB or more at any of the nearby sensitive receptors, and no residential uses are located within 1,000 feet of the Project site. For these reasons, the Project would have a less-than-significant impact with respect to construction noise. (Draft EIR, pp. 4.9-27 to 4.9-29; Partially Recirculated Draft EIR, pp. 4.9-27 to 4.9-29; see also Draft EIR Appendix G and Partially Recirculated Draft EIR Appendix K.)

Impact NOI-2: Groundborne Vibration: Construction and operation activities associated with the Project would not generate substantial groundborne vibration. The primary sources of vibration during construction would be from bulldozers, backhoes, crawler tractors, and scrapers. A large bulldozer would be the piece of equipment that would produce the largest amount of vibration on the Project site. The closest vibration-sensitive land use is the movie theater to the west, which is located approximately 300 feet from the proposed area to be graded. It is anticipated that the vibration levels caused by a large bulldozer operating on the edge of the area to be graded during construction of the Project at the movie theater will be around 0.003 inch per second PPV or 65 VdB, which is less than the 0.01-inch-per-second PPV or 80-VdB threshold. The only foreseeable source of vibration from Project operations would be from delivery trucks on the Project site. A loaded truck would typically produce a vibration level of 0.076 inch per second PPV at 25 feet. This would result in a vibration level of 0.004 inch per second PPV or 73 VdB at the nearest offsite building, which is less than the 0.01 inch per second or 80 VdB thresholds. For these reasons, the Project would have a less-than-significant impact with respect to groundborne vibration. (Draft EIR, pp. 4.9-29 to 4.9-30; Partially Recirculated Draft EIR, pp. 4.9-29 to 4.9-30; see also Draft EIR Appendix G and Partially Recirculated Draft EIR Appendix K.)

Impact NOI-3: Roadway Noise:

- <u>Existing Conditions</u>: The Project's vehicular trips would not cause a substantial permanent increase in ambient noise levels. The Project would generate additional vehicular trips on roadways in the Project vicinity. Noise from motor vehicles is generated by engine vibrations, the interaction between tires and the road, and the exhaust system. The Project's noise level contributions to the study area roadways would range from 0.0 to 7.3 dBA

L_{dn}, and the Project would increase roadway noise levels on two segments by more than 5 dB. Using the two-step process identified in the General Plan for determining the significance of roadway noise, impacts would be less-than-significant in the existing with Project scenario because the only land uses abutting these roadway segments include building supply, retail, industrial, or undeveloped land and the General Plan does not establish exterior or interior noise standards for these uses.

- Cumulative Conditions: The Project's contribution to year 2030 study area roadways would range from 0.0 to 2.2 dBA L_{dn}. The greatest Project contribution of 2.2 dBA would occur at Cal Oak Road east of Feather River Boulevard. A 2.2-dBA noise increase would below the thresholds of significance. However, the Project would increase the noise level along Feather River Boulevard from north of Cal Oak Road to south of Cal Oak Road from below the 60 dBA L_{dn} residential standard to above the 60 dBA L_{dn} residential standard. Land uses that abut these roadway segments include the Project site (proposed retail), Feather River Cinemas, building supply retail, industrial, and undeveloped land. For theater uses, the City has a transportation noise threshold of 35 dB L_{eq} for interior noise levels; no exterior standard is provided. In addition, no exterior or interior standards are established for retail, building supply, industrial, or undeveloped land uses. The cumulative with project condition along Feather River Boulevard would produce a noise level of 54.6 dBA L_{dn} at 240 feet from the centerline. A typical structure with a "windows closed" condition provides 25 dB of attenuation, and a structure with no windows would have a higher attenuation rate. Therefore, the interior noise of Feather River Cinemas would be 27.7 dB if Feather River Boulevard were the only noise source. Therefore, for the year 2030 conditions and based on the applicable thresholds of significance, no significant, long-term offsite noise impacts from project-related vehicle noise would occur along the study area roadways segments.

For these reasons, the Project would have a less-than-significant impact with respect to roadway noise. (Draft EIR, pp. 4.9-30 to 4.9-43; Partially Recirculated Draft EIR, pp. 4.9-30 to 4.9-44; see also Draft EIR Appendix G and Partially Recirculated Draft EIR Appendix K.)

Impact NOI-4: Combined Long-Term Stationary and Transportation Noise: The Project would not generate combined, long-term stationary and transportation noise levels that cause significant impacts at nearby receptors. The Project's combined transportation and noise impacts would increase the noise levels at the nearby sensitive receptors by up to 0.6 dBA CNEL. A 0.6-dBA noise increase would be below the City's threshold of a 3-dB noise increase described in General Plan Policy P1.6. For these reasons, the Project would have a less-than-significant impact with respect to combined long-term stationary and transportation noise. (Draft

EIR, pp. 4.9-44 to 4.9-45; Partially Recirculated Draft EIR, pp. 4.9-44 to 4.9-45; see also Draft EIR Appendix G and Partially Recirculated Draft EIR Appendix K.)

Impact NOI-5: Aviation Noise: The Project would not expose persons residing or working in the Project area to excessive aviation noise levels. The Project site is located within Land Use Compatibility Zone D of the Oroville Municipal Airport as defined by the Butte County Airport Land Use Compatibility Plan. The Plan indicates that the Project site is outside of the airport's 55-CNEL contour and that retail land uses are "clearly acceptable" in areas exposed to aviation noise levels of less than 55 CNEL. Therefore, the Project would not be exposed to excessive aviation noise associated with the Oroville Municipal Airport. For these reasons, the Project would have a less-than-significant impact with respect to aviation noise. (Draft EIR, p. 4.9-45; Partially Recirculated Draft EIR, p. 4.9-46; see also Draft EIR Appendix G and Partially Recirculated Draft EIR Appendix K.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to noise with respect to construction noise, groundborne vibration, roadway noise, combined long-term stationary and transportation noise, and aviation noise.

9. Public Services and Utilities

a. Impacts

Impact PSU-1: Fire Protection/Emergency Medical Services: The Project would not adversely impact fire protection and emergency medical services. The Fire Department indicated that it anticipates the Project to have a proportionate increase in the calls for service volume and indicated that it would have the resources to respond to the increased call volume; however, the increased workload would be felt. The Fire Department indicated that the anticipated average response time to the Project would be approximately 3 minutes. This would be within the City's established response time standard of 5 minutes or less for 90 percent of calls. The Project would also provide development fees to the City of Oroville for capital improvements to fire protection facilities. For these reasons, the Project would have a less-than-significant impact with respect to fire protection and emergency medical services. (Draft EIR, pp. 4.10-11 to 4.10-12; see also Draft EIR Appendix H.)

Impact PSU-2: Police Protection: The Project would not adversely impact police protection. The Walmart store would provide onsite security personnel 24 hours a day who would monitor and patrol the store and parking areas. Onsite security would serve as a first line of defense against criminal activity and nuisances and would resolve minor incidents that ordinarily would not warrant police response (e.g., a lost child, a dispute between customers). In 2007, the Oroville Police Department responded to 165 calls for service at the existing Walmart location. It is expected that calls for police protection would increase from an expected rise in the volume of patrons and traffic to the proposed Walmart location; however, the Police

Department indicated that minimal impact to police services would result from Project implementation. Note that the Police Department did not indicate that new or expanded police facilities would be needed to serve the Project. For these reasons, the Project would have a less-than-significant impact with respect to police protection. (Draft EIR, p. 4.10-12; see also Draft EIR Appendix H.)

Impact PSU-4: Wastewater: The Project would be served by adequate wastewater treatment capacity. The Project is projected to generate 4,584 gallons of wastewater on a daily basis. Treatment capacity at the SCOR treatment plant is available to its member agencies (which includes the City of Oroville) on a first-come, first-serve basis. At the time of the Draft EIR, the SCOR treatment plant had available capacity to accommodate 700,000 additional gallons of wastewater on a daily basis. Accordingly, the treatment plant would have adequate capacity to accommodate the Project's average daily wastewater generation of 4,584 gallons. For these reasons, the Project would have a less-than-significant impact with respect to wastewater. (Draft EIR, pp. 4.10-15 to 4.10-16; see also Draft EIR Appendix H.)

Impact PSU-7: Energy: The Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. The Project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs. The incorporation of the Title 24 standards into the Project would ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. In addition to the Title 24 standards, the Walmart store is anticipated to contain numerous energy conservation features that would exceed Title 24 standards. For these reasons, the Project would have a less-than-significant impact with respect to energy. (Draft EIR, pp. 4.10-18 to 4.10-20; see also Draft EIR Appendix H.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to public services and utilities with respect to fire protection/emergency medical services, police protection, wastewater, and energy.

10. Transportation

a. Impacts

Impact TRANS-1: Existing Plus Project Intersection Operations: The Project would not contribute to unacceptable intersection operations under Existing Plus Project conditions. All intersections would operate at acceptable levels under Existing Plus Project conditions. For these reasons, the Project would have a less-than-significant impact with respect to Existing Plus Project intersection operations. (Draft EIR, pp. 4.11-33 to 4.11-38; Partially Recirculated Draft EIR, pp. 4.11-34 to 4.11-38; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-3: Existing Plus Project Arterial Corridor Operations: The Project would not contribute to unacceptable arterial corridor operations under Existing Plus Project conditions. Oroville Dam Boulevard between SR-70 and Olive Highway is projected to operate at acceptable levels in the eastbound and westbound directions in the Existing Plus Project PM peak-hour. For these reasons, the Project would have a less-than-significant impact with respect to Existing Plus Project arterial corridor operations. (Draft EIR, pp. 4.11-55 to 4.11-56; Partially Recirculated Draft EIR, pp. 4.11-60 to 4.11-61; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-6: Year 2030 Roadway Segment Operations: The Project would not contribute to unacceptable roadway operations under Year 2030 conditions since all study roadway segments are projected to operate at acceptable LOS. For these reasons, the Project would have a less-than-significant impact with respect to Year 2030 roadway segment operations. (Draft EIR, p. 4.11-59; Partially Recirculated Draft EIR, p. 4.11-64 to 4.11-65; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-7: Existing Plus Project Freeway Operations: The Project would not contribute to unacceptable freeway operations under Existing Plus Project conditions. All mainline segments and all ramp merge-diverge junctions are projected to operate at acceptable LOS. For these reasons, the Project would have a less-than-significant impact with respect to Existing Plus Project freeway operations. (Draft EIR, pp. 4.11-60 to 4.11-62; Partially Recirculated Draft EIR, pp. 4.11-65 to 4.11-70; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-8: Year 2030 Freeway Operations: The Project would not contribute to unacceptable freeway operations under Year 2030 conditions. All mainline segments and all ramp merge-diverge junctions are projected to operate at acceptable LOS. For these reasons, the Project would have a less-than-significant impact with respect to Year 2030 freeway operations. (Draft EIR, pp. 4.11-62 to 4.11-72; Partially Recirculated Draft EIR, pp. 4.11-70 to 4.11-78; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-9: Parking: The Project would provide adequate off-street parking. Based on the proposed site plan, the Project would provide 830 off-street parking spaces, with 794 spaces available for vehicular parking. The Municipal Code requires one space per 300 square feet (3.33 spaces per 1,000 square feet). Accordingly, the Project would provide 127 spaces more than the Municipal Code requirement. Therefore, adequate off-street parking would be provided. For these reasons, the Project would have a less-than-significant impact with respect to parking. (Draft EIR, pp. 4.11-72 to 4.11-73; Partially Recirculated Draft EIR, pp. 4.11-78 to 4.11-79; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-10: Roadway Safety: The Project does not have any features that would create roadway safety hazards.

- Vehicular Access: The Project would have five access points to surrounding roadways. Each access point would be a minimum of 50 feet wide, which is of sufficient width to safely accommodate large vehicles such as trucks. All Project access points would function as full access driveways, with stop signs along the Project driveway approaches. There is adequate internal circulation to allow vehicles to access Feather River Boulevard, Cal Oak Road, 7th Avenue from the main parking lot. The overall layout of the site provides satisfactory vehicle circulation. Based on intersection LOS analysis (Impact TRANS-1 and TRANS-2), all Project driveways are projected to operate at acceptable LOS. Thus, adequate vehicular access would be provided.

- Internal Circulation: The Project's parking areas would consist of two-way aisles. Parking is proposed along the drive aisles at 90-degree angles. This design allows for efficient, two-way circulation on all aisles. A drive aisle would be provided in front of the store entrance. Pavement treatments would be provided in front of the store entrance to advise motorists of pedestrian crossing zones. There is adequate internal circulation to allow vehicles to access Feather River Boulevard, Cal Oak Road, or 7th Avenue from the main parking lot. There would be no potential obstructions to internal circulations, such as roundabouts or hairpin turns. The overall layout of the site provides satisfactory vehicle circulation.

- Truck Access: Trucks would be anticipated to use Feather River Boulevard and 7th Avenue to access the loading docks in the rear of the store. Walmart trucks would travel to Oroville on SR-70 and exit at either Georgia Pacific Way or Oroville Dam Boulevard (SR-162), then turn onto Feather River Boulevard or 7th Avenue. Both SR-70 and SR-162 are state highways and, therefore, are appropriate for truck movements. Georgia Pacific Way, Feather River Boulevard, Cal Oak Road, and 7th Avenue all support existing truck movements to existing industries and are located within an area identified in General Plan Figure CIR-9 as a "Potential Area for Local Truck Routes." All Project-related truck movements would avoid residential neighborhoods.

- Railroad Grade Crossing Safety: The Union Pacific Railroad Feather River Corridor line is located approximately 0.75 mile to the east from the Project site. The nearest at-grade crossing of the Feather River Corridor to the Project site is at Mitchell Avenue, located approximately 1.5 miles to the northeast. The Project trip distribution pattern assumes that Project-related trips would primarily use Oroville Dam Boulevard to travel to and from the Project site from destinations on the east side of the railroad tracks, as this is the most direct route. Therefore, it would be unlikely that the Project would contribute to an increase in grade crossings at Mitchell Avenue.

For these reasons, the Project would have a less-than-significant impact with respect to roadway safety. (Draft EIR, pp. 4.11-73 to 4.11-75; Partially Recirculated Draft EIR, pp. 4.11-79 to 4.11-81; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-11: Emergency Access: The Project would not result in inadequate emergency access to the Project site or surrounding land uses. The Project would have five access points to surrounding roadways, each of which would be a minimum of 50 feet wide, which would provide sufficient width for large emergency vehicles (e.g., fire engines). The Project would implement half-width improvements along the three roadways adjacent to the site, which would include the installation of dedicated turn lanes. These improvements would promote efficient circulation in the vicinity and, therefore, would contribute to effective emergency access. Furthermore, the Project does not propose any permanent road closures, lane reductions, or other measures that may adversely affect emergency access in the Project vicinity. Finally, neither the Oroville Fire Department nor the Oroville Police Department indicated that the Project would impair emergency response. For these reasons, the Project would have a less-than-significant impact with respect to emergency access. (Draft EIR, p. 4.11-75; Partially Recirculated Draft EIR, p. 4.11-81; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

Impact TRANS-12: Air Traffic Patterns: The Project would not alter any air traffic patterns associated with the Oroville Municipal Airport. The Butte County Airport Land Use Compatibility Plan identifies the Project site as being located within Zone D of the Oroville Municipal Airport. Zone D is the least restrictive zone, establishing no density recommendations, requiring air space review only for objects 100 feet or more in height, and prohibiting land uses that would have characteristics that interfere with aviation (such as tall objects, visual and electronic forms of interference that may impair aircraft operations, and land uses that may attract large flocks of birds). The Walmart store would be a maximum of 37 feet above grade and, therefore, would not be tall enough to alter air traffic patterns or create a hazard to aviation. In addition, the store would be a commercial retail land use and would not possess any characteristics that would emit dust or smoke, generate electrical interference, or attract large flocks of birds. Therefore, the Project would be consistent with the safety recommendations of the Butte County Airport Land Use Compatibility Plan and it can be reasonably concluded that it would not alter air traffic patterns. For these reasons, the Project would have a less-than-significant impact with respect to air traffic patterns. (Draft EIR, pp. 4.11-75 to 4.11-76; Partially Recirculated Draft EIR, p. 4.11-82; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to transportation with respect to Existing Plus Project intersection operations, Existing Plus Project arterial corridor operations,

Year 2030 roadway segment operations, Existing Plus Project freeway operations, Year 2030 freeway operations, parking, roadway safety, emergency access, and air traffic patterns.

11. Urban Decay

a. Impacts

Impact UD-1: Urban Decay- Project Impacts: The Project would not create any long-term vacancies through closure of competing businesses that would be susceptible to urban decay. The Retail Economic Impact/Urban Decay analysis concludes that potential sales diversions may occur as a result of the net new sales from the Walmart store.

CBRE Consulting believes that the FoodMaxx is most likely to experience negative sales impacts, given its proximity to the proposed Walmart store, comparable 24-hour operations, and the fact that it is the only other discount-oriented grocery store in the market area. However, FoodMaxx is a large store and would offer a greater selection than what could be offered in the planned square feet of grocery space at the proposed Walmart store. If the FoodMaxx were to close, the large space could be hard to retenant and could remain vacant for a prolonged period of time. However, even large and prolonged vacancies do not necessarily lead to urban decay. If the center is maintained properly, as it is currently despite high vacancies, the center could still be viable while a tenant is found for the FoodMaxx space, or the space is subdivided for multiple users. Ultimately, this store is not deemed susceptible to closure, given the small amount of planned food sales space at the Walmart store and the market's prior history of supporting two additional, full-service grocery stores.

It is important to note that existing vacancies in the City of Oroville do not exhibit urban decay and, as such, even if the FoodMaxx were to close and remain vacant, it is unlikely to result in urban decay since property owners have a self-interest in maintaining their property (i.e., by attracting and retaining tenants as well as generating higher rents). Also, the City of Oroville Municipal Code has provisions in place to prevent urban decay from occurring. For these reasons, the Project would have a less-than-significant impact with respect to Project level urban decay. (Draft EIR, pp. 4.12-29 to 4.12-45; 4.12-55 to 4.12-63; see also Draft EIR Appendix J. See also Final EIR, Response to KOPPER-53 to Response to KOPPER-57, pp. 3-151 to 3-154.)

Impact UD-2: Urban Decay-Cumulative Impacts: The Project, in conjunction with other projects, would not create any long-term vacancies through closure of competing businesses that would be susceptible to urban decay. While some existing retailers may be negatively impacted by the Walmart net square footage and other cumulative projects, re-leasing activity if warranted can be beneficial to a market area by expanding opportunities for strong retailers and providing opportunities for retailers new to the market. Based upon these findings, CBRE Consulting concludes that the Walmart net square footage and the identified cumulative projects will not contribute to urban decay in the market area. This is especially the case since the highest sales volume impact is in food stores, and no existing food store closures are anticipated. The City of Oroville also has provisions in place to prevent urban decay from occurring (e.g.,

Municipal Code, Chapter 14, Article II). For these reasons, the Project would have a less-than-significant impact with respect to cumulative urban decay impacts. (Draft EIR, pp. 4.12-45 to 4.12-63; see also Draft EIR Appendix J.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less-than-significant impacts to urban decay with respect to Project-level and cumulative impacts.

C. Less-Than-Significant Impacts With Mitigation Incorporated

The Final EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The Final EIR identified feasible mitigation measures to avoid or substantially reduce some or all of the environmental impacts in these areas. Based on the information and analyses set forth in the Final EIR, the Project impacts will be less-than-significant with identified feasible mitigation measures and design standards incorporated into the Project.

1. Aesthetics, Light, and Glare

a. Impact AES-2: Visual Character

(1) Impacts and Mitigation

The Project may degrade the existing visual character or quality of the site and its surroundings. Mitigation Measure BIO-5 addresses this potential impact and is:

MM BIO-5: Prior to issuance of grading permits, the project applicant shall obtain a tree removal permit from the City of Oroville. Removed trees shall be replaced onsite, by the end of the next planting season, at a ratio of no less than 1:1 and shall consist of native tree species.

(Draft EIR, pp. 4.1-12 to 4.1-15; Partially Recirculated Draft EIR, pp. 4.1-12 to 4.1-16.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Walmart store's design is characterized as contemporary retail development. All rooftop-mounted mechanical equipment would be concealed from public view by parapets. Ground-mounted mechanical equipment would be screened from view by screenwalls. The front elevation of the building would feature a main entrance with a rounded gable and a complementary vestibule entrance on either side. The FAR of the proposed building would be 0.22 (200,225 square feet ÷ 20.75 acres [903,870 square feet]), which would be within the maximum allowable FAR of 0.4 for both the Intensive Industrial (M-2) zoning district and Intensive Commercial (C-2) zoning district. The roofline of the store would range from 30 feet, 8 inches to 37 feet above grade, which would be within the Zoning Ordinance building height limits of 65 feet above grade for the Intensive Industrial (M-2) zoning district and 60 feet above grade for the Intensive Commercial (C-2) zoning district.

The Project's wall and pylon signage would require a variance from the signage requirements for the Intensive Industrial (M-2) zoning district for the following reasons: (1) the total square footage of proposed signage (787 square feet) is greater than the maximum allowed (250 square feet); and, (2) the number of proposed wall signs on the north elevation (four signs) exceeds the maximum allowed (one sign). Accordingly, the applicant is seeking approval of a variance. If the City approves the variance and the applicant is allowed to include the proposed signage, this would not be considered a significant visual impact. The amount of signage would be in proportion to the size of the building. For example, the proposed signage on the north elevation of the building would occupy only approximately 2.6 percent of the wall area and the proposed signage on the west elevation of the building would only occupy approximately 3.5 percent of the wall area. Furthermore, the characteristics of the proposed pylon sign would be consistent with those of other pylon signs in the Project vicinity with respect to height and dimensions. As such, the pylon sign would not introduce a new freestanding sign that is disproportionately out of character or out of scale in the Project vicinity. Therefore, impacts would be less-than-significant.

Landscaping would be installed around the perimeter of the Project site and within the parking areas. The existing mature trees along Feather River Boulevard would be removed because of the need to install vehicular access points and half-width improvements along the roadway frontage. Mitigation Measure BIO-5 would ensure that a tree removal permit is obtained from the City of Oroville and replacement trees are provided. Implementation of the above mitigation measure would reduce impacts on existing mature trees to levels that are considered less-than-significant and no other significant impacts associated with visual character are expected. These facts support the City's finding. (Draft EIR, pp. 4.1-12 to 4.1-15; Partially Recirculated Draft EIR, pp. 4.1-12 to 4.1-16.)

b. Impact AES-3: Light and Glare

(1) Impacts and Mitigation

Implementation of the Project may result in the introduction of new sources of substantial light and glare. Mitigation Measure AES-3 addresses this potential impact and is:

MM AES-3: Prior to issuance of building permits, the project applicant shall submit a photometric plan to the City of Oroville for review and approval. The photometric plan shall identify types of exterior lighting fixtures and their locations on the project site. All light fixtures shall be shielded, recessed, or directed downward to minimize light trespass onto neighboring properties. Additionally, parking lot lighting shall be directed away from public streets so that it does not produce glare, in order to ensure the safety of vehicular traffic in accordance with Oroville Municipal Code Section 26-13.010. The approved plan shall be incorporated into the project.

(Draft EIR, pp. 4.1-15 to 4.1-16; Partially Recirculated Draft EIR, pp. 4.1-16 to 4.1-17.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AES-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would include the installation of exterior building lights, freestanding parking lot lights, and building-mounted illuminated signage. These lighting fixtures have the potential to create unwanted spillover effects onto surrounding properties. Mitigation Measure AES-3 would require the applicant to submit a photometric plan to the City that identifies lighting fixtures and practices to minimize light trespass onto neighboring properties. Submission of the photometric plan would also ensure that the Project complies with Oroville Municipal Code Section 26-13.010, regarding lighting in parking lots. The intent of this mitigation measure is to ensure that lighting does not spill over onto neighboring land uses and create adverse impacts associated with unwanted and unnecessary illumination. With implementation of this mitigation, the Project would minimize the amount of light and glare it would add to the ambient environment and, therefore, would reduce impacts to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.1-15 to 4.1-16;

Partially Recirculated Draft EIR, pp. 4.1-16 to 4.1-17. See also Final EIR, Response to KOPPER-18, pp. 3-133 to 3-134, and Response to KOPPER-24, pp. 3-136 to 3-137.)

2. Air Quality

a. Impact AIR-1: Construction Emissions

(1) Impact and Mitigation

The Project may result in significant air pollutant emissions during Project construction. Mitigation Measure AIR-1 addresses this potential impact and is:

MM AIR-1a: During construction activities, the following dust control measures shall be implemented by the construction contractor:

- Water shall be applied by means of truck(s), hoses or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions.
- Haul vehicles transporting soil into or out of the property shall be covered.
- A water truck shall be onsite at all times during grading activities. Water shall be applied to disturbed areas a minimum of two times per day, or more as necessary. Water shall also be applied to all visibly dry, disturbed soil and unpaved road surfaces to minimize dust emissions.
- Vehicle speed on unpaved or disturbed areas shall be limited to less than 15 miles per hour.
- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with District Rule 200 and 205.
- Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency.
- Vehicles entering or exiting the construction area shall travel at a speed that minimizes dust emissions, or less than 15 mph.
- Construction workers shall park in designated parking areas to help reduce dust emissions.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).

MM AIR-1b: During construction, the project applicant and construction contractor shall ensure that all architectural coatings are zero-volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC, a 60-percent reduction from the URBEMIS default of 250 grams/liter of VOC) and coatings. All paints shall be applied by either high-volume, low-pressure spray equipment or by hand application.

MM AIR-1c: Prior to the commencement of construction activities, the project applicant shall ensure the construction contractor compiles a comprehensive inventory list (make, model, engine year, horsepower, emission rates, etc.) of all heavy-duty off-road (portable and mobile) equipment having 50 horsepower or greater that will be used an aggregate of 40 or more hours for construction. The applicant shall ensure the construction contractor prepares and submits a plan to the City of Oroville demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project will achieve a project-wide fleet-average 10 percent NO_x reduction compared with the most recent CARB fleet average at time of construction.

MM AIR-1d: During construction, the project applicant shall ensure that all construction equipment used by the construction contractor is properly tuned according to manufacturer's specifications.

(Draft EIR, pp. 4.2-34 to 4.2-37; see also Draft EIR Appendix B.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Construction equipment such as graders, bulldozers, forklifts, backhoes, and water trucks are expected to be used on the Project site and will result in exhaust emissions consisting of NO_x, ROG, PM_{10}, and $PM_{2.5}$. Paving operations and architectural coatings will release ROG emissions. Construction activities are carried out in discrete steps, each of which has a unique mix of equipment. With implementation of the four mitigation measures, Project construction emissions would be within BCAQMD's construction thresholds; thereby reducing impacts to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.2-34 to 4.2-37; see also Draft EIR, Appendix B.)

b. Impact AIR-2: Regional Operational Emissions

(1) Impact and Mitigation

The Project may result in significant emissions of regional pollutants from Project operations. Mitigation Measure AIR-2 addresses this potential impact and is:

MM AIR-2a: Prior to issuance of the certificate of occupancy, the project applicant shall install employee lockers at a rate of no less than one locker per four employees.

MM AIR-2b: Prior to issuance of the certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures:

- A kiosk near the main entrance or other visible location displaying transportation information (e.g., Butte Regional Transit schedules, maps, and fares). The information shall be updated on a regular basis.

- Public transit information in the employee break room. Store management shall post information such as Butte Regional Transit schedules, maps, and fares. The information shall be updated on a regular basis.

- Ride sharing information in the employee break room. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.

- Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. The information shall be updated on a regular basis.

MM AIR-2c: Prior to issuance of the certificate of occupancy, the project applicant shall install the lowest-emitting, commercially available HVAC unit.

MM AIR-2d: Prior to issuance of the certificate of occupancy, the project applicant shall provide BCAQMD with funding for offsite emission reductions equal to 0.11 ton of ROG and 0.33 ton of NO_x. Based on current fee schedules, this would cost $6,292.

(Draft EIR, p. 4.2-38 to 4.2-42; see also Draft EIR Appendix B.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would exceed the BCAQMD's regional operational thresholds according to Level B significance levels for ROG, NO_x, and PM_{10}. Emissions of NO_x represent both the highest daily rate and the most required mitigation. The required 8.65 pound-per-day reduction of wintertime NO_x is equal to 7.8 percent of the total NO_x emissions. The Best Available Mitigation Measures provided in BCAQMD's CEQA Handbook have corresponding point values that are equivalent to a percentage of emissions reduction associated with each measure. Therefore, implementing mitigation measures that add up to 8 mitigation points means that the measure is anticipated to make an 8-percent reduction in the Project's anticipated operational emissions. The Project's mitigation measures and design features would total 4.5 points. The Project would still exceed BCAQMD thresholds for ROG and NO_x after the implementation of mitigation by 1.28 pounds and 3.63 pounds, respectively. Therefore, an additional mitigation measure is proposed that would require the applicant to participate in the BCAQMD voluntary offsite mitigation program and purchase credits to offset the balance of the ROG and NO_x emissions that exceed the thresholds. With the implementation of mitigation measure described above, the impacts would be reduced to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.2-38 to 4.2-42; see also Draft EIR, Appendix B.)

c. Impact AIR-5: Objectionable Odors

(1) Impact and Mitigation

The Project may result in objectionable odors affecting a substantial number of people. Mitigation Measure AIR-5 addresses this potential impact and is:

MM AIR-5: Prior to issuance of the certificate of occupancy, the project applicant shall install odor control systems on all air intake and ventilation systems. The design and type of odor control system shall be negotiated between the project applicant and the BCAQMD, to the satisfaction of the BCAQMD.

(Draft EIR, pp. 4.2-47 to 4.2-49; see also Draft EIR Appendix B.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project does not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and ROGs would be emitted during construction, which are objectionable to some; however, emissions would disperse rapidly from the Project site and, therefore, should not be at a level to induce a negative response. Therefore, impacts would be less-than-significant.

There are three known sources of objectionable odors within 1 mile of the Project: the Norcal Waste Systems of Butte County transfer facility; the SCOR wastewater treatment plant; and the Pacific Oroville Power facility. According to SCOR, odorous emissions occur daily for approximately 15 minutes when the treatment pond aeration systems are operated. The Pacific Oroville Power facility generates electricity by burning agricultural wood waste and other waste wood biomass, consuming almost 830 wet tons per day. Odor from the Pacific Oroville Power facility is related to the storage of the wood biomass. A review of the BCAQMD's odor complaints include two complaints associated with SCOR in 2007, and nine complaints associated with Pacific Oroville Power between 2005 and 2008. Exposure duration outside of the building would be brief, due to the nature of activity arriving and departing. The duration of potential exposure while inside the building could last several hours, as both shoppers and employees would be present. As such, mitigation is proposed requiring the installation of an odor control system in the Walmart building. With the implementation of this mitigation measure, impacts would be reduced to a level of less-than-significant.

These facts support the City's finding. (Draft EIR, pp. 4.2-47 to 4.2-49; see also Draft EIR Appendix B.)

d. Impact AIR-6: Air Quality Attainment Plan Consistency

(1) Impact and Mitigation

The Project may conflict with or obstruct implementation of the applicable air quality attainment plan. Mitigation Measures AIR-1 and AIR-2 address this potential impact and are:

MM AIR-1a: During construction activities, the following dust control measures shall be implemented by the construction contractor:

- Water shall be applied by means of truck(s), hoses or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions.

- Haul vehicles transporting soil into or out of the property shall be covered.

- A water truck shall be onsite at all times during grading activities. Water shall be applied to disturbed areas a minimum of two times per day, or more as necessary. Water shall also be applied to all visibly dry, disturbed soil and unpaved road surfaces to minimize dust emissions.

- Vehicle speed on unpaved or disturbed areas shall be limited to less than 15 miles per hour.

- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with District Rule 200 and 205.

- Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency.

- Vehicles entering or exiting the construction area shall travel at a speed that minimizes dust emissions, or less than 15 mph.

- Construction workers shall park in designated parking areas to help reduce dust emissions.

- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).

MM AIR-1b: During construction, the project applicant and construction contractor shall ensure that all architectural coatings are zero-volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC, a 60-percent reduction from the URBEMIS default of 250 grams/liter of VOC) and coatings. All paints shall be applied by either high-volume, low-pressure spray equipment or by hand application.

MM AIR-1c: Prior to the commencement of construction activities, the project applicant shall ensure the construction contractor compiles a comprehensive inventory list (make, model, engine year, horsepower, emission rates, etc.) of all heavy-duty off-road (portable and mobile) equipment having 50 horsepower or greater that will be used an aggregate of 40 or more hours for construction. The applicant shall ensure the construction contractor prepares and submits a plan to the City of Oroville demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project will achieve a project-wide fleet-average 10 percent NO_x reduction compared with the most recent CARB fleet average at time of construction.

MM AIR-1d: During construction, the project applicant shall ensure that all construction equipment used by the construction contractor is properly tuned according to manufacturer's specifications.

MM AIR-2a: Prior to issuance of the certificate of occupancy, the project applicant shall install employee lockers at a rate of no less than one locker per four employees.

MM AIR-2b: Prior to issuance of the certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures:

- A kiosk near the main entrance or other visible location displaying transportation information (e.g., Butte Regional Transit schedules, maps, and fares). The information shall be updated on a regular basis.

- Public transit information in the employee break room. Store management shall post information such as Butte Regional Transit schedules, maps, and fares. The information shall be updated on a regular basis.

- Ride sharing information in the employee break room. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.

- Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. The information shall be updated on a regular basis.

MM AIR-2c: Prior to issuance of the certificate of occupancy, the project applicant shall install the lowest-emitting, commercially available HVAC unit.

MM AIR-2d: Prior to issuance of the certificate of occupancy, the project applicant shall provide BCAQMD with funding for offsite emission reductions equal to 0.11 ton of ROG and 0.33 ton of NO_x. Based on current fee schedules, this would cost $6,292.

(Draft EIR, pp. 4.2-49 to 4.2-50; see also Draft EIR Appendix B.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures AIR-1 and AIR-2, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The 2006 Air Quality Attainment Plan is the regional air quality management plan for the Northern Sacramento Valley Planning Area. The Project would be consistent with the Plan because: (1) the Project does not require a change in the existing land use designation and the projected emissions of ROG and NO_x from the Project are equal to or less than the emissions anticipated for the site if developed under the existing land use designation; (2) Project-generated CO emissions are not expected to contribute to a CO hotspot and emissions of construction and operational ROG, NO_x, and PM_{10} would be less-than-significant after mitigation; and (3) the Project would comply with all applicable BCAQMD rules and regulations. Therefore, the impact would be less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.2-49 to 4.2-50; see also Draft EIR Appendix B.)

e. Impact AIR-7: Cumulative Air Quality

(1) Impact and Mitigation

The Project may result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under any applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). Mitigation Measures AIR-1 and AIR-2 address this potential impact and are:

MM AIR-1a: During construction activities, the following dust control measures shall be implemented by the construction contractor:

- Water shall be applied by means of truck(s), hoses or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions.
- Haul vehicles transporting soil into or out of the property shall be covered.
- A water truck shall be onsite at all times during grading activities. Water shall be applied to disturbed areas a minimum of two times per day, or more as necessary. Water shall also be applied to all visibly dry, disturbed soil and unpaved road surfaces to minimize dust emissions.
- Vehicle speed on unpaved or disturbed areas shall be limited to less than 15 miles per hour.
- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with District Rule 200 and 205.
- Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency.

- Vehicles entering or exiting the construction area shall travel at a speed that minimizes dust emissions, or less than 15 mph.

- Construction workers shall park in designated parking areas to help reduce dust emissions.

- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).

MM AIR-1b: During construction, the project applicant and construction contractor shall ensure that all architectural coatings are zero-volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC, a 60-percent reduction from the URBEMIS default of 250 grams/liter of VOC) and coatings. All paints shall be applied by either high-volume, low-pressure spray equipment or by hand application.

MM AIR-1c: Prior to the commencement of construction activities, the project applicant shall ensure the construction contractor compiles a comprehensive inventory list (make, model, engine year, horsepower, emission rates, etc.) of all heavy-duty off-road (portable and mobile) equipment having 50 horsepower or greater that will be used an aggregate of 40 or more hours for construction. The applicant shall ensure the construction contractor prepares and submits a plan to the City of Oroville demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project will achieve a project-wide fleet-average 10 percent NO_x reduction compared with the most recent CARB fleet average at time of construction.

MM AIR-1d: During construction, the project applicant shall ensure that all construction equipment used by the construction contractor is properly tuned according to manufacturer's specifications.

MM AIR-2a: Prior to issuance of the certificate of occupancy, the project applicant shall install employee lockers at a rate of no less than one locker per four employees.

MM AIR-2b: Prior to issuance of the certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures:

- A kiosk near the main entrance or other visible location displaying transportation information (e.g., Butte Regional Transit schedules, maps, and fares). The information shall be updated on a regular basis.

- Public transit information in the employee break room. Store management shall post information such as Butte Regional Transit schedules, maps, and fares. The information shall be updated on a regular basis.

- Ride sharing information in the employee break room. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.

- Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. The information shall be updated on a regular basis.

MM AIR-2c: Prior to issuance of the certificate of occupancy, the project applicant shall install the lowest-emitting, commercially available HVAC unit.

MM AIR-2d: Prior to issuance of the certificate of occupancy, the project applicant shall provide BCAQMD with funding for offsite emission reductions equal to 0.11 ton of ROG and 0.33 ton of $NO_{x.}$ Based on current fee schedules, this would cost $6,292.

(Draft EIR, p. 4.2-51; see also Draft EIR Appendix B.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures AIR-1 and AIR-2, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

As discussed in Impacts AIR-1 and AIR-2, the Project would exceed the BCAQMD construction and operational thresholds without mitigation. However, after mitigation has been implemented, the Project's construction and operational emissions would be below BCAQMD thresholds. Therefore, impacts would be less-than-significant. Accordingly, the Project would not meet the BCAQMD's thresholds for a cumulative air quality impact and the impact would be less-than-significant. These facts support the City's finding. (Draft EIR, p. 4.2-51; see also Draft EIR Appendix B.)

f. Impact AIR-8: Greenhouse Gas Emissions

(1) Impact and Mitigation

The Project may emit significant amounts of greenhouse gases or conflict with an applicable plan, policy, or regulation concerning greenhouse gas reduction. Mitigation Measure AIR-8 addresses this potential impact and is:

MM AIR-8a: Prior to issuance of the certificate of occupancy, the project applicant shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the project site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria.

MM AIR-8b: Prior to issuance of the certificate of occupancy, the project applicant shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.

MM AIR-8c: Prior to issuance of the certificate of occupancy, the project applicant shall do the following:

- The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Oroville.

- During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants were reused.

- A secondary closed loop system that uses glycol in place of refrigerant shall be evaluated and implemented, if found to be technically and economically feasible.

MM AIR-8d: Prior to issuance of the certificate of occupancy, the applicant shall install the following energy efficiency measures:

- A daylight harvesting system that would allow lighting within the store to be dimmed when natural lighting is available.

- Occupancy sensors in non-sales areas such as restrooms, break rooms, and offices.

- Light Emitting Diode (LED) technology in exterior building signage and refrigerated food cases.

- A central energy management system that would allow for remote monitoring of systems such as lighting, temperature, and refrigeration.

- Energy efficient HVAC units that can achieve Energy Star performance standards.

- A dehumidifying system that allows the refrigeration system to operate more efficiently.

- A white membrane roof with high solar reflectivity.

- A heat reclamation that captures waste heat from the onsite refrigeration equipment to supply hot water needs for the store.

MM AIR-8e: Prior to issuance of the certificate of occupancy, the applicant shall submit a landscaping plan to the City of Oroville for review and approval. The plan shall demonstrate how shade trees in the main parking field can achieve 50 percent shade coverage within 15 years of planting. The approved plan shall be incorporated into the proposed project.

(Draft EIR, pp. 4.2-51 to 4.2-69; see also Draft EIR Appendix B.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-8, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

At the time of the Draft EIR, neither the City of Oroville nor the BCAQMD had adopted a Greenhouse Gas Reduction Plan or Strategy that would apply to the Project. As a result, an analysis was made to determine whether the Project would significantly hinder or delay California's ability to meet the reduction targets contained in AB 32.

The Project will generate greenhouse gas emissions from short-term construction activity as well as from operational activities. The primary greenhouse gas generated by the Project would be carbon dioxide. Construction activities are projected to emit approximately 694.30 $MTCO_2e$. At buildout, the operational Project emissions are projected to be approximately 15,000 $MTCO_2e$ per year, which is 0.003 percent of California's 2004 emissions.

Approximately 68 percent of operational greenhouse gases will be generated by vehicular activity associated with the Project. Natural gas use and indirect emissions from electricity generation will contribute approximately 4 percent and 11 percent of the operational greenhouse gas inventory, respectively. Emissions from refrigerant use would contribute approximately 17 percent of the operational greenhouse gas inventory. The Project would, however, incorporate a variety of features that would reduce its energy and water demand, promote waste reduction, and create opportunities for reductions in vehicle miles traveled, which will have the effect of helping reduce greenhouse gases either directly onsite, indirectly by reducing the need for electricity generation, or offsite in materials production and materials disposal. The Draft EIR also proposed a number of mitigation measures that would minimize greenhouse gas emissions.

The EIR analyzed the Project's consistency with the CARB Scoping Plan's greenhouse gas reduction measures. The analysis demonstrates that the Project would be consistent with all applicable reduction measures set forth in the Scoping Plan. Furthermore, the Project would implement all feasible greenhouse gas emissions strategies identified in the CARB Early Action Measures, which is a voluntary program with guidelines to foster the establishment or transition to cool communities. The Office of the Attorney General also maintains a list of CEQA Mitigations for Global Warming Impacts. The Office of the Attorney General states that the list includes examples only and suggests that the lead agency use its own informed judgment in deciding which measures it should analyze and require for a given project. The Project would implement all feasible greenhouse gas emissions strategies identified by the Attorney General's office since it would: (1) incorporate design features and mitigation measures that would conserve energy and water, promote recycling and waste reduction, and make the store accessible to public transit, bicycles, and pedestrians; (2) possibly reduce vehicle miles traveled for nearby residents who would now be close to a store that sells groceries; and (3) obtain energy from PG&E, which is increasing its share of energy generated by renewable sources. Finally, the Project would also implement all feasible strategies set forth in the CAPCOA "white paper."

In summary, the Project incorporates a number of features and mitigation measures that would minimize greenhouse gas emissions. The Project’s features and mitigation measures reduce greenhouse gas emissions to the maximum extent practicable. These features and mitigation measures are consistent with all project-level strategies identified by the CARB Scoping Plan, the CARB’s Early Action Measures, the Attorney General’s Office, and the CAPCOA "white paper". Therefore, impacts would be less-than-significant. These facts support the City’s finding. (Draft EIR, pp. 4.2-51 to 4.2-69; see also Draft EIR Appendix B, and Final EIR, Response to KOPPER-21, pp. 3-134 to 3-135.)

3. Biological Resources

a. Impact BIO-1: Special Status Species

(1) Impact and Mitigation

Development activities associated with the Project may affect special-status species. Mitigation Measure BIO-1 addresses this potential impact and is:

MM BIO-1: Prior to grading activities on the project site, a qualified biologist shall conduct a pre-construction survey for special status birds to identify any potential nesting activity, if vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31). The pre-construction surveys for special status birds shall be conducted within 30 days of proposed grading activities. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for special status birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through January 31).

(Draft EIR, pp. 4.3-17 to 4.3-18; see also Draft EIR Appendix C.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Biological Resources Assessment indicated that the Project site does not possess suitable habitat to support any special-status plant species. In addition, no such species were observed during the field survey. Therefore, no impacts on special-status plant species would occur. The Biological Resources Assessment indicated that the Project site has a moderate potential to support foraging habitat for the pallid bat. However, loss of foraging habitat on the Project site is not considered a significant impact because of available surrounding foraging habitat and the disturbed nature of the site, which causes it to be marginal foraging habitat. In addition, the Project site does not support pallid bat roosting because of the lack of suitable maternity roosts onsite. Accordingly, impacts to the pallid bat would be less-than-significant. All other special-status species were determined to have a low or very low potential to occur onsite. The Project site contains trees that could potentially provide suitable nesting habitat for passerines (perching birds), raptors (birds of prey), and ground-dwelling birds. Implementation of the above mitigation measure would reduce potential impacts to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.3-16 to 4.3-17; see also Draft EIR Appendix C.)

b. Impact BIO-2: Sensitive Natural Communities and Riparian Habitat

(1) Impact and Mitigation

The Project may cause potential adverse impacts to a riparian habitat. Mitigation Measure BIO-2 addresses this potential impact and is:

MM BIO-2: Prior to grading activities, the project applicant shall mitigate impacted riparian habitat through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio. The applicant shall also obtain all required authorization from regulatory agencies with jurisdiction over the ditch. If these agencies require mitigation in some other format as part of its permitting mandate, the mitigation may be substituted if it can be demonstrated that it would ensure a replacement value of no less than 1:1, which will reduce any substantial adverse effect on this resource.

(Draft EIR, pp. 4.3-18 to 4.3-19; see also Draft EIR Appendix C.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project site contains a man-made drainage ditch that contains patchy riparian habitat. The Project would re-route the channel around the east side of the Walmart store. A portion of the channel in the rear and on the side of the store would remain open, while the portion within the parking lot would be culverted. Because Project construction activities would impact riparian habitat, mitigation is proposed requiring the Project applicant to mitigate for impacted riparian habitat. In addition, state regulatory agencies may consider the ditch to be a stream or a Water of the State. Accordingly, the Project may require a 1602 Streambed Alteration Agreement from CDFG or Waste Discharge Requirements from the RWQCB. The proposed mitigation would mitigate impacts to the ditch to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.3-18 to 4.3-19; see also Draft EIR Appendix C.)

c. Impact BIO-5: Local Biological Policies and Ordinances

(1) Impact and Mitigation

The Project may conflict with the City of Oroville tree ordinance. Mitigation Measure BIO-5 addresses this potential impact and is:

MM BIO-5: Prior to issuance of grading permits, the project applicant shall obtain a tree removal permit from the City of Oroville. Removed trees shall be replaced onsite, by the end of the next planting season, at a ratio of no less than 1:1 and shall consist of native tree species.

(Draft EIR, pp. 4.3-20 to 4.3-21; see also Draft EIR Appendix C.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project site is bordered to the west by Feather River Boulevard, which has a row of mature street trees. Because the mature trees located along Feather River Boulevard would be removed for Project construction activities, development of the Project may conflict with the Oroville Municipal Code tree ordinance. Therefore, mitigation is proposed that would require compliance with the Municipal Code's provisions that pertain to trees, including replacement of removed trees. With implementation of this mitigation, impacts would be reduced to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.3-20 to 4.3-21; see also Draft EIR Appendix C.)

4. Cultural Resources

a. Impact CUL-1: Historic Resources

(1) Impact and Mitigation

Subsurface construction activities associated with the Project may damage or destroy previously undiscovered historic resources. Mitigation Measure CUL-1 addresses this potential impact and is:

MM CUL-1: If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City of Oroville shall require the project applicant to include a standard inadvertent discovery clause in every construction contract and inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials. Construction activities within the 100-foot radius may continue once all appropriate recovery measures have been completed.

(Draft EIR, pp. 4.4-11 to 4.4-12; see also Draft EIR Appendix D.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure CUL-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Although the Project is depicted as being within the 2002 tailings area, tailings on the site do not appear to be as significant under CEQA as other areas of dredge tailings. In addition, the dredge tailings formally recorded on the 1970 USGS Palermo topographic map do not include the Project area. The Project area does not appear to be at the core of the 8,000-acre dredge tailings site, nor does it appear to be an area that would offer the most representative example of the dredge tailings that were recorded in 2002. Therefore, an impact to a significant resource would not result from Project development. Because the Project site has been disturbed by past mining activities, it is unlikely that any historical resources would be encountered during activities associated with subsurface construction. Nonetheless, the possibility exists that undiscovered historic resources may be encountered during such activities. Mitigation is

proposed to reduce this impact to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.4-11 to 4.4-12; see also Draft EIR Appendix D.)

b. Impact CUL-2: Archaeological Resources

(1) Impact and Mitigation

Subsurface construction activities associated with the Project may damage or destroy previously undiscovered archaeological resources. Mitigation Measure CUL-1 addresses this potential impact and is:

MM CUL-1: If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City of Oroville shall require the project applicant to include a standard inadvertent discovery clause in every construction contract and inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials. Construction activities within the 100-foot radius may continue once all appropriate recovery measures have been completed.

(Draft EIR, p. 4.4-13; see also Draft EIR Appendix D.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure CUL-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

There are no known archaeological resources on the Project site. The pedestrian survey conducted during the Phase I Cultural Resources Assessment did not find any evidence suggesting that archaeological resources could be present onsite. However, the possibility exists that subsurface construction activities may encounter undiscovered archaeological resources. Implementation of this mitigation measure would limit impacts on archaeological resources to a less-than-significant level. These facts support the City's finding. (Draft EIR, p. 4.4-13; see also Draft EIR Appendix D.)

c. Impact CUL-3: Paleontological Resources

(1) Impact and Mitigation

Subsurface construction activities associated with the Project may damage or destroy previously undiscovered paleontological resources. Mitigation Measure CUL-3 addresses this potential impact and is:

MM CUL-3: In the event a fossil is discovered during any earthwork activities for the proposed project (including those occurring at depths of less than 10 feet), all excavations within 100 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the City of Oroville to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the City determines that avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to the City for review and approval. Upon approval, the plan shall be incorporated into the project.

(Draft EIR, pp. 4.4-13 to 4.4-14; see also Draft EIR Appendix D.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure CUL-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

There are no known paleontological resources on the Project site. The Phase I Cultural Resources Assessment did not find any evidence suggesting that paleontological

resources could be present onsite. Nonetheless, the possibility exists that subsurface construction activities may encounter undiscovered paleontological resources. Mitigation is proposed to reduce this potentially significant impact to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.4-13 to 4.4-14; see also Draft EIR Appendix D.)

d. Impact CUL-4: Burial Sites

(1) Impact and Mitigation

Subsurface construction activities associated with the Project may damage or destroy previously undiscovered human burial sites. Mitigation Measure CUL-4 addresses this potential impact and is:

MM CUL-4: If human remains are encountered during earth-disturbing activities for the project, all work in the adjacent area shall stop immediately and the Butte County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered remains.

(Draft EIR, p. 4.4-14; see also Draft EIR Appendix D.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure CUL-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

There are no known burial sites on the Project site. The Phase I Cultural Resources Assessment did not find any evidence suggesting that burial sites could be present onsite. Nonetheless, the possibility exists that subsurface construction activities may encounter undiscovered human burial sites. Mitigation is proposed to reduce this impact to a level of less-than-significant. These facts support the City's finding. (Draft EIR, p. 4.4-14; see also Draft EIR Appendix D.)

5. Geology, Soils, and Seismicity

a. Impact GEO-1: Seismic Hazards

(1) Impact and Mitigation

The Project may expose persons or structures to seismic hazards. Mitigation Measure GEO-1 addresses this potential impact and is:

MM GEO-1: Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical study and building plans to the City of Oroville for review and approval. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the latest version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project.

(Draft EIR, pp. 4.5-9 to 4.5-10; see also Draft EIR Appendix E.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

- Fault Rupture: There is no Alquist-Priolo Earthquake Fault Zone within the Project site boundaries. In addition, the Geotechnical Investigation indicated that there are no faults within the Project site. This condition precludes the possibility of the Project being exposed to fault rupture.

- Strong Ground Shaking: The Project site may be exposed to low to moderate ground shaking during an earthquake in the general region. The Geotechnical Investigation provided earthwork and structural design recommendations to mitigate the potentially significant risks of strong seismic ground shaking to acceptable levels. These recommendations are based on the requirements of the California Building Standards Code, which provides criteria for the seismic design of buildings. Seismic design criteria account for peak ground acceleration, soil profile, and other site conditions, and they establish

corresponding design standards intended primarily to protect public safety and secondly to minimize property damage. As such, mitigation is proposed requiring the applicant to submit a design-level geotechnical study and building plans that incorporate all applicable recommendations of the design-level geotechnical study and comply with the latest version of the California Building Standards Code to the City of Oroville for review and approval. The implementation of this mitigation measure would ensure that potential ground shaking impacts are reduced to a level of less-than-significant.

- Ground Failure: The Geotechnical Investigation indicated that some of the sand layers encountered during the exploration may theoretically liquefy, resulting in up to about 1.25 inches of differential settlement over a distance of 50 feet. However, when the proposed grading is accounted for in the evaluation of liquefaction, the increased load due to the placement of new fill will actually reduce the potential for liquefaction. As a result, if at least 2 feet of engineered fill is placed across the site, then liquefaction-induced settlement is negligible. According to the conceptual plan and information provided by the applicant, at least 6 feet of engineered fill will be placed under the building footprint area to bring it above the anticipated floodplain elevation. The engineered fill will continue beneath the adjacent parking lot area and taper down to approximately 2 feet at Cal Oak Road. Because of the additional engineered fill thickness, the possibility of liquefaction-induced ground failure will be reduced to a level of less-than-significant.

- Landsliding: There are no substantial slopes on or near the Project site. This condition precludes the possibility of landslides. Impacts would be less-than-significant.

These facts support the City's finding. (Draft EIR, pp. 4.5-9 to 4.5-10; see also Draft EIR Appendix E.)

b. Impact GEO-2: Erosion

(1) Impact and Mitigation

Construction activities associated with the Project may create erosion and sedimentation. Mitigation Measure HYD-1 addresses this potential impact and is:

MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Oroville that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:

- Temporary erosion control measures shall be employed for disturbed areas.
- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure.
- In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.

(Draft EIR, pp. 4.5-10 to 4.5-11; see also Draft EIR Appendix E.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Construction activities associated with the Project would involve vegetation removal, grading, and excavation activities that could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. Under the NPDES permitting program, preparation and implementation of a SWPPP is required for the Project because it would disturb an area of 1 acre or more. The SWPPP must identify potential

sources of erosion or sedimentation that may be reasonably expected to affect the quality of stormwater discharges as well as identify and implement Best Management Practices (BMPs) that ensure the reduction of these pollutants during stormwater discharges. Typical BMPs intended to control erosion include sand bags, detention basins, silt fencing, storm drain inlet protection, street sweeping, and monitoring of water bodies. These requirements have been incorporated into the Project as mitigation. The implementation of an SWPPP and its associated BMPs would reduce potential erosion impacts to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.5-10 to 4.5-11; see also Draft EIR Appendix E.)

c. Impact GEO-3: Unstable Geologic Units or Soils

(1) Impact and Mitigation

The Project may expose persons or structures to hazards associated with unstable geologic units or soils. Mitigation Measure GEO-1 addresses this potential impact and is:

MM GEO-1: Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical study and building plans to the City of Oroville for review and approval. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the latest version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project.

(Draft EIR, pp. 4.5-11 to 4.5-12; see also Draft EIR Appendix E.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Geotechnical Investigation found that the site is underlain by approximately 15.5 to 22.0 feet of undocumented fill consisting of poorly graded gravel with clay, poorly graded sand, and silty sand layers. This fill largely consists of tailings resulting from hydraulic mining performed in the Project vicinity during the gold rush era. The Project site would be graded and the area underlying the building pad would be soil engineered in accordance the recommendations of a design-level geotechnical study and the requirements of the California

Building Standards Code. This requirement is established by Mitigation Measure GEO-1. This process would involve removal of unsuitable soils, the placement of engineered fill, and compaction in order to ensure that the proposed structure is adequately supported. These practices would ensure that the Project is located on stable soils and geologic units and would not be susceptible to settlement or ground failure. Therefore, implementation of Mitigation Measure GEO-1 would reduce impacts to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.5-11 to 4.5-12; see also Draft EIR Appendix E, and Final EIR, Response to KOPPER-35, pp. 3-142 to 3-143.)

6. Hydrology and Water Quality

a. Impact HYD-1: Short-Term Water Quality

(1) Impact and Mitigation

Construction activities associated with the Project may degrade water quality in downstream water bodies. Mitigation Measure HYD-1 addresses this potential impact and is:

MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Oroville that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:

- Temporary erosion control measures shall be employed for disturbed areas.
- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure.

- In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.

(Draft EIR, pp. 4.7-9 to 4.7-11.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Development of the Project would require grading activities, construction activities, soil storage, and the use of gasoline- and diesel-powered heavy equipment. These activities have the potential to cause small quantities of pollutants to enter the storm drainage system, thereby potentially degrading water quality. Under the NPDES permitting program, the preparation and implementation of SWPPPs are required for construction activities more than 1 acre in area. The SWPPP must identify potential sources of pollution that may be reasonably expected to affect the quality of stormwater discharges as well as identify and implement BMPs that ensure the reduction of these pollutants during stormwater discharges. Mitigation is proposed that would require the applicant to prepare and implement an SWPPP. The implementation of the mitigation measure would ensure that potential, short-term, construction water quality impacts are reduced to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.7-9 to 4.7-11.)

b. Impact HYD-2: Long-Term Water Quality

(1) Impact and Mitigation

Operational activities associated with the Project may degrade water quality in downstream water bodies. Mitigation Measure HYD-2 addresses this potential impact and is:

MM HYD-2a: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Oroville for review and approval. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of

stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to:

- Bioswales and landscaped areas that promote percolation of runoff
- Pervious pavement, where practical
- Roof drains that discharge to landscaped areas
- Trash enclosures with screen walls and roofs
- Stenciling on storm drains
- Curb cuts in parking areas to allow runoff to enter landscaped areas
- Rock-lined areas along landscaped areas in parking lots
- Catch basins
- Oil/water separators
- Regular sweeping of parking areas and cleaning of storm drainage facilities
- Employee training to inform store personnel of stormwater pollution prevention measures

The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City for review and approval identifying procedures to ensure that stormwater quality control measures work properly during operations.

MM HYD-2b: Prior to the first day of the Walmart store operations and during store operations, stormwater pollution prevention measures shall be implemented to prevent fertilizer and other agricultural chemicals from entering downstream waterways. Pollution prevention measures shall include, but are not limited to:

- Structural containment of packages of fertilizer and other agricultural chemicals
- Sweeping and clean-up of fertilizer and other agricultural chemical storage areas when leaks or spillage is observed
- Employee training to inform store personnel of stormwater pollution prevention measures

(Draft EIR, pp. 4.7-11 to 4.7-12.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would result in a net increase of impervious surface coverage at the Project site. The increase in impervious surface coverage would create the potential for additional discharge of urban pollutants into downstream waterways. Leaks of fuel or lubricants, tire wear, and fallout from exhaust contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from the proposed landscaped areas may contain residual pesticides and nutrients. Mitigation is proposed that would require the applicant to prepare and submit a stormwater quality management plan that requires the applicant to document various stormwater quality control measures that would be in effect during Project operations to ensure that water quality in downstream water bodies is not degraded. In addition, because the Walmart store would sell fertilizers and agricultural chemicals, mitigation is proposed to ensure that these materials are properly stored in order to prevent spills and leaks that pollute runoff. Implementation of these mitigation measures would ensure that potential, long-term, operational water quality impacts are reduced to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.7-11 to 4.7-12. See also Final EIR, Response to KOPPER-38 to Response to KOPPER-41, pp. 3-144 to p. 3-146; Response to GRISMER-3, pp. 3-162 to 3-163.)

c. Impact HYD-4: Drainage

(1) Impact and Mitigation

The Project would increase impervious surface coverage and, therefore, would require new drainage facilities to prevent downstream flooding. Mitigation Measure HYD-4 addresses this potential impact and is:

MM HYD-4: Prior to issuance of grading permits for the proposed project, the project applicant shall retain a qualified civil engineer to prepare and submit a drainage plan to the City of Oroville that identifies onsite drainage facilities that will ensure that runoff from the project site is released at a rate no greater than that of the pre-development condition. The City of Oroville shall review and approve the drainage plan, and the project applicant shall incorporate the approved plan into the proposed project plans.

(Draft EIR, pp. 4.7-13 to 4.7-14.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would permanently convert the Project site from undeveloped uses to commercial retail uses. The existing man-made drainage that bisects the site would be culverted and re-routed around the Walmart store. The re-routed drainage would be located within a public easement. A network of storm drain piping and inlets would be installed throughout the site. The storm drain system would convey runoff to the northern portion of the Project site, where it would be discharged into the culverted drainage. The system would impound runoff and discharge it to the drainage at a rate no greater than the existing pre-development condition of the site. To ensure that such a system is implemented, mitigation is proposed requiring the applicant to install a drainage system that meets this performance standard. With the implementation of this mitigation measure, drainage impacts would be reduced to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.7-13 to 4.7-14. See also Final EIR, Response to KOPPER-43, p. 3-147; Response to GRISMER-2, pp. 3-161 to 3-162.)

7. Land Use

a. Impact LU-2: Municipal Code Consistency

(1) Impact and Mitigation

The Project may conflict with any of the applicable provisions of the City Municipal Code. Mitigation Measures AES-3 and BIO-5 address this potential impact and are:

MM AES-3: Prior to issuance of building permits, the project applicant shall submit a photometric plan to the City of Oroville for review and approval. The photometric plan shall identify types of exterior lighting fixtures and their locations on the project site. All light fixtures shall be shielded, recessed, or directed downward to minimize light trespass onto neighboring properties. Additionally, parking lot lighting shall be directed away from public streets so that it does not produce glare, in order to ensure the safety of vehicular traffic in

accordance with Oroville Municipal Code Section 26-13.010. The approved plan shall be incorporated into the project.

MM BIO-5: Prior to issuance of grading permits, the project applicant shall obtain a tree removal permit from the City of Oroville. Removed trees shall be replaced onsite, by the end of the next planting season, at a ratio of no less than 1:1 and shall consist of native tree species.

(Draft EIR, pp. 4.8-56 to 4.8-59; Partially Recirculated Draft EIR, pp. 4.8-59 to 4.8-63.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures AES-3 and BIO-5, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

- Development Standards:
  - Intensive Industrial (M-2) Zoning District: The Project would comply with all applicable provisions of the Intensive Industrial (M-2) zoning district. The Project would require a use permit to allow general retail sales more than 10,000 square feet. Accordingly, the applicant is requesting approval of a use permit. The Project would be a maximum of 37 feet above grade and have a FAR of 0.22, which would be within the allowable development standards. Impacts would be less-than-significant.
  - Intensive Commercial (C-2) Zoning District: The Project would comply with all applicable provisions of the Intensive Commercial (C-2) zoning district. The Project would be a maximum of 37 feet above grade and have a FAR of 0.22, which would be within the allowable development standards. The Walmart store would also be set back more than 100 feet from Feather River Boulevard, which complies with the 12-foot minimum setback requirement. Impacts would be less-than-significant.
- Parking: The Zoning Ordinance requires that commercial retail development must provide off-street parking at a rate of one space per 300 square feet of gross floor area (3.33 spaces per 1,000 square feet of gross floor area). The

Project would provide 830 off-street parking spaces, with 794 spaces available for vehicular parking. Thirty-six spaces would be occupied by cart corrals. Using the lower figure of 794 spaces, parking would be provided at a ratio of 3.97 spaces per 1,000 square feet of gross floor area. Therefore, off-street parking would be provided in excess of Municipal Code standards and impacts would be less-than-significant.

- Lighting: The Zoning Ordinance requires that parking area lighting be directed away from residential areas and public streets so that it does not produce glare, in order to ensure the privacy and well being of residential areas and the safety of vehicular traffic. No residential areas are located in the vicinity of the Project site; however, the Project site is surrounded by three public streets. Mitigation is proposed that would require the applicant to submit a photometric plan to the City that identifies lighting fixtures and practices to prevent excessive spillage of light onto adjacent public streets and neighboring properties. With the implementation of this mitigation, the Project would minimize the amount of light and glare it would add to the ambient environment, thereby ensuring the safety of nearby vehicular traffic. Impacts would be less-than-significant.

- Signage: The proposed signage does not comply with the Municipal Code requirements for the M-2 zoning district. Accordingly, the applicant is requesting a variance from those signage requirements. If the City approves the variance and the applicant is allowed to include the proposed signage, this would not be considered a significant visual impact. The amount of signage would be in proportion to the size of the building. For example, the proposed signage on the north elevation of the building would occupy only approximately 2.6 percent of the wall area and the proposed signage on the west elevation of the building would only occupy approximately 3.5 percent of the wall area. Furthermore, the characteristics of the proposed pylon sign would be consistent with those of other pylon signs in the Project vicinity with respect to height and dimensions. As such, the pylon sign would not introduce a new freestanding sign that is disproportionately out of character or out of scale in the Project vicinity. Therefore, impacts would be less-than-significant.

- Landscaping: The applicant would submit landscaping and irrigation plans to the parks and trees director prior to the issuance of any building permits. The existing mature trees along Feather River Boulevard would be removed because of the need to install vehicular access points and half-width improvements along the roadway frontage. Mitigation Measure BIO-5 would ensure that compliance with Municipal Code landscaping requirements occur and reduce impacts to a level of less-than-significant.

These facts support the City's finding. (Draft EIR, pp. 4.8-56 to 4.8-59; Partially Recirculated Draft EIR, pp. 4.8-59 to 4.8-63. See also Final EIR, Response to KOPPER-18, pp. 3-133 to 3-134, and Response to KOPPER-24, pp. 3-136 to 3-137.)

8. Public Services and Utilities

a. Impact PSU-3: Potable Water

(1) Impact and Mitigation

Long-term sources of potable water may not be available to serve the Project. Mitigation Measure PSU-3 addresses this potential impact and is:

MM PSU-3a: Prior to issuance of building permits, the project applicant shall submit landscaping plans to the City of Oroville for review and approval that identify the following outdoor irrigation water conservation measures:

- Separate metering of irrigation water
- Drought-resistant vegetation
- Irrigation systems employing at least four of the following features:
  - Drip irrigation
  - Low-precipitation-rate sprinklers
  - Bubbler/soaker systems
  - Programmable irrigation controllers with automatic rain shutoff sensors
  - Matched-precipitation-rate nozzles that maximize the uniformity of the water distribution characteristics of the irrigation system
  - Conservative sprinkler spacings that minimize overspray onto paved surfaces
  - Hydrozones that keep plants with similar water needs in the same irrigation zone
- Minimally or gently sloped landscaped areas to minimize runoff and maximize infiltration
- Organic topdressing mulch in non-turf areas to decrease evaporation and increase water retention

MM PSU-3b: Prior to issuance of building permits, the project applicant shall submit building plans to the City of Oroville for review and approval that identify the following indoor water conservation measures:

- Separate metering of domestic water
- Low-flow or ultra-low-flow toilets and urinals
- Faucet aerators or low-flow faucets in bathrooms

(Draft EIR, p. 4.10-13 to 4.10-15; see also Draft EIR Appendix H.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would connect to the Cal Water – Oroville District's potable water system via a connection to an existing water line located under Feather River Boulevard. The store is projected to demand 13,786 gallons of potable water on a daily basis. Cal Water provided a will-serve letter on August 4, 2008 indicating that ample potable water for normal use and fire protection would be supplied. Butte County LAFCO's 2006 Municipal Service Review for Domestic Water and Wastewater Service Providers indicates that Cal Water - Oroville Division's current maximum daily demand is 6.3 million gallons, which is well below the company's production potential of 10.74 million gallons per day. The Municipal Service Review document indicates that the company's supply meets existing demand and is sufficient to accommodate projected future growth within the District. Additionally, maximum daily water demand is not expected to reach the company's production potential until the year 2025. Nonetheless, because long-term water supply is a significant concern in California, the Project can reduce its demand on water supply through the implementation of water conservation measures. Mitigation is proposed that would require the applicant to implement outdoor irrigation and indoor domestic water conservation measures and practices. These measures would reduce overall Project demand for potable water and ensure that long-term water supply impacts are less-than-significant. These facts support the City's finding. (Draft EIR, p. 4.10-13 to 4.10-15; see also Draft EIR Appendix H.)

b. Impact PSU-5: Storm Drainage

(1) Impact and Mitigation

The Project may not have adequate storm drainage and, therefore, may require off-site drainage facilities to prevent downstream flooding. Mitigation Measure HYD-4 addresses this potential impact and is:

MM HYD-4: Prior to issuance of grading permits for the proposed project, the project applicant shall retain a qualified civil engineer to prepare and submit a drainage plan to the City of Oroville that identifies onsite drainage facilities that will ensure that runoff from the project site is released at a rate no greater than that of the pre-development condition. The City of Oroville shall review and approve the drainage plan, and the project applicant shall incorporate the approved plan into the proposed project plans.

(Draft EIR, p. 4.10-16; see also Draft EIR Appendix H.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would permanently convert the Project site from undeveloped uses to commercial retail uses. The existing, man-made drainage that bisects the site would be culverted and re-routed around the Walmart building. The re-routed drainage would be located within a public easement. A network of storm drain piping and inlets would be installed throughout the site. The storm drain system would convey runoff to the northern portion of the Project site, where it would be discharged into the culverted drainage. The system would impound runoff and discharge it to the drainage at a rate no greater than the existing pre-development condition of the site. To ensure that such a system is implemented, mitigation is proposed requiring the applicant to install a drainage system that meets this performance standard. With the implementation of this mitigation measure, drainage impacts would be reduced to a level of less-than-significant. These facts support the City's finding. (Draft EIR, p. 4.10-16; see also Draft EIR Appendix H.)

c. Impact PSU-6: Solid Waste

(1) Impact and Mitigation

The Project would generate substantial amounts of solid waste during both construction and operations. Mitigation Measure PSU-6 addresses this potential impact and is:

MM PSU-6a: Prior to issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The contractor shall be approved by the City of Oroville. The project applicant shall provide documentation to the satisfaction of the City of Oroville demonstrating that construction and demolition debris was recycled.

MM PSU-6b: Prior to issuance of occupancy permits, the project applicant shall prepare and submit a Recycling and Waste Reduction Plan to the City of Oroville for review and approval. The plan shall identify management practices and onsite facilities necessary to collect and store recyclable materials. All onsite recycling facilities shall be screened from public view.

(Draft EIR, pp. 4.10-17 to 4.10-18; see also Draft EIR Appendix H.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-6, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

- Construction Waste Generation: The Project is estimated to generate 389 tons of solid waste from construction activities. While the estimate of 389 tons of construction waste would be an extremely small amount relative to the existing capacity at the Ostrom Road Landfill, it is still considered substantial because the City of Oroville currently falls below the State's waste diversion goal of 50 percent. Therefore, mitigation is proposed that would require the applicant to retain a contractor to recycle construction and demolition debris. The implementation of this mitigation measure would reduce potential impacts to a level of less-than-significant.

- Operational Solid Waste Generation: The Project is estimated to generate 480 tons of solid waste annually. Mitigation is proposed that would require the applicant to submit a Recycling and Waste Reduction Plan that identifies practices and onsite facilities necessary to ensure that recoverable materials and green waste are diverted from the waste stream to the maximum extent feasible. Implementation of this mitigation measure would reduce solid waste generation and reduce demand for landfill capacity. Therefore, solid waste impacts would be reduced to a level of less-than-significant.

These facts support the City's finding. (Draft EIR, pp. 4.10-17 to 4.10-18; see also Draft EIR Appendix H.)

9. Transportation

a. Impact TRANS-13: Public Transit, Bicycles, and Pedestrians

(1) Impact and Mitigation

The Project may not provide sufficient access for public transit, bicycles, or pedestrians. Mitigation Measure TRANS-13 addresses this potential impact and is:

MM TRANS-13a: Prior to issuance of the certificate of occupancy, the project applicant shall install an enhanced bus stop along the project frontage suitable for use by Butte Regional Transit buses. The enhanced bus stop shall provide, at a minimum, a shelter, signage, transit information, lighting, and a trash receptacle. The bus stop shall be located near a direct pedestrian connection to the store entrance. The City of Oroville and Butte Regional Transit shall be consulted about the design and location of the bus stop, and the project applicant shall incorporate all feasible recommendations.

MM TRANS-13b: Prior to issuance of the certificate of occupancy, the project applicant shall install bicycle storage facilities. Bicycle storage facilities shall consist of one or more racks near the main entrance that provide spaces equivalent to 2 percent of the proposed project's minimum parking requirement.

(Draft EIR, pp. 4.11-76 to 4.11-78; Partially Recirculated Draft EIR, pp. 4.11-82 to 4.11-84; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L, and Final EIR, Response to KOPPER-13, pp. 3-118 to 3-121.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-13, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

- Public Transit: Three Butte Regional Transit bus routes serve the Project vicinity. Because the proposed Walmart store would be a large employer and the largest retail destination in the City of Oroville, as well as southern Butte County, it is anticipated that some customers and employees would travel to the store by bus. At the time of writing of the Draft EIR, the Project site plan did not identify a bus stop. As such, mitigation is proposed that would require the applicant to install an enhanced bus stop that would include amenities such as a shelter, signage, transit information, lighting, a trash receptacle, and direct pedestrian connection to the store entrance. The implementation of this mitigation measure would ensure that adequate access to public transit is provided. Therefore, impacts would be less-than-significant.

- Bicycles: There are no existing designated bicycle facilities on Feather River Boulevard, Cal Oak Road, or 7th Avenue. The General Plan does not contemplate future designated bicycle facilities on these roadways. Nonetheless, the Project would provide half-width improvements along its frontages with all three roadways. The improvements would build out the adjoining roadways to their full section, which would provide sufficient width for safe bicycle travel. Accordingly, the Project would not impair bicycle mobility in the Project vicinity. It is anticipated that small numbers of customers and employees may use bicycles to travel to the store. To facilitate bicycle access, mitigation is proposed that would require bicycle storage facilities to be provided near the main entrance. The provision of these bicycle storage facilities would ensure that adequate storage is available. Therefore, impacts would be less-than-significant.

- Pedestrians: There are no existing sidewalks along the Project site's street frontages. The Project would provide sidewalks as part of its half-width improvements along all three roadways it abuts. Direct pedestrian connections would be provided from the sidewalks to the store entrance. All pedestrian facilities would comply with the applicable provisions of the Americans with Disabilities Act and, therefore, would allow for convenient and safe access for all persons. Landscaping would be installed along pedestrian linkages in appropriate locations. Therefore, impacts would be less-than-significant.

These facts support the City's finding. (Draft EIR, pp. 4.11-76 to 4.11-78; Partially Recirculated Draft EIR, pp. 4.11-82 to 4.11-84; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

b. Impact TRANS-14: Construction Traffic and Parking

(1) Impact and Mitigation

Construction activities associated with the Project would adversely affect circulation in the Project vicinity. Mitigation Measure TRANS-14 addresses this potential impact and is:

MM TRANS-14: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Oroville for review and approval. The plan shall identify the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network, and to encourage the use of SR-70. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.

(Draft EIR, pp. 4.11-78 to 4.11-79; Partially Recirculated Draft EIR, pp. 4.11-84 to 4.11-85; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

(2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-14, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Project construction would require regular deliveries of equipment and materials to the Project site, as well as daily trips by construction workers. These activities have the potential to create congestion and parking problems on nearby roadways. Much of the construction traffic, especially trucks and equipment delivery vehicles, would be expected to travel via SR-70 to either Georgia Pacific Way or Oroville Dam Boulevard and use Feather River Boulevard, Cal Oak Road, or 7th Avenue to access the Project site. This routing would avoid residential areas and downtown, which would minimize potential congestion on the local street system. Project construction activities would involve frontage improvements along the

streets abutting the Project site, which would result in temporary lane closures. Such closures may create congestion and impair access to nearby businesses. Accordingly, mitigation is proposed requiring the applicant to implement a Construction Traffic Control Plan during construction activities to minimize impacts on surrounding roadways. Implementation of this mitigation measure would reduce potential impacts to a level of less-than-significant. These facts support the City's finding. (Draft EIR, pp. 4.11-78 to 4.11-79; Partially Recirculated Draft EIR, pp. 4.11-84 to 4.11-85; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

D. Significant Environmental Impacts That Cannot be Mitigated to a Less-than-Significant Level

The following significant impacts would not be mitigated to a less-than-significant level, even with the implementation of the identified mitigation measures set forth herein. No mitigation is feasible that would mitigate these impacts to a less-than-significant level. The City has determined that the impacts identified below are acceptable because of overriding economic, social or other considerations, as described in the Statement of Overriding Considerations. As required by CEQA, a Statement of Overriding Considerations is presented in Section XII below in addition to these findings.

1. Transportation

a. Impact TRANS-2: Year 2030 Intersection Operations

(1) Impact and Mitigation

The Project would contribute to unacceptable intersection operations under Year 2030 conditions. There are no feasible mitigation measures that would reduce this impact to a level of less-than-significant. (Draft EIR, pp. 4.11-39 to 4.11-55; Partially Recirculated Draft EIR, pp. 4.11-39 to 4.11-60; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

(2) Finding

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

- Oroville Dam Boulevard Intersections: The Project would contribute trips to eight intersections that would operate at unacceptable levels under the Year 2030 without Project condition and Year 2030 with Project condition: Oroville Dam Boulevard/SR-70 Southbound Ramps; Oroville Dam Boulevard/SR-70 Northbound Ramps; Oroville Dam Boulevard/Feather River Boulevard; Oroville Dam Boulevard/7th Avenue; Oroville Dam Boulevard/Liability Lane; Oroville Dam Boulevard/5th Avenue; Oroville Dam Boulevard/Lincoln Boulevard; Oroville Dam Boulevard/Washington Avenue (Olive Highway). Because the Project would only contribute additional trips to intersections that operate at unacceptable levels under Year 2030 without Project conditions, the Project is only responsible for its proportionate share of the cost of the improvements. Requiring the Project to construct the full improvements would not be roughly proportional and could not be legally imposed since the intersections already operate at unacceptable levels without the Project. (CEQA Guidelines § 15126.4(a)(4) requires mitigation measures to be consistent with applicable constitutional principles and mandates that the mitigation measure must be "roughly proportional" to the project's impact.) Mitigation Measure TRANS-2a requires the applicant to pay all transportation-related fees, which constitutes the Project's fair share. However, at the time of the Partially Recirculated Draft EIR, the necessary improvements were not identified in the City's Traffic Capital Improvement Program. As such, there is no existing mechanism in place for the applicant to contribute its fair share, which renders the residual significance of this impact significant and unavoidable. In addition, with respect to widening Oroville Dam Boulevard to six lanes, that improvement is not feasible due to it requiring significant right-of-way acquisition that may negatively affect properties adjoining the roadway.

- SR-70 Intersections: Two intersections on SR-70 would operate at unacceptable LOS under the Year 2030 without Project condition and Year 2030 with Project condition: Georgia Pacific Way/SR-70 and SR-70/Ophir Road. Because the Project only contributes trips to preexisting unacceptable conditions at both intersections, the Project is only required to provide fair-share fees for the necessary improvements. Requiring the Project to construct the full improvements would not be roughly proportional and could not be legally imposed since the intersections already operate at unacceptable levels without the Project. (CEQA Guidelines § 15126.4(a)(4).) Mitigation Measure TRANS-2a requires the applicant to pay all transportation-related fees, which constitutes the Project's fair share. However, at the time of the Partially Recirculated Draft EIR, the necessary improvements were not identified in the City's Traffic Capital Improvement Program. As such, there is no existing mechanism in place for the applicant to contribute its fair share, which renders the residual significance of this impact significant and unavoidable.

- Georgia Pacific Way Intersections: The Georgia Pacific Way/Feather River Boulevard intersection would operate at unacceptable LOS under the Year 2030 without Project condition and Year 2030 with Project condition. Because the Project only contributes trips to preexisting unacceptable conditions at the intersection, the Project is only required to provide fair-share fees for the necessary improvements. Requiring the Project to construct the full improvements would not be roughly proportional and could not be legally imposed since the intersection already operates at unacceptable levels without the Project. (CEQA Guidelines § 15126.4(a)(4).) Mitigation Measure TRANS-2a requires the applicant to pay all transportation-related fees, which constitutes the Project's fair share. However, at the time of the Partially Recirculated Draft EIR, the necessary improvements were not identified in the City's Traffic Capital Improvement Program. As such, there is no existing mechanism in place for the applicant to contribute its fair share, which renders the residual significance of this impact significant and unavoidable.

- Cal Oak Road Intersections: The Project would contribute trips to two intersections that would operate at unacceptable levels under the Year 2030 without Project condition and Year 2030 with Project condition: Cal Oak Road/7th Avenue; Cal Oak Road/5th Avenue. Because the Project would only contribute additional trips to intersections that operate at unacceptable levels under Year 2030 without Project conditions, the Project is only responsible for its proportionate share of the cost of the improvements. Requiring the Project to construct the full improvements would not be roughly proportional and could not be legally imposed since the intersections already operate at unacceptable levels without the Project. (CEQA Guidelines § 15126.4(a)(4).) Mitigation Measure TRANS-2a requires the applicant to pay all transportation-related fees, which constitutes the Project's fair share. However, at the time of the Partially Recirculated Draft EIR, the necessary improvements were not identified in the City's Traffic Capital Improvement Program. As such, there is no existing mechanism in place for the applicant to contribute its fair share, which renders the residual significance of this impact significant and unavoidable.

Accordingly, the residual significance of this impact is significant and unavoidable. (Draft EIR, pp. 4.11-39 to 4.11-55; Partially Recirculated Draft EIR, pp. 4.11-39 to 4.11-60; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

(4) Statement of Overriding Considerations

The Planning Commission has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XII).

Unacceptable operations at the intersections along Oroville Dam Boulevard would largely be attributable to other projects; the Project alone would not trigger unacceptable operations at the intersections. Mitigation Measure TRANS-2a requires the applicant to provide fair share fees for improvements to these intersections that would improve operations to acceptable levels. It is only because there is uncertainty about whether all of these improvements can be implemented that the necessary mitigation measure cannot be deemed to fully mitigate the impact to a level of less-than significant. Therefore, the impact remains significant and unavoidable. The City makes an extensive effort to avoid significant impacts to transportation. Nevertheless, the City recognizes that there are no feasible mitigation measures available to reduce this impact to a less-than-significant level and, therefore, the impact remains significant and unavoidable.

b. Impact TRANS-4: Year 2030 Arterial Corridor Operations

(1) Impact and Mitigation

The Project would contribute to unacceptable intersection operations under Year 2030 conditions. There are no feasible mitigation measures that would reduce this impact to a level of less-than-significant. (Draft EIR, pp. 4.11-56 to 4.11-58; Partially Recirculated Draft EIR, pp. 4.11-61 to 4.11-63; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

(2) Finding

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would contribute to unacceptable operations along the Oroville Dam Boulevard corridor under Year 2030 conditions. Necessary improvements that would improve operations along this corridor to acceptable levels are identified in the General Plan. Because the Project would only contribute additional trips to an arterial that operates at unacceptable levels under Year 2030 without Project conditions, the Project is only responsible for its proportionate share of the cost of the improvements. Requiring the Project to construct the full improvements would not be roughly proportional and could not be legally imposed since the arterial already operates at unacceptable levels without the Project. (CEQA Guidelines § 15126.4(a)(4).) Mitigation Measure TRANS-2a requires the applicant to pay all transportation-related fees, which constitutes the Project's fair share. However, at the time of the Partially Recirculated

Draft EIR, the necessary improvements were not identified in the City's Traffic Capital Improvement Program. As such, there is no existing mechanism in place for the applicant to contribute its fair share, which renders the residual significance of this impact significant and unavoidable. (Draft EIR, pp. 4.11-56 to 4.11-58; Partially Recirculated Draft EIR, pp. 4.11-61 to 4.11-63; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

(4) Statement of Overriding Considerations

The Planning Commission has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XII).

Unacceptable operations along the Oroville Dam Boulevard corridor would largely be attributable to other projects; the Project alone would not trigger unacceptable operations at the intersections. Mitigation Measure TRANS-2a requires the applicant to provide fair share fees for improvements to this corridor that would improve operations to acceptable levels. It is only because there is uncertainty about whether all of these improvements can be implemented that the necessary mitigation measure cannot be deemed to fully mitigate the impact to a level of less-than significant. Therefore, the impact remains significant and unavoidable. The City makes an extensive effort to avoid significant impacts to transportation. Nevertheless, the City recognizes that there are no feasible mitigation measures available to reduce this impact to a less-than-significant level and, therefore, the impact remains significant and unavoidable.

c. Impact TRANS-5: Existing Plus Project Roadway Segment Operations

(1) Impact and Mitigation

The Project would trigger unacceptable operations to one roadway segment under Existing Plus Project conditions. There are no feasible mitigation measures that would reduce this impact to a level of less-than-significant. (Draft EIR, pp. 4.11-58 to 4.11-59; Partially Recirculated Draft EIR, pp. 4.11-63 to 4.11-64; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

(2) Finding

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the

administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would trigger unacceptable operations to the segment of SR-70 between Georgia Pacific Way and Ophir Road. Caltrans is in the process of widening SR-70 between Oroville Dam Boulevard and Ophir road to four lanes. This improvement is fully funded and underway as of August 2010; however, it cannot be stated with certainty that it will be completed prior to Project occupancy. As such, it is conservatively concluded that the residual significance of this impact is significant and unavoidable. Furthermore, the improvement is outside the City's control. Therefore, the residual significance of this impact is significant and unavoidable.

(Draft EIR, pp. 4.11-58 to 4.11-59; Partially Recirculated Draft EIR, pp. 4.11-63 to 4.11-64; see also Draft EIR Appendix I and Partially Recirculated Draft EIR Appendix L.)

(4) Statement of Overriding Considerations

The Planning Commission has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XII).

As noted above, Caltrans is scheduled to make improvements to SR-70 that would mitigate this impact. It is only because there is uncertainty about the timing of the improvements, which are funded, and the fact that the improvements are outside the City's control that residual significance of the impact is significant and unavoidable. The City makes an extensive effort to avoid significant impacts to transportation. Nevertheless, the City recognizes that there are no feasible mitigation measures available to reduce this impact to a less-than-significant level and, therefore, the impact remains significant and unavoidable.

VIII. <u>Findings Regarding Alternatives</u>

Public Resources Code Section 21002, a key provision of CEQA, provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. The types of factors that can be taken into consideration when determining the

feasibility of alternatives include: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (See CEQA Guidelines Section 15126.6(f)(1).)

Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid*.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Section 5 of the Draft EIR and Section 5 of the Partially Recirculated Draft EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

- No Project Alternative: The Project site would remain in its existing condition and no new development would occur.

- Reduced Density Alternative: The proposed Walmart store would be reduced to 150,000 square feet, which represents a 25-percent reduction in square footage relative to the Project.

- Retail Center Alternative: The Project would consist of a 180,000-square-foot retail center anchored by a 130,000-square-foot conventional Walmart discount store and would feature 50,000 square feet of smaller retail and restaurant uses.

- Mixed-Use Center Alternative: The Project would consist of a 200,000-square-foot mixed-use center featuring 100,000 square feet of retail uses, 25,000 square feet of office uses, and 75 apartments. No Walmart store would be developed under this alternative.

The Planning Commission recognizes that some comments on the Draft EIR and Partially Recirculated Draft EIR either expressly or impliedly sought the inclusion of additional alternatives to the Project. For instance, some commenters suggested that the EIR consider constructing the Project at an alternative site that is commercially zoned and has easy vehicular access. Specifically, commenters suggested that the EIR consider undeveloped, commercially-zoned properties located near the intersections of SR-70/Pacific Heights Road and SR-70/Ophir Road.

As explained in the Partially Recirculated Draft EIR and Final EIR, there are a number of obstacles that must be overcome in order to develop the Project near the SR-70 intersections. First, vehicular access is limited because Caltrans will not allow direct access to a new development from SR-70 and Ophir Road and Pacific Heights Road are the only roadways serving this area. As such, substantial upgrades to both roadways (i.e., widening) and the construction of new roadways would be required. In contrast, aside from intersection improvements, the Project does not require substantial upgrades or construction of new roadways.

Second, this area is within close proximity to the Feather River and is designated an environmental conservation area. Accordingly, there is a much greater potential for significant biological and hydrological resources to be impacted than at the Project site.

Third, existing infrastructure is limited in this area and significant upgrades to potable water, sewer, storm drainage, energy, and telecommunications facilities would be necessary. These upgrades may involve significant upsizing or the extension of new lines that have significant environmental impacts. In contrast, all of these infrastructure systems exist near the Project site and do not require upsizing.

Fourth, the nearest fire station to this area is more than 4 miles away, with an estimated travel time of 6 minutes. The City of Oroville General Plan Public Facilities Element Policy 2.1 establishes an emergency first response time standard of 3 to 5 minutes for 90 percent of calls. This area would be outside of the 3 to 5 minute response time standard. Given that the Oroville Fire Department estimated that the Project would generate 81 calls for service on an annual basis, developing a Walmart store in this area may not be consistent with this response time standard.

Finally, the area around the SR-70/Ophir Road intersection is more than 2 miles from the Oroville Dam Boulevard corridor, the primary commercial node in the City of Oroville and southern Butte County. As such, the rerouting of existing trips from the Oroville Dam Boulevard corridor (i.e., the existing Walmart store) would increase trip lengths for most customers within the Market Area. This would be expected to result in more tailpipe emissions, energy consumption, and roadway noise, which may increase the severity of these impacts. (Partially Recirculated Draft EIR, pp. 5-26 to 5-27; Final EIR, Response to KOPPER-2, p. 3-125.)

Further, as explained in the Draft EIR, the only other sites that could potentially accommodate the Project are located opposite the Project site across Feather River Boulevard, Cal Oak Road and 7th Avenue. However, developing the Project on any of these sites would not avoid or substantially lessen the severity of the Project's significant unavoidable traffic impacts, because Walmart-related trips would largely follow the same trip distribution patterns as the Project. In addition, development of the Project on these sites may result in greater impacts associated with hazardous materials exposure from their closer location to the SCOR wastewater treatment plant, potential degradation of a historic resource due to closer location to the Oroville Cemetery, or more severe biological resource impacts because of water courses or wetlands.

Finally, none of these properties are currently advertised for sale, and it is uncertain whether the applicant could acquire them. As such, none of these sites would be more advantageous from an environmental perspective; therefore, an alternative location was rejected form further consideration. (Draft EIR, pp. 5-25 to 5-26; Partially Recirculated Draft EIR, p. 5-26.)

As is evident from the specific response given to such suggestions, City staff and consultants spent large amounts of time carefully considering and weighing proposed alternatives. In no instance did the City fail to take seriously a suggestion made by a commenter.

The Planning Commission finds that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The Planning Commission also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision on the Project. (See, e.g., Draft EIR, pp. 5-1 to 5-26 Partially Recirculated Draft EIR, pp. 5-1 to 5-27.)

As documented below, the Planning Commission finds that adoption of the Project is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein. A summary of each alternative and its relative characteristics, and documentation of the Planning Commission's findings in support of rejecting the alternative as infeasible, are provided below. While the alternatives attempt to reduce impacts to the environment, none achieves the same level of environmental protection and successfully achieves the Project objectives and benefits to the same degree as the Project. Therefore, no warrants approval in lieu of the Project.

A. Significant and Unavoidable Impacts of the Project

The EIR summarized the significant and unavoidable impacts of the Project. Significant effects related to transportation that cannot be avoided would occur. The significant unavoidable impacts are as follows:

- Year 2030 Intersection Operations: The Project would contribute vehicular trips to intersections that would operate at unacceptable levels under Year 2030 conditions. Mitigation is identified that would improve operations to acceptable levels; however, the necessary improvements are not currently programmed into a capital improvement program. Therefore, the residual significance would be significant and unavoidable.

- Year 2030 Arterial Corridor Operations: The Project would contribute vehicular trips to the Oroville Dam Boulevard corridor that would operate at unacceptable levels under Year 2030 conditions. Mitigation is identified that would improve operations to acceptable levels; however, the necessary improvements are not currently programmed into a capital improvement

program. Therefore, the residual significance would be significant and unavoidable.

- Existing Plus Project Roadway Segment Operations: The Project would contribute vehicular trips to a roadway segment that would operate at unacceptable levels under Existing Plus Project conditions. Although the segment is scheduled to be widened in the future, it is not certain that widening would be completed prior to Project opening. Therefore, the residual significance would be significant and unavoidable.

(Draft EIR, p. 2-2; Partially Recirculated Draft EIR, pp. 5-1 to 5-2.)

B. Project Objectives

The Project objectives are as follows:

- Positively contribute to the local economy.
- Provide new regional commercial retail activities that will complement existing local retail activities.
- Create new job opportunities for local residents.
- Provide a new retail establishment that serves local residents and visitors with essential goods and services in a safe and secure, 24-hour shopping environment.
- Promote increased economic growth and development that is consistent with the policies of the City's General Plan.
- Generate additional sales tax and property tax revenues to accrue to the various agencies within the Project area.
- Solidify the City's position as the regional shopping destination for southern Butte County and northern Yuba County.
- Minimize travel lengths and utilize existing infrastructure to the maximum extent possible by developing a store located in an area served by existing urban infrastructure.

(Draft EIR, pp. 2-1 to 2-2; Partially Recirculated Draft EIR, pp. 5-2 to 5-3.)

C. Analysis of Alternatives

1. The No Project Alternative

a. Description of the Alternative

The No Project Alternative was analyzed in Section 5 of the Draft EIR. Under the No Project Alternative, no development would occur and the Project site would remain in its existing condition. In addition, the existing Walmart store located at 355 Oroville Dam Boulevard would remain unchanged. (Draft EIR, p. 5-3; Partially Recirculated Draft EIR, p. 5-3.)

b. Comparison to the Project

The No Project Alternative would avoid the Project's significant unavoidable impacts associated with traffic, and would have less impact on all environmental topical areas. Aside from positively contributing to the local economy by maintaining the existing Walmart, this alternative would not advance any of the Project objectives. Moreover, this alternative would not realize the Project benefits of increased retail opportunities, additional employment opportunities, and new tax revenues. (Draft EIR, p. 5-3; Partially Recirculated Draft EIR, p. 5-3.)

c. Finding

The City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations," which include project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the Project that "make infeasible the … project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

First, aside from positively contributing to the local economy by maintaining the existing Walmart store, the No Project Alternative would fail to meet any of the Project objectives.

Fiscal objectives. Importantly, the No Project Alternative would fail to meet any of the fiscal goals of the Project.

- It would not create new job opportunities for local residents.
- It would not promote increased economic growth and development that is consistent with the policies of the City's General Plan.
- It would not generate additional sales tax and property tax revenues to accrue to the various agencies within the Project area.

- It would not solidify the City's position as the regional shopping destination for southern Butte County and northern Yuba County.

As explained in the economic analysis performed for the Project, the Project is estimated to generate new store sales (in 2012 dollars) of $43.3 million. Because the City is a market that has significant consumer demand in most retail categories but is underserved in terms of retail options for apparel and electronic goods, residents tend to drive to nearby cities to satisfy retail needs in these categories. The Project's net new sales in these categories would allow the Project to capture some of the sales leakages thus generating additional sales tax revenues for the City and solidifying the City's position as the regional shopping destination for southern Butte County and northern Yuba County. (Draft EIR Appendix J.) The No Project Alternative, however, would not generate additional sales and would not result in increased sales tax revenues for the City.

In addition, the No Project Alternative would result in no new job opportunities whereas the Project would be expected to result in a net increase of 85 new jobs. The California Employment Development Department indicates that, as of March 2008, there were 600 unemployed persons in the City and 8,700 unemployed persons in Butte County. Given the nature of the job opportunities and the availability of labor, it would be expected that the new employment opportunities could be readily filled from the local labor force.

Retail need objectives. The No Project Alternative would fail to meet any of the retail needs of the residents of the City, and would fail to achieve the project objectives of meeting those needs.

- It would not provide a new regional commercial retail activities that will complement existing local retail activities;

- It would not provide a new retail establishment that serves local residents and visitors with essential goods and services in a safe and secure, 24-hour shopping environment; and

- It would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible by developing a store located in an area served by existing urban infrastructure.

The Project would offer 24-hour shopping opportunities for a variety of goods within the City. Not only would this meet an unmet demand, add to the convenience of the City's shoppers, and potentially reduce travel lengths for those shoppers, but it also would result in substantial additional sales taxes for the City. The No Project Alternative would fail to achieve these goals.

Second, the No Project Alternative would require the City to forego other Project benefits. (See generally Section XII.D below for a discussion of Project benefits.) Accordingly, not only would the No Project Alternative fail to meet the Project objectives, as noted generally

above, it would fail to result in any of the Project benefits such as generating increased sales tax revenue for the City, creating diverse employment opportunities for City residents, providing quality goods and services desired by City residents and increasing retail activity in the area.

The Planning Commission therefore rejects this alternative as infeasible within the meaning of CEQA.

2. Reduced Density Alternative

a. Description of the Alternative

The Reduced Density Alternative was analyzed in Section 5 of the Draft EIR. Under the Reduced Density Alternative, a 150,000-square-foot Walmart store would be developed on the Project site. The store would have the same operational characteristics as the Project, including 24-hour operations and general merchandise and grocery sales. The 25-percent reduction in square footage would be applied proportionately to the store's square footage, including to general merchandise sales area, grocery sales area, backroom areas, and garden center. The Walmart store developed under this alternative would use a four-bay loading dock in the rear of the store and mechanical equipment (HVAC, trash compactors, etc.) similar to the Project. Similar utility connections would be required, and the existing drainage channel would be re-routed as contemplated by the Project.

This alternative would have identical vehicular access points as the Project and would provide 600 off-street parking spaces, with 36 spaces occupied by cart corrals, for a total of 564 spaces available for vehicular parking (3.64 spaces per 1,000 square feet). This represents a reduction of 230 spaces available for vehicular parking relative to the Project. The removed parking spaces would be replaced with additional landscaping and pedestrian facilities. Because of the reduction in parking spaces and increase in landscaped area, the drainage channel would be day-lighted for a longer length within the Project site relative to the Project.

This alternative would also result in the closure of the existing Walmart discount store at 355 Oroville Dam Boulevard. (Draft EIR, pp. 5-2 to 5-3; Partially Recirculated Draft EIR, pp. 5-3 to 5-9.)

b. Comparison to the Project

The Reduced Density Alternative would result in the same number of significant unavoidable traffic impacts as the Project; however, the severity would be less because fewer vehicle trips would be generated. In addition, the severity of impacts associated with air quality, noise, and public services and utilities would be less. Otherwise, this alternative would have impacts similar to the Project. (Draft EIR, pp. 5-4 to 5-8; Partially Recirculated Draft EIR, pp. 5-3 to 5-9.)

c. Finding

The City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include Project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the project that "make infeasible the … project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

First, the Reduced Density Alternative would not further all of the Project objectives to the same degree as the Project.

Fiscal objectives. Importantly, the Reduced Density Alternative would fail to advance the Project's fiscal goals to the same degree as the Project.

- It would not positively contribute to the local economy to the same degree as the Project.
- It would not create new job opportunities for local residents to the same degree as the Project.
- It would not promote increased economic growth and development that is consistent with the policies of the City's General Plan to the same degree as the Project.
- It would not generate additional sales tax and property tax revenues to accrue to the various agencies within the Project area to the same degree as the Project.
- It would not solidify the City's position as the regional shopping destination for southern Butte County and northern Yuba County to the same degree as the Project.

Because the Reduced Density Alternative would result in a smaller amount of retail space and generate $22.6 million in fewer sales, it would result in less positive contribution to the local economy, generating less tax revenue for local agencies, and creating fewer new job opportunities. (Draft EIR, p. 5-8; Partially Recirculated Draft EIR, p. 5-9.)

Retail need objectives. The Reduced Density Alternative would fail to meet the retail needs of the residents of the City to the same degree as the Project, and would fail to achieve the Project objectives of meeting those needs to the same degree as the Project.

- It would not provide a new regional commercial retail activities that will complement existing local retail activities to the same degree as the Project;

- It would not provide a new retail establishment that serves local residents and visitors with essential goods and services in a safe and secure, 24-hour shopping environment to the same degree as the Project; and

- It would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible by developing a store located in an area served by existing urban infrastructure to the same degree as the Project.

Given its smaller size, this alternative would not enhance the retail opportunities in the region to the same degree as the Project. This alternative would not provide the market area with as wide a variety of goods as the Project. It would also not add to the convenience of the City's shoppers and reduce travel lengths for those shoppers to the same degree as the Project. (Draft EIR, p. 5-8; Partially Recirculated Draft EIR, pp. 5-3 to 5-9.)

Second, the Reduced Density Alternative would not provide the Project benefits to the same degree as the Project given its smaller size. (See generally section XII.D below for a discussion of Project benefits.) Accordingly, not only would the Reduced Density Alternative fail to meet the Project objectives to the same degree as the Project, as noted generally above, it would fail to result in the same level of Project benefits such as generating increased sales tax revenue for the City, creating diverse employment opportunities for City residents, providing quality goods and services desired by City residents and increasing retail activity in the area.

Finally, the Reduced Density Alternative is not supported by an actual application and therefore, would translate into the Project not moving forward. Also, it would likely result in underutilization of the site for a substantial period of time into the future. Under such a scenario, the City would not receive any additional tax revenue from the commercially zoned site for the foreseeable future. The alternative, then, is undesirable and infeasible from a policy standpoint.

d. Environmentally Superior Alternative

CEQA requires the identification of the environmentally superior alternative in the EIR. The No Project Alternative is the environmentally superior alternative, as the Project site would remain in its existing condition, thereby avoiding any potentially adverse environmental impacts. CEQA requires that if the No Project Alternative is environmentally superior, the EIR must also identify another environmentally superior alternative among the remaining alternatives. In this case, the Project would result in significant unavoidable impacts associated with Year 2030 intersection operations, Year 2030 arterial corridor operations, and roadway segment operations. Thus, the alternative that achieves the greatest reduction in peak-hour trip generation would be considered environmentally superior. Because the Reduced Density Alternative achieves trip reductions during both peak hours, it would have the greatest potential to lessen the severity of the significant unavoidable impacts associated with traffic. Therefore, the Reduced Density Alternative is the environmentally superior alternative. (Draft EIR, pp. 5-22 to 5-24; Partially Recirculated Draft EIR, pp. 5-22 to 5-24.)

While this alternative has been identified within the EIR as environmentally superior, for the reasons identified above, approval of the Project would be the superior choice overall when comparing and balancing all relevant decision-making factors including fiscal objectives, retail need, and environmental impact.

For these reasons, the Planning Commission rejects this alternative as infeasible within the meaning of CEQA.

3. Retail Center Alternative

a. Description of the Alternative

The Retail Center Alternative was analyzed in Section 5 of the Draft EIR. Under the Retail Center Alternative, an 180,000-square-foot retail center would be developed on the Project site. The retail center would be anchored by a 130,000-square-foot conventional Walmart discount store (i.e., it would not retail groceries or operate 24 hours a day) that would be located in the southeastern corner of the Project site and would feature 50,000 square feet of smaller retail and restaurant uses located in structures around the perimeter of the Project site. Retail uses would occupy 25,000 square feet and restaurants would occupy 25,000 square feet. In total, this alternative would result in a 20,225-square-foot reduction relative to the Project or approximately 10 percent.

The Walmart store developed under this alternative would use a four-bay loading dock in the rear of the store and mechanical equipment (HVAC, trash compactors, etc.) similar to the Project. The retail and restaurant uses would be spread among three buildings, a 25,000-square-foot, multi-tenant, L-shaped building abutting the intersection of Feather River Boulevard/Cal Oak Road; a 5,000-square-foot, freestanding restaurant with drive-thru west of the Project driveway with Cal Oak Road; and a 20,000-square-foot, multi-tenant structure along 7th Avenue, north of the Project driveway. Retail tenants would include uses such as apparel, banking, electronics/ telecommunications, health/fitness, novelties, postal/shipping, pet supplies, and salons. Restaurant tenants would include one fast-food restaurant (the freestanding pad), and quick-serve and sit-down dining establishments in the multi-tenant structures.

This alternative would provide 720 off-street parking spaces, with 36 spaces occupied by cart corrals, for a total of 684 spaces available for vehicular parking (3.80 spaces per 1,000 square feet). This represents a reduction of 110 spaces available for vehicular parking relative to the Project. The removed parking spaces would be replaced with additional landscaping, pedestrian facilities, and a public plaza abutting the intersection Feather River Boulevard/Cal Oak Road, which would be incorporated into the 25,000-square-foot, L-shaped building.

This alternative would maintain the location of the Project's vehicular access points. Each building would have its own utility connections. The existing drainage channel would be re-routed as contemplated by the proposed project.

Additionally, this alternative would result in the closure of the existing Walmart discount store at 355 Oroville Dam Boulevard. (Draft EIR, pp. 5-10 to 5-15; Partially Recirculated Draft EIR, pp 5-9 to 5-15.)

b. Comparison to the Project

The Retail Center Alternative would result in the same number of significant unavoidable traffic impacts as the Project; however, the severity would be greater because more vehicle trips would be generated. In addition, this alternative would increase the severity of impacts associated with air quality and noise, but reduce the severity of public services and utilities impacts. Otherwise, this alternative would have impacts similar to the Project. (Draft EIR, pp. 5-10 to 5-15; Partially Recirculated Draft EIR, pp. 5-9 to 5-15.)

c. Finding

The City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include Project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the project that "make infeasible the … project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

The Retail Center Alternative would not further all of the Project objectives to the same degree as the Project.

Fiscal objectives. Importantly, the Retail Center Alternative would fail to advance the Project's fiscal goals to the same degree as the Project.

- It would not positively contribute to the local economy to the same degree as the Project.
- It would not create new job opportunities for local residents to the same degree as the Project.
- It would not promote increased economic growth and development that is consistent with the policies of the City's General Plan to the same degree as the Project.
- It would not generate additional sales tax and property tax revenues to accrue to the various agencies within the Project area to the same degree as the Project.
- It would not solidify the City's position as the regional shopping destination for southern Butte County and northern Yuba County to the same degree as the Project.

Because the Retail Center Alternative would result in a smaller amount of retail space and generate approximately $14.9 million in fewer sales, it would result in less positive contribution to the local economy, generating less tax revenue for local agencies and creating fewer new job opportunities. (Draft EIR, p. 5-15; Partially Recirculated Draft EIR, pp. 5-14 to 5-15; Final EIR, Response to KOPPER-3, p. 3-126.)

Retail need objectives. The Retail Center Alternative would fail to meet the retail needs of the residents of the City to the same degree as the Project, and would fail to achieve the Project objectives of meeting those needs to the same degree as the Project.

- It would not provide a new regional commercial retail activities that will complement existing local retail activities to the same degree as the Project;

- It would not provide a new retail establishment that serves local residents and visitors with essential goods and services in a safe and secure, 24-hour shopping environment; and

- It would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible by developing a store located in an area served by existing urban infrastructure to the same degree as the Project.

Importantly, because the Retail Center Alternative would develop a conventional Walmart store that would not retail groceries or operate 24-hours per day, the Project objective to provide a retail establishment that sells essential goods and services in a 24-hour shopping environment would not be satisfied. (Draft EIR, p. 5-15; Partially Recirculated Draft EIR, pp. 5-9 to 5-15.)

Second, the Retail Center Alternative would not provide the Project benefits to the same degree as the Project given its smaller size. (See generally Section XII.D below for a discussion of Project benefits.) Accordingly, not only would the Retail Center Alternative fail to meet the Project objectives to the same degree as the Project, as noted generally above, it would fail to result in the same level of Project benefits such as generating increased sales tax revenue for the City, creating diverse employment opportunities for City residents, providing quality goods and services desired by City residents and increasing retail activity in the area.

Finally, the Retail Center Alternative is not supported by an actual application and therefore, would translate into the Project not moving forward. Also, it would likely result in underutilization of the site for a substantial period of time into the future since there are no developers interested in the additional retail. Under such a scenario, the City would not receive any additional tax revenue from the commercially zoned site for the foreseeable future. The alternative, then, is undesirable and infeasible from a policy standpoint.

For these reasons, the Planning Commission rejects this alternative as infeasible within the meaning of CEQA.

4. Mixed-Use Center Alternative

a. Description of the Alternative

The Mixed-Use Center Alternative was analyzed in Section 5 of the Draft EIR. Under the Mixed-Use Center Alternative, a 200,000-square-foot mixed-use center would be developed on the Project site. The mixed-use center would feature 100,000 square feet of retail/restaurant uses, 25,000 square feet of office uses, and 75 apartments (75,000 square feet). Retail uses would occupy 75,000 square feet, while restaurants would occupy 25,000 square feet. No Walmart store would be developed under this alternative, and the existing Walmart store at 355 Oroville Dam Boulevard would remain unchanged.

Vehicular access points on Cal Oak Road and 7th Avenue would be provided at locations similar to the Project; however, only one point on Feather River Boulevard would be provided. The internal circulation system would be centered around a two-lane "ring-road," which would allow only clockwise vehicular movements for efficiency purposes. Direct pedestrian linkages would link the five buildings with each other, including two landscaped, cross-parking lot connections (north-south and east-west). A landscaped plaza would be provided at the intersection of the two linkages in the center of the Project site.

Customer parking would be provided both on the right side of the ring road in front of buildings, and in a parking field between the ring road and the plaza in the center of the project site. Residential parking would be provided in the rear and along the east side of the 95,000-square-foot building. A total of 600 parking spaces would be provided (3.0 spaces per 1,000 square feet). (Draft EIR, pp. 5-15 to 5-17; Partially Recirculated Draft EIR, pp. 5-16 to 5-22.)

b. Comparison to the Project

The Mixed-Use Center Alternative would result in the same number of significant unavoidable impacts as the Project; however, the severity would be less because fewer PM peak-hour vehicle trips would be generated. This alternative would lessen the severity of impacts associated with air quality, noise, and urban decay, but increase the severity of public services and utilities impacts. Otherwise, this alternative would have impacts similar to the Project. (Draft EIR, pp. 5-17 to 5-22; Partially Recirculated Draft EIR, pp. 5-16 to 5-22.)

c. Finding

The City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include Project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the project that "make infeasible the … project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

The Mixed-Use Center Alternative would not further all of the Project objectives to the same degree as the Project.

Fiscal objectives. Importantly, the Mixed-Use Center Alternative would fail to advance the Project's fiscal goals to the same degree as the Project.

- It would not positively contribute to the local economy to the same degree as the Project.
- It would not create new job opportunities for local residents to the same degree as the Project.
- It would not promote increased economic growth and development that is consistent with the policies of the City's General Plan to the same degree as the Project.
- It would not generate additional sales tax and property tax revenues to accrue to the various agencies within the Project area to the same degree as the Project.
- It would not solidify the City's position as the regional shopping destination for southern Butte County and northern Yuba County to the same degree as the Project.

Because the Mixed-Use Center Alternative would result in a smaller amount of retail space thus generating $56.7 million in fewer sales, it would result in less positive contribution to the local economy, generating less tax revenue for local agencies, and creating fewer new job opportunities. (Draft EIR, p. 5-22; Partially Recirculated Draft EIR, pp. 5-21 to 5-22.)

Retail need objectives. The Mixed-Use Center Alternative would fail to meet the retail needs of the residents of the City to the same degree as the Project, and would fail to achieve the Project objectives of meeting those needs to the same degree as the Project.

- It would not provide a new regional commercial retail activities that will complement existing local retail activities to the same degree as the Project;
- It would not provide a new retail establishment that serves local residents and visitors with essential goods and services in a safe and secure, 24-hour shopping environment; and
- It would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible by developing a store located in an area served by existing urban infrastructure to the same degree as the Project.

Importantly, this alternative would not develop a Walmart use and, therefore, would not satisfy the Project objective to provide a retail establishment that provides essential goods and services in a 24-hour shopping environment. (Draft EIR, p. 5-22; Partially Recirculated Draft EIR, pp. 5-16 to 5-22.)

Second, the Mixed-Use Center Alternative would require the City to forego other Project benefits. (See generally Section XII.D below for a discussion of Project benefits.) Accordingly, not only would the Mixed-Use Center Alternative fail to meet the Project objectives, as noted generally above, it would fail to result in any of the Project benefits such as generating increased sales tax revenue for the City, creating diverse employment opportunities for City residents, providing quality goods and services desired by City residents and increasing retail activity in the area.

Finally, the Mixed-Use Center Alternative is not supported by an actual application and therefore, would translate into the Project not moving forward. Also, it would likely result in underutilization of the site for a substantial period of time into the future since there are no developers interested in the additional retail. Under such a scenario, the City would not receive any additional tax revenue from the commercially zoned site for the foreseeable future. The alternative, then, is undesirable and infeasible from a policy standpoint.

For these reasons, the Planning Commission rejects this alternative as infeasible within the meaning of CEQA.

IX. <u>Growth-Inducing Impacts</u>

A project may be growth-inducing if it directly or indirectly fosters economic or population growth or additional housing, removes obstacles to growth, taxes community service facilities, or encourages or facilitates other activities that cause significant environmental effects. (CEQA Guidelines Section 15126(g).)

Under CEQA, induced growth is not considered necessarily detrimental or beneficial. Induced growth is considered a significant impact only if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth could significantly affect the environment in some other way.

The Planning Commission finds that the Project would not significantly induce further growth or remove obstacles to future growth. Moreover, the Planning Commission finds that any induced growth would not affect the City's ability to provide needed public services, or otherwise significantly affect the environment for several reasons. First, the Project does not contain any residential uses; therefore, the Project would not directly induce population growth.

Second, the Project would also not indirectly induce population growth. While the Project includes the development of a large regional retail store that would create approximately 85 new jobs, as of December 2009 (California EDD), the City had 1,000 unemployed persons and Butte County had 13,900 unemployed persons. This indicates that the

City has an adequate population and worker base available to provide the needed employees for operation of the Project. Therefore, the Project will not likely result in a significant influx of workers to the City.

Third, the site is surrounded by developed land uses and urban infrastructure that exists close to the Project site. As such, no major infrastructure expansions would be required, and development of the Project would not remove a physical barrier to growth through the extension of urban infrastructure to unserved areas.

For these reasons, the Project would not result in any growth-inducing impacts. No impacts would occur. These facts support the City's finding. (Draft EIR, pp. 6-1 to 6-2; Partially Recirculated Draft EIR, pp. 6-1 to 6-2.)

X. <u>Cumulative Impacts</u>

Although a project may cause an individually limited incremental impact that, by itself is not significant, the increment may be cumulatively considerable, and thus significant, when viewed in connection with the environmental effects of other projects. (CEQA Guidelines, §§ 15064(h)(1), 15065(a)(3) and 15355(b).)

For the reasons stated below, which are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding, the Planning Commission finds that the Project would not result in cumulatively considerable impacts to aesthetics, light and glare; air quality; biological resources; cultural resources; geology, soils and seismicity; hazards and hazardous materials, hydrology and water quality; land use; noise; public services and utilities; transportation (except with respect to Year 2030 intersection operations and arterial corridor operations); and urban decay.

A. Aesthetics, Light, and Glare

The geographic scope of the cumulative aesthetics, light, and glare analysis is the immediate area surrounding the Project site. There are a number of proposed projects in the Project vicinity, all of which have the potential to alter the visual character of the area. These projects would be subject to design and landscaping requirements to ensure that they do not degrade visual character. As explained above, the Project would not degrade the visual character of the Project site or its surroundings. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact to aesthetics. (Draft EIR, p. 6-5; Partially Recirculated Draft EIR, pp. 6-5 to 6-6.)

Other projects in the Project vicinity have the potential to introduce new sources of light and glare. It is reasonable to assume that other projects would be required to reduce spillover light pursuant to City standards. The Project would submit a photometric plan to the City that identifies lighting fixtures and practices to prevent excessive spillage of light and glare onto neighboring properties. Therefore, the Project would not have the potential to have a

cumulative contribution to light and glare. (Draft EIR, p. 6-5; Partially Recirculated Draft EIR, p. 6-6.)

B. Air Quality

The geographic scope of the cumulative air quality analysis is the Upper Sacramento Valley Air Basin. The uses of the Project would be consistent with the land use and vehicle miles traveled assumptions contained in the BCAQMD Air Quality Attainment Plan. Other development projects may or may not be consistent with the Air Quality Attainment Plan. However, because the Project would be consistent with the assumptions, it would not have a cumulative contribution to inconsistency with the Air Quality Attainment Plan. (Draft EIR, pp. 6-6 to 6-7; Partially Recirculated Draft EIR, p. 6-6.)

Mitigation would be implemented to ensure the Project's construction emissions would not exceed BCAQMD daily emissions thresholds. Construction activities associated with other projects would make a minimal contribution to cumulative emissions because the timing of those activities would overlap minimally, if at all, with the Project. Therefore, it is reasonable to conclude that construction emissions from the Project would not combine with emissions from other projects to cause cumulatively considerable air quality impacts. (Draft EIR, pp. 6-6 to 6-7; Partially Recirculated Draft EIR, pp. 6-6 to 6-7.)

The Project's operational emissions would exceed BCAQMD thresholds for ROG, NO_x, and PM_{10}. Mitigation is proposed requiring various emissions reduction measures in order to fully mitigate the impact to a level of less-than-significant. Operational activities associated with other projects would emit air pollutants, which, depending on the nature of the project, may or may not exceed BCAQMD thresholds. However, because the Project's operational emissions would be mitigated to below BCAQMD thresholds, its air emissions would be within the regional air emissions budget and, therefore, can be assumed not to be cumulatively considerable. (Draft EIR, pp. 6-6 to 6-7; Partially Recirculated Draft EIR, p. 6-6.)

The Project would not create any CO hotspots on surrounding roadways. CO hotspots are localized to specific locations at specific times, significantly reducing the potential for the Project, in conjunction with other development projects, to have a cumulatively considerable impact. (Draft EIR, pp. 6-6 to 6-7; Partially Recirculated Draft EIR, p. 6-7.)

The Project would receive diesel truck deliveries on a daily basis. However, based on distances from sensitive receptors and prevailing wind patterns, sensitive populations would not be exposed to harmful concentrations of toxic air contaminants (such as diesel particulate matter [DPM]). DPM exposure is highly localized because of wind dispersion patterns; therefore, it is unlikely that the Project's DPM emissions would combine with the DPM emissions from other projects. Furthermore, adverse health effects from DPM exposure requires sustained exposure for decades by nearby sensitive receptors. No sensitive receptors are close enough to the Project site or the surrounding cumulative projects to be adversely affected by DPM. Therefore, the Project, in conjunction with other projects that may emit DPM, would not

create cumulatively considerable health risks. (Draft EIR, pp. 6-6 to 6-7; Partially Recirculated Draft EIR, p. 6-7.)

The Project would result in a net increase of greenhouse gas emissions. Mitigation is proposed that would require implementation of greenhouse gas reduction measures. Other projects would emit greenhouse gases, and it is reasonable to assume that such projects would implement greenhouse gas emissions reduction measures. With the implementation of these measures, the Project and other projects would not emit cumulatively considerable amounts of greenhouse gas emissions. (Draft EIR, pp. 6-6 to 6-7; Partially Recirculated Draft EIR, p. 6-7.)

C. Biological Resources

The geographic scope of the cumulative biological resources analysis is the Project vicinity. Development projects in the Project vicinity may have the potential to impact special-status species. These projects would be required to mitigate for impacts. The Project would have the potential to adversely affect special-status species (nesting birds). Mitigation is proposed to reduce potential impacts on species to a level of less-than-significant. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on special-status species. (Draft EIR, p. 6-7; Partially Recirculated Draft EIR, p. 6-7.)

Development projects in the Project vicinity may result in tree removal activities that would be subject to the City of Oroville Municipal Code's tree preservation ordinance. These projects would be required to comply with the ordinance requirement, including providing replacement trees. The Project would result in tree removal, and mitigation is proposed requiring compliance with the Municipal Code's provisions that pertain to trees, including replacement of removed trees. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable conflicts with local biological ordinances and policies. (Draft EIR, p. 6-7; Partially Recirculated Draft EIR, pp. 6-7 to 6-8.)

Development projects in the Project vicinity may result in impacts to riparian habitat. These projects would be required to comply with all state and federal regulations regarding riparian habitat and, if necessary, include mitigation measures in order to reduce or eliminate impacts and ensure no net loss of riparian habitat. The Project would re-route and culvert the man-made drainage ditch currently located in the middle of the Project site. Since the riparian habitat would be impacted by Project construction activities, a CDFG 1602 Streambed Alteration Agreement and an RWQCB Report of Waste Discharge certification may be required. Mitigation is proposed requiring the applicant to obtain these approvals and implement associated mitigation (e.g., offsite replacement or purchase of credits at an agency-approved mitigation bank). Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on riparian habitat. (Draft EIR, p. 6-7; Partially Recirculated Draft EIR, p. 6-8.)

D. Cultural Resources

The geographic scope of the cumulative cultural resources analysis is the Project vicinity. Development projects in the vicinity may have the potential to impact cultural resources. These projects would be required to mitigate for impacts. The Project area does not appear to be at the core of the 8,000-acre dredge tailings site, nor does it appear to be an area that would offer the most representative example of the dredge tailings that were recorded in 2002. The Project site does not contain any other recorded historic, archaeological, or paleontological resources or burial sites, although there is the possibility that previously undiscovered resources could be encountered by subsurface earthwork activities. Implementation of standard construction mitigation measures would ensure that undiscovered cultural resources are not adversely affected by Project-related construction activities. For these reasons, the Project would not result in significant changes to the existing ambient cultural resources environment of the Oroville area. Therefore, cumulative impacts are anticipated to be less-than-significant, and the Project, in conjunction with other projects, would not have a cumulatively considerable impact on cultural resources. (Draft EIR, p. 6-8; Partially Recirculated Draft EIR, pp. 6-8 to 6-9.)

E. Geology, Soils, and Seismicity

The geographic scope of the cumulative geology, soils, and seismicity analysis is the Project vicinity. Development projects in the Project vicinity may have the potential to be exposed to seismic hazards. These projects would be required to mitigate for impacts through compliance with applicable laws and geotechnical study recommendations. The Project site may be exposed to low to moderate ground shaking during an earthquake. Mitigation is proposed requiring the Project to comply with the California Building Standards Code seismic design criteria, which account for peak ground acceleration, soil profile, and other site conditions, and establish corresponding design standards intended primarily to protect public safety and secondly to minimize property damage. Project construction activities would implement standard stormwater pollution prevention mitigation measures to ensure that earthwork activities do not result in substantial erosion offsite and, therefore, would not contribute to areawide erosion problems. It is reasonable to assume that other development projects would implement mitigation measures for erosion that would reduce project-level impacts to a less-than-significant level. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on geology, soils, or seismicity. (Draft EIR, pp. 6-8 to 6-9; Partially Recirculated Draft EIR, p. 6-9.)

F. Hazards and Hazardous Materials

The geographic scope of the cumulative hazards and hazardous materials analysis is the Project vicinity. There are no recognized environmental constraints within the Project site or surrounding sites. Construction activities associated with other development projects would make a minimal contribution to cumulative hazards from past and present uses, because such effects are highly localized and would have no possibility to overlap with the Project. Therefore, it is reasonable to conclude that any potential contamination present on other sites would not

have the potential to cause cumulatively considerable impacts. (Draft EIR, p. 6-9; Partially Recirculated Draft EIR, p. 6-9.)

The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions. As such, the Project would not have the potential to cause an incremental contribution to hazards in the Oroville area. It is reasonable to assume that other projects would implement mitigation that would require proper abatement of potential hazards; therefore, cumulative impacts are anticipated to be less-than-significant, and the Project, in conjunction with other projects, would not have a cumulatively considerable impact on hazards and hazardous materials. (Draft EIR, p. 6-9; Partially Recirculated Draft EIR, pp. 6-9 to 6-10.)

G. Hydrology and Water Quality

The geographic scope of the cumulative hydrology and water quality analysis is the Project vicinity. Development projects in the Project vicinity may have the potential to create sources of short-term and long-term water pollution. These projects would be required to mitigate for impacts by providing stormwater pollution prevention measures. The Project would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream waterways. Mitigation is proposed that would require implementation of various construction and operational water quality control measures that would prevent the release of pollutants into downstream waterways. (Draft EIR, pp. 6-9 to 6-10; Partially Recirculated Draft EIR, p. 6-10.)

Development projects in the Project vicinity may have the potential to increase impervious surface coverage and, therefore, may result in increased runoff volumes in downstream waterways. These projects would be required to provide drainage facilities that collect and detain runoff such that offsite releases are controlled and do not create flooding. The Project would significantly increase the amount of impervious surfaces at the Project site. Mitigation requiring the installation of new drainage facilities to prevent downstream flooding would ensure that impacts to drainage would be less-than-significant. It is reasonable to assume that other projects would implement similar stormwater quality and drainage mitigation that would reduce potential impacts to downstream waterways to a less-than-significant level. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on hydrology and water quality. (Draft EIR, pp. 6-9 to 6-10; Partially Recirculated Draft EIR, p. 6-10.)

H. Land Use

The geographic scope of the cumulative land use analysis is the area within the Oroville city limits. Development projects in the Oroville area would be required to demonstrate consistency with all applicable General Plan and Zoning Ordinance requirements. This would ensure that these projects comply with applicable planning regulations. As explained above, the Project would be consistent with applicable provisions of the City General Plan and Zoning

Ordinance. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on land use. (Draft EIR, p. 6-10; Partially Recirculated Draft EIR, pp. 6-10 to 6-11.)

I. Noise

The geographic scope of the cumulative noise analysis is the Project vicinity, including surrounding sensitive receptors. Construction activities associated with the Project would not result in substantial sources of noise. Other projects would be required to evaluate construction noise impacts and implement mitigation, if necessary, to minimize noise impacts. In addition, the timing of construction activities associated with other development projects would overlap minimally, if at all, with the Project. Furthermore, because noise is a highly localized phenomenon, even if construction activities did overlap in time with the Project, distance would diminish any additive effects. Finally, construction noise would generally be limited to daytime hours and would be short-term in duration. Therefore, it is reasonable to conclude that construction noise from the Project would not combine with noise from other development projects to cause cumulatively considerable noise impacts. (Draft EIR, pp. 6-10 to 6-11; Partially Recirculated Draft EIR, p. 6-11.)

The Project's construction and operational vibration levels would not exceed annoyance thresholds. Because vibration is a highly localized phenomenon, there would be no possibility for vibration associated with the Project to combine with vibration from other projects because of their distances from the Project site. Therefore, the Project would not contribute to a cumulatively considerable impact on vibration. (Draft EIR, pp. 6-10 to 6-11; Partially Recirculated Draft EIR, p. 6-11.)

The Project's vehicular trips would not make a substantial incremental contribution to ambient noise levels under Existing Plus Project or Year 2030 conditions. In addition, other projects would be required to evaluate offsite roadway noise and, if necessary, mitigate for such impacts. Furthermore, the Project's contribution to vehicular noise levels would not exceed the applicable thresholds of significance, which take into account the existing noise levels. Thus, the Project would not combine with other projects to cause a cumulatively considerable impact on ambient roadway noise. (Draft EIR, pp. 6-10 to 6-11; Partially Recirculated Draft EIR, pp. 6-11 to 6-12.)

Combined stationary and transportation noise levels under near-term with Project conditions would not result in significant noise increases at nearby sensitive receptors. In addition, other projects would be required to mitigate for stationary and transportation-related noise impacts at nearby sensitive receptors. Moreover, stationary noise and transportation noise are localized phenomena, and there is very limited potential for other projects to contribute to cumulative noise impacts, beyond the transportation-related noise that is already analyzed above and found not to be cumulatively significant. As such, the Project, in conjunction with other projects, would not cause a cumulatively considerable impact on ambient noise levels in the Project vicinity. (Draft EIR, pp. 6-10 to 6-11; Partially Recirculated Draft EIR, p. 6-12.)

J. Public Services and Utilities

The geographic scope of the cumulative public services and utilities analysis is the service area of each of the providers serving the proposed Project. Because of differences in the nature of the public service and utility topical areas, they are discussed separately. (Draft EIR, pp. 6-11 to 6-14.)

- Fire Protection and Emergency Medical Services: The geographic scope of the cumulative fire protection and emergency medical services analysis is the Oroville Fire Department service area, which encompasses the City of Oroville. The Fire Department indicated that it would have adequate resources to meet the demand generated by the Walmart project. Furthermore, the Project would provide development fees to the City of Oroville for capital improvements to fire protection facilities. Other development projects in Oroville would be reviewed for impacts on fire protection and emergency medical services and would be required to address any potential impacts with mitigation and provide development fees as necessary. Because demand for fire protection and emergency medical services is highly dependent on a number of factors that vary substantially by project (hours of operation, fire prevention measures, occupancy by sensitive populations, etc.), it is unlikely that there would be substantial overlap in demand between these projects and the Project that would result in a cumulatively considerable impact. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on fire protection and emergency medical services. (Draft EIR, pp. 6-11 to 6-14; Partially Recirculated Draft EIR, p. 6-12.)

- Police Protection: The geographic scope of the cumulative police protection analysis is the Oroville Police Department jurisdictional area, which encompasses the City of Oroville. Representatives of the Police Department indicated that it has adequate existing resources to serve the Project, and they do not anticipate any adverse impacts on the Police Department's ability to provide police protection services to the community. The Project, therefore, would not create a need for new or expanded police protection facilities and would not result in a physical impact on the environment. Other development projects in Oroville would be reviewed for impacts on police protection and would be required to address any potential impacts with mitigation. Because demand for police protection is highly dependent on a number of factors that vary substantially by project (clientele, hours of operation, crime prevention measures, etc.), it is unlikely that there would be substantial overlap in demand that would result in a cumulatively considerable impact. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on police protection. (Draft EIR, pp. 6-11 to 6-14; Partially Recirculated Draft EIR, pp. 6-12 to 6-13.)

- Potable Water: The geographic scope of the cumulative potable water analysis is the Cal Water – Oroville District's service area, which serves areas within the Oroville city limits, south of the Feather River, including the downtown historic district. Cal Water indicated that ample potable water for normal use and fire protection would be supplied to the Project. The Butte County Local Agency Formation Commission's Municipal Service Review for Domestic Water and Wastewater Service Providers indicates that the District's supply meets existing demand and is sufficient to accommodate projected future growth within the service area. Additionally, maximum day water demand is not expected to reach the service area's production potential until the year 2025. To minimize the Project's potential cumulative impacts on long-term water supply, the Project would install water conservation features and practices. All other projects also would be required to demonstrate that potable water supply sources are available, and these projects may be required to implement water conservation measures. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on potable water supply. (Draft EIR, pp. 6-11 to 6-14; Partially Recirculated Draft EIR, p. 6-13.)

- Wastewater: The geographic scope of the cumulative wastewater analysis is the City of Oroville's wastewater collection and conveyance system and SCOR, which provides wastewater treatment to the City of Oroville and surrounding unincorporated areas. All development projects would be required to demonstrate that sewer service is available to ensure that adequate sanitation can be provided. According to the City of Oroville, which is a member of the Joint Powers Agreement that governs SCOR, the existing wastewater treatment facility has adequate wastewater treatment capacity to serve the Project without the need for new or expanded facilities. Furthermore, the wastewater conveyance infrastructure downstream of the Project site has sufficient capacity to serve the Project. Accordingly, the Project would be served by adequate wastewater treatment and conveyance. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on wastewater. (Draft EIR, pp. 6-11 to 6-14; Partially Recirculated Draft EIR, pp. 6-13 to 6-14.)

- Storm Drainage: The geographic scope of the cumulative storm drainage analysis is the downstream waterways that receive runoff from the Project site. All development projects in the Project vicinity would be required to provide drainage facilities that collect and detain runoff such that offsite releases are controlled and do not create flooding. The Project would require that a drainage plan be prepared and submitted that identifies onsite drainage facilities that impound runoff and ensure that it is released at a rate no greater than the pre-development condition at the site. As such, the Project would ensure that no net increase in stormwater would leave the Project site;

therefore, no incremental contribution to potential cumulative impacts would occur. The Project would implement standard pollution prevention measures during construction to ensure that downstream water quality impacts are minimized to the greatest extent possible. In addition, the Project would implement water quality measures to prevent pollution during store operations. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on storm drainage. (Draft EIR, pp. 6-11 to 6-14; Partially Recirculated Draft EIR, p. 6-14.)

- Solid Waste: The geographic scope of the cumulative solid waste analysis is the Norcal Waste Systems of Butte County, Inc. service area, which encompasses Butte County. Development projects would generate construction and operational solid waste and, depending on the volumes and end uses, would be required to implement recycling and waste reduction measures. The Project is anticipated to generate 389 tons of solid waste during construction and 480 tons annually during operations. Mitigation is proposed that would require the applicant to retain a qualified contractor to perform construction and demolition debris recycling and to install onsite facilities necessary to collect and store recyclable materials and green waste. These practices would reduce substantial quantities of solid waste produced during construction and operation from entering the solid waste stream. Landfill capacity would thereby be conserved, and the Project's impacts would be reduced to a less-than-significant level. As such, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on solid waste. (Draft EIR, pp. 6-11 to 6-14; Partially Recirculated Draft EIR, p. 6-14.)

- Energy: The geographic scope of the cumulative energy analysis is the PG&E service area, which encompasses all or part of 47 counties in California, constituting most of the northern and central portions of the State. Development projects in the PG&E service area would be required to comply with Title 24 energy efficiency standards. The Project would demand an estimated 4.4 million kWh of electricity on an annual basis. The Project would demand an estimated 9.5 million cubic feet of natural gas annually. The Project's structures would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs. The Project also would incorporate a number of energy conservation measures that exceed Title 24 requirements. The incorporation of the 2005 Title 24 standards and other conservation measures into the Project would ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. Therefore, the Project, in conjunction with other

projects, would not have a cumulatively considerable impact on energy consumption. (Draft EIR, pp. 6-11 to 6-14; Partially Recirculated Draft EIR, p. 6-15.)

K. Transportation

The geographic scope of the cumulative transportation analysis is the roadway system in southern Oroville. The cumulative development projects would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations and arterial corridor operations. All projects would be required to mitigate for their fair share of impacts. The Project would contribute vehicle trips to intersection operations and arterial corridor operations that would operate at unacceptable levels under Year 2030 conditions and would trigger unacceptable operations along one roadway segment under Existing Plus Project conditions. Improvements are identified that would fully mitigate all impacts to a level of less-than-significant. However, because uncertainty exists about implementation of all necessary improvements, the residual significance is significant and unavoidable. Therefore, the Project, in conjunction with other projects, would have a cumulatively considerable contribution to unacceptable intersection operations, arterial corridor operations, and roadway segment operations. (Draft EIR, pp. 6-14 to 6-15; Partially Recirculated Draft EIR, pp. 6-15 to 6-16.)

The Project would provide 794 off-street parking spaces, which translates to a ratio of 3.97 spaces per 1,000 square feet. The City of Oroville requires retail uses to provide a minimum of 3.33 spaces per 1,000 square feet of gross floor area. Accordingly, the Project would comply with this standard, thereby providing adequate off-street parking. Other projects would be required to provide adequate off-street parking facilities. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable effect on parking. (Draft EIR, pp. 6-14 to 6-15; Partially Recirculated Draft EIR, pp. 6-15 to 6-16.)

The Project would provide adequate emergency access and would not create any roadway hazards. The Project would provide two vehicular access points on both Feather River Boulevard and 7th Avenue and one vehicular access point on Cal Oak Road. The southernmost entrances on Feather River Boulevard and 7th Avenue would provide sufficient access for delivery trucks and emergency response vehicles such as fire trucks. The Project would provide public transit facilities, bicycle storage facilities, and designated pedestrian crossings, thereby providing adequate accessibility to public transit, bicycles, and pedestrians. Other projects would also be required to demonstrate that adequate emergency access is available; roadway safety hazards are not created; and public transit, bicycle, and pedestrian access are provided. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on emergency access or roadway hazards. (Draft EIR, pp. 6-14 to 6-15; Partially Recirculated Draft EIR, p. 6-16.)

Finally, the Project would implement a construction traffic and parking plan to minimize impacts to surrounding roadways and land uses. Other projects would also be required to implement similar plans during construction to mitigate impacts. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on

construction traffic and parking. (Draft EIR, pp. 6-14 to 6-15; Partially Recirculated Draft EIR, p. 6-16.)

L. Urban Decay

The geographic scope of the cumulative urban decay analysis is the Market Area identified in Draft EIR Section 4.12, Urban Decay and shown in Draft EIR Exhibit 4.12-1. Several of the cumulative projects would introduce new food or general merchandise sales to the market area. The Project, in conjunction with other projects, may negatively affect some existing retailers. However, urban decay is not a foreseeable consequence of store closure, because re-leasing activity can be beneficial to a market area (by expanding opportunities for strong retailers) and because of the overall lack of physical deterioration at retail centers in the Market Area (indicating active maintenance and upkeep by property owners and enforcement of anti-blight ordinances by local government). It is reasonable to expect that these market conditions and enforcement of ordinances would continue, which would prevent urban decay from occurring in the future, even if the combined effects of the Project and other projects lead to future store closures. Accordingly, the Project would not have any cumulatively considerable impacts on urban decay. (Draft EIR, p. 6-15 to 6-16; Partially Recirculated Draft EIR, p. 6-16.)

XI. <u>Energy</u>

Public Resources Code Section 21100(b)(3) and CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the State Legislature adopted AB 1575, which created the California Energy Commission. AB 1575 amended Public Resources Code Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created Appendix F of the CEQA Guidelines, which concerns whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. In 2009, the State Resources Agency amended the CEQA Guidelines to require that energy conservation analysis be provided in EIRs. (Draft EIR, pp. 6-16 to 6-26; Partially Recirculated Draft EIR, pp. 6-16 to 6-27.)

For the reasons stated below, which are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding, the Planning Commission finds that the Project would not result in the inefficient, wasteful, and unnecessary consumption of energy.

- <u>Short-Term Construction</u>:

The United States Environmental Protection Agency ("EPA") regulates non-road diesel engines. The EPA has no formal fuel economy standards for non-road (e.g., construction) diesel engines but does regulate diesel emissions, which indirectly affects fuel economy. In 1994, the EPA adopted the first set of emissions standards (Tier 1) for all new non-road diesel engines greater than 37 kilowatts (50 horsepower) to reduce NO_x emissions from these engines

by 30 percent. The EPA has since adopted more stringent emission standards for NO_x, hydrocarbons, and PM from new non-road diesel engines. These standards will further reduce non-road diesel engine emissions by 60 percent for NO_x and 40 percent for PM from Tier 1 emission levels. In 2004, the EPA issued the Clean Air Non-road Diesel Rule. This rule will cut emissions from non-road diesel engines by more than 90 percent: it took effect beginning in 2008 and will be fully phased in by 2014. These emission standards are intended to promote advanced clean technologies for non-road diesel engines that improve fuel combustion, but they also result in slight decreases in fuel economy. (Draft EIR, pp. 6-16 to 6-26; Partially Recirculated Draft EIR, pp. 6-23 to 6-24.)

Construction activities associated with the Project would be estimated to consume approximately 1 million gallons of diesel. Energy intensive construction activities such as mass grading would not be necessary. Furthermore, the type of construction contemplated (slab-on-grade, masonry block unit) is fairly common and would not require the use of an unusually large construction fleet or non-standard equipment. Accordingly, it is expected that construction fuel consumption associated with the Project would be similar to those of other, comparable construction sites in the region and, therefore, would not be inefficient, wasteful, or unnecessary. (Draft EIR, pp. 6-16 to 6-26; Partially Recirculated Draft EIR, pp. 6-23 to 6-24.)

- Long-Term Operations:

  - *Transportation Energy Demand*: Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. The fuel economy standard for new passenger cars has been 27.5 miles per gallon since 1990. The fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 miles per gallon since 1996. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is determined on the basis of each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the United States. Daily vehicular fuel consumption for the Project is estimated to be 3,944 gallons of fuel. Since the Project would primarily cater to residents living in the Oroville area, it can be reasoned that the Project's trips would not be significantly greater than the average regional trip length. Furthermore, the store would retail groceries and general merchandise, provide in-store services such as a medical clinic, pharmacy, and banking, and operate 24 hours a day. The Institute of Transportation Engineers Trip Generation, 8th Edition indicates that a freestanding discount superstore (e.g., a Walmart with a grocery component) generates 4.09 fewer daily trips per 1,000 square feet than a freestanding discount store (e.g., a conventional Walmart without a grocery component). Therefore, the store would be

well positioned to reduce trip lengths by providing a one-stop shopping destination and may reduce out-of-town trips for goods and services not readily available in Oroville. As such, it would be expected that vehicular fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than for any other similar land use in the region. (Draft EIR, pp. 6-16 to 6-26; Partially Recirculated Draft EIR, pp. 6-24 to 6-25.)

- *Building Energy Demand*: The Project is estimated to demand 4.4 million kWh of electricity and 9.5 million cubic feet of natural gas on an annual basis. These figures were derived from energy consumption rate provided by the United States Energy Information Administration. (Draft EIR, pp. 6-16 to 6-26; Partially Recirculated Draft EIR, p. 6-25.)

The Project would include numerous energy-conserving features. For instance, the Walmart store would include features such as the following: daylight harvesting system, occupancy sensors, LED signage and refrigeration illumination, centralized energy management system, energy efficient HVAC units, a dehumidifying system, white roofs, use of non-ozone-depleting refrigerant, heat reclamation system, high efficiency urinals and toilets, sensor-activated low flow bathroom sinks and environmentally friendly materials and finishes. In addition, the Draft EIR proposes numerous mitigation measures that would directly and indirectly reduce energy consumption. The Project's structures also would be required to meet with the energy efficiency requirements of Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs. Collectively, these design features, mitigation measures, and mandatory requirements would ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. Impacts would be less-than-significant. (Draft EIR, pp. 6-16 to 6-26; Partially Recirculated Draft EIR, pp. 6-25 to 6-27.)

XII. <u>Absence of Significant New Information Requiring Recirculation</u>

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- A substantial increase in the severity of an environmental impact would result unless mitigation are adopted that reduce the impact to a level of insignificance.

- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Planning Commission recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR and Partially Recirculated Draft EIR were completed, and contains additions, clarifications, modifications, and other changes. Specifically, minor modifications and clarifications were made in the Final EIR's Errata section. (See Final EIR, pp. 4-1 to 4-11 and Appendix M. See also Section V(C) above.) These changes do not change the significance of any conclusions presented in the Draft EIR.

Notably, CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "'CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.)

Thus, the changes do not involve "significant new information" triggering recirculation because the changes do not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the changes are either environmentally benign or environmentally neutral, and thus represent the kind of change that commonly occurs as the environmental review process works towards its conclusion.

XIII. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the Planning Commission has balanced the economic, legal, social, technological, and other benefits of the Project against the significant and unavoidable impact associated with the Project, and has adopted all feasible mitigation measures. The Planning Commission has also examined potentially feasible alternatives to the Project, none of which are feasible. The Planning Commission hereby adopts and makes the following Statement of Overriding Considerations regarding the significant and unavoidable impacts of the Project and the anticipated economic, legal, social, technological, and other benefits of the Project.

A. Significant and Unavoidable Impacts

Based on information contained in the Record and in the EIR, the Planning Commission has determined that the Project would result in significant and unavoidable impacts to: (1) transportation due to intersection operations under Year 2030 conditions; and (2) transportation due to arterial corridor operations under Year 2030 conditions.

B. Finding

The Planning Commission has considered all potentially feasible mitigation measures to substantially lessen or avoid the Project's significant and unavoidable impacts. The Commission finds that there are no feasible mitigation measures that would reduce the identified impacts.

The Planning Commission has also considered all potentially feasible alternatives to the Project. The Planning Commission finds that there are no feasible alternatives that would reduce the above significant and unavoidable impacts to a less-than-significant level.

The Project's impacts discussed above, therefore, remain significant and unavoidable.

C. Overriding Considerations

After review of the entire administrative record, including, but not limited to, the Final EIR, the staff report, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the Planning Commission finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the significant and unavoidable impacts, and therefore justify the approval of this Project notwithstanding the identified significant and unavoidable impacts. (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093.) The benefits are addressed in detail in Section XII.D below.

The Planning Commission specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation

measures), and finds that the remaining significant unavoidable impacts of the Project, which are described above in Section XII.A, are acceptable because the benefits of the Project set forth below in Section XII.D outweigh it. The Planning Commission finds that each of the overriding considerations expressed as benefits and set forth below in Section XII.D constitutes a separate and independent ground for such a finding. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Planning Commission will stand by its determination that each individual reason is sufficient by itself. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section XII, and in the documents found in the Description of the Proceedings, as defined in Section III.

D. Benefits of the Project

The Planning Commission has considered the EIR, the public record of proceedings on the Project and other written materials presented to and prepared by the City, as well as oral and written testimony received, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

1. The Project Would Generate Sales Tax Revenue For the City.

The sales generated by the Project would generate greater sales tax revenues for the City than would otherwise be generated by the site. These revenues would go to the City's General Fund, which is the primary funding source for the construction, operation and maintenance of a number of essential City services, programs and facilities including fire and police services, recreation programs, transit operations, library services, public infrastructure such as water and sanitary sewer service, and administrative functions, among other things.

The economic analysis performed for the Project indicates that many residents of the Market Area travel to Chico to do some of their comparison shopping. (Draft EIR, p. 4.12-24.) The presence of the Walmart with groceries in the City would help keep some of these local shoppers in Oroville, which would, in turn, raise sales tax revenues to help alleviate deficit and enable the City to provide essential public services, such as police and fire, to its citizens.

2. The Project Would Create Diverse Employment Opportunities For City Residents.

The Project would generate diversity in employment opportunities, including temporary construction jobs as well as approximately 85 permanent full-time and part-time jobs. (Draft EIR, p. 3-27.) Consequently, it is reasonably expected that the City and its residents would enjoy the economic and social benefits from added employment opportunities offered by the Project.

3. The Project Would Provide a High-Quality Development Design.

The Project would provide high-quality architectural features and design elements to provide visual interest. The Walmart store design is characterized as contemporary retail development. The front elevation would feature a main entrance with a rounded gable and a complementary vestibule entrance on either side. The front elevation would employ architectural variety with massing, detailing, materials, and earth tones colors. Walmart proposes to include trellised walkways, covered entrances, and a tree-shaded planter and seating area. The building would also employ parapet walls to screen the rooftop equipment from neighborhood views. Outdoor storage, the garden center, and truck docks would be screened by attractive masonry wall and iron fences. (Draft EIR, pp. 3.14 to 3.15.)

4. The Project Would Utilize High-Quality Building Materials.

The Project would use high-quality materials to provide a building that meets or exceeds architectural design requirements. For instance, the featured "Walmart" sign wall near the center of the building would be clad in the Trespa Meteon Wall Panel System, which is intended to provide a contemporary look and to resist damage from weather, vandalism, and fires. (Draft EIR, p. 3-14.)

5. The Project Would Feature Numerous Energy Conserving Measures.

The Project would incorporate numerous energy-conserving features. For instance, the Walmart store would include features such as the following: daylight harvesting system, occupancy sensors, LED signage and refrigeration illumination, centralized energy management system, energy efficient HVAC units, a dehumidifying system, white roofs, use of non-ozone-depleting refrigerant, heat reclamation system, high efficiency urinals and toilets, sensor-activated low flow bathroom sinks and environmentally friendly materials and finishes. (Draft EIR, pp. 3-25 to 3-27.)

6. The Project Would Provide Abundant Landscaping.

The Project's landscape design would provide adequate screening, shade, delineation of space, and accents and focal points. For instance, drought-tolerant native landscaping would be installed around the perimeter of the Project site and within the parking areas. Tree would be located in the parking lot and along the Project site frontage with Feather River Boulevard, Cal Oak Road, and 7th Avenue and spaced to provide at least 50 percent shade coverage within the parking lot after 15 years. Low-profile shrubs and groundcover would be located along the street frontages and near access points. (Draft EIR, p. 3-16.)

7. The Project Would Provide Quality Goods and Services Desired By City Residents.

The Project would provide quality grocery goods and services to the Project area and surrounding neighborhoods. For example, although Walmart is a national retailer, it

specifically tailors the merchandising mix of its individual stores in order to meet the demands and needs of the surrounding area.

8. The Project Would Increase Retail Activity in the Project Area.

Because the Project will include a Walmart store, the Project could draw additional retailers to the City, thereby increasing retail activity in the Project area. Specifically, a Walmart store may attract smaller retailers providing their own special services and goods. These smaller retailers see the benefit of locating near a Walmart store due to the increased customer activity in the area. This could benefit the surrounding area.

9. The Project Would Be a Good Member of the Community.

Walmart will be an active corporate member of the community. Walmart is anticipated to take a role in assisting schools, non-profits, and important community efforts in the City. It is likely that other retailers in the shopping center will provide similar benefits to the community.

10. The Project Would Contribute to and Fund Needed Infrastructure Improvements.

The Project would contribute to needed transportation infrastructure improvements by paying transportation-related fees and other adopted fee programs.

E. Determination and Adoption of Statement of Overriding Considerations

The Planning Commission has weighed the economic, legal, social, technological, and other benefits of the Project, as set forth above in Section X.D, against the significant unavoidable impacts of the Project identified in the EIR (and discussed above in Section X.A).

The Planning Commission hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the Planning Commission adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact Report; (ii) rejected alternatives to the Project, as discussed in the Environmental Impact Report; and (iii) recognized the significant unavoidable impacts of the Project, the Planning Commission hereby finds that each of the separate benefits of the Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its significant unavoidable impacts, and thereby justifies the approval of the Oroville Walmart Project.

Mitigation Monitoring and Reporting Program
for the
Oroville Walmart Project
City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

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October 29, 2010

Table 1: Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
1. Aesthetics, Light, and Glare					
MM AES-3: Prior to issuance of building permits, the project applicant shall submit a photometric plan to the City of Oroville for review and approval. The photometric plan shall identify types of exterior lighting fixtures and their locations on the project site. All light fixtures shall be shielded, recessed, or directed downward to minimize light trespass onto neighboring properties. Additionally, parking lot lighting shall be directed away from public streets so that it does not produce glare, in order to ensure the safety of vehicular traffic in accordance with Oroville Municipal Code Section 26-13.010. The approved plan shall be incorporated into the project.	Approval of plan	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
2. Air Quality					
MM AIR-1a: During construction activities, the following dust control measures shall be implemented by the construction contractor: • Water shall be applied by means of truck(s), hoses or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions. • Haul vehicles transporting soil into or out of the property shall be covered. • A water truck shall be onsite at all times during grading activities. Water shall be applied to disturbed areas a minimum of two times per day, or more as necessary. Water shall also be applied to all visibly dry, disturbed soil and unpaved road surfaces to minimize dust emissions. • Vehicle speed on unpaved or disturbed areas shall be limited to less than 15 miles per hour.	Notes on construction plans; site inspection	During construction activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with District Rule 200 and 205. • Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency. • Vehicles entering or exiting the construction area shall travel at a speed that minimizes dust emissions, or less than 15 mph. • Construction workers shall park in designated parking areas to help reduce dust emissions. • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).					
MM AIR-1b: During construction, the project applicant and construction contractor shall ensure that all architectural coatings are zero-volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC, a 60-percent reduction from the URBEMIS default of 250 grams/liter of VOC) and coatings. All paints shall be applied by either high-volume, low-pressure spray equipment or by hand application.	Notes on construction plans; site inspection	During construction	City of Oroville Community Development and Public Works Department		
MM AIR-1c: Prior to the commencement of construction activities, the project applicant shall ensure the construction contractor compiles a comprehensive inventory list (make, model, engine year, horsepower, emission rates, etc.) of all heavy-duty off-road (portable and mobile) equipment having 50 horsepower or greater that will be used an aggregate of 40 or more hours for construction. The applicant shall ensure the construction contractor prepares and submits a plan to the City of Oroville demonstrating that the heavy-duty (equal to or	Approval of plan	Prior to the commencement of construction activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
greater than 50 horsepower) off-road equipment to be used in the construction project will achieve a project-wide fleet-average 10 percent NO_x reduction compared with the most recent CARB fleet average at time of construction.					
MM AIR-1d: During construction, the project applicant shall ensure that all construction equipment used by the construction contractor is properly tuned according to manufacturer's specifications.	Site inspection	During construction	City of Oroville Community Development and Public Works Department		
MM AIR-2a: Prior to issuance of the certificate of occupancy, the project applicant shall install employee lockers at a rate of no less than one locker per four employees.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-2b: Prior to issuance of the certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures: • A kiosk near the main entrance or other visible location displaying transportation information (e.g., Butte Regional Transit schedules, maps, and fares). The information shall be updated on a regular basis. • Public transit information in the employee break room. Store management shall post information such as Butte Regional Transit schedules, maps, and fares. The information shall be updated on a regular basis. • Ride sharing information in the employee break room. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. The information shall be updated on a regular basis.					
MM AIR-2c: Prior to issuance of the certificate of occupancy, the project applicant shall install the lowest-emitting, commercially available HVAC unit.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-2d: Prior to issuance of the certificate of occupancy, the project applicant shall provide BCAQMD with funding for offsite emission reductions equal to 0.11 ton of ROG and 0.33 ton of NO_x. Based on current fee schedules, this would cost $6,292.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-5: Prior to issuance of the certificate of occupancy, the project applicant shall install odor control systems on all air intake and ventilation systems. The design and type of odor control system shall be negotiated between the project applicant and the BCAQMD, to the satisfaction of the BCAQMD.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-8a: Prior to issuance of the certificate of occupancy, the project applicant shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the project site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-8b: Prior to issuance of the certificate of occupancy, the project applicant shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AIR-8c: Prior to issuance of the certificate of occupancy, the project applicant shall do the following: • The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Oroville. • During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants were reused. • A secondary closed loop system that uses glycol in place of refrigerant shall be evaluated and implemented, if found to be technically and economically feasible.	Site inspection	Prior to issuance of the certificate of occupancy; during project operations	City of Oroville Community Development and Public Works Department		
MM AIR-8d: Prior to issuance of the certificate of occupancy, the applicant shall install the following energy efficiency measures: • A daylight harvesting system that would allow lighting within the store to be dimmed when natural lighting is available. • Occupancy sensors in non-sales areas such as restrooms, break rooms, and offices. • Light Emitting Diode (LED) technology in exterior building signage and refrigerated food cases. • A central energy management system that would allow for remote monitoring of systems such as lighting, temperature, and refrigeration. • Energy efficient HVAC units that can achieve Energy Star performance standards.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• A dehumidifying system that allows the refrigeration system to operate more efficiently. • A white membrane roof with high solar reflectivity. • A heat reclamation that captures waste heat from the onsite refrigeration equipment to supply hot water needs for the store.					
MM AIR-8e: Prior to issuance of the certificate of occupancy, the applicant shall submit a landscaping plan to the City of Oroville for review and approval. The plan shall demonstrate how shade trees in the main parking field can achieve 50 percent shade coverage within 15 years of planting. The approved plan shall be incorporated into the proposed project.	Approval of plan	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
3. Biological Resources					
MM BIO-1: Prior to grading activities on the project site, a qualified biologist shall conduct a pre-construction survey for special status birds to identify any potential nesting activity, if vegetation removal associated with development of the property is to occur during the nesting bird season (February 1 through August 31). The pre-construction surveys for special status birds shall be conducted within 30 days of proposed grading activities. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for special status birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through January 31).	Submittal of documentation; site inspection	Prior to grading activities on the project site that occur between February 1 through August 31	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-2: Prior to grading activities, the project applicant shall mitigate impacted riparian habitat through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio. The applicant shall also obtain all required authorization from regulatory agencies with jurisdiction over the ditch. If these agencies require mitigation in some other format as part of its permitting mandate, the mitigation may be substituted if it can be demonstrated that it would ensure a replacement value of no less than 1:1, which will reduce any substantial adverse effect on this resource.	Submittal of documentation	Prior to grading activities	City of Oroville Community Development and Public Works Department		
MM BIO-5: Prior to issuance of grading permits, the project applicant shall obtain a tree removal permit from the City of Oroville. Removed trees shall be replaced onsite, by the end of the next planting season, at a ratio of no less than 1:1 and shall consist of native tree species.	Issuance of permit	Prior to issuance of grading permits	City of Oroville Community Development and Public Works Department		
4. Cultural Resources					
MM CUL-1: If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City of Oroville shall require the project applicant to include a standard inadvertent discovery clause in every construction contract and inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural	Notes on construction plans; site inspection; submittal of documentation	If a potentially significant cultural resource is encountered during subsurface earthwork activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials. Construction activities within the 100-foot radius may continue once all appropriate recovery measures have been completed.					
MM CUL-3: In the event a fossil is discovered during any earthwork activities for the proposed project (including those occurring at depths of less than 10 feet), all excavations within 100 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the City of Oroville to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the City determines that avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to the City for review and approval. Upon approval, the plan shall be incorporated into the project.	Notes on construction plans; site inspection; submittal of documentation	In the event a fossil is discovered during any earthwork activities	City of Oroville Community Development and Public Works Department		
MM CUL-4: If human remains are encountered during earth-disturbing activities for the project, all work in the adjacent area shall stop immediately and the Butte County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered remains.	Notes on construction plans; site inspection; submittal of documentation	If human remains are encountered during earth-disturbing activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
5. Geology, Soils, and Seismicity					
MM GEO-1: Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical study and building plans to the City of Oroville for review and approval. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the latest version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
7. Hydrology and Water Quality					
MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Oroville that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements: • Temporary erosion control measures shall be employed for disturbed areas. • No disturbed surfaces will be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.	Approval of plan	Prior to the issuance of grading permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.					
MM HYD-2a: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Oroville for review and approval. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to: • Bioswales and landscaped areas that promote percolation of runoff • Pervious pavement, where practical • Roof drains that discharge to landscaped areas • Trash enclosures with screen walls and roofs • Stenciling on storm drains • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins	Approval of plan	Prior to the issuance of building permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• Oil/water separators • Regular sweeping of parking areas and cleaning of storm drainage facilities • Employee training to inform store personnel of stormwater pollution prevention measures The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City for review and approval identifying procedures to ensure that stormwater quality control measures work properly during operations.					
MM HYD-2b: Prior to the first day of the Walmart store operations and during store operations, stormwater pollution prevention measures shall be implemented to prevent fertilizer and other agricultural chemicals from entering downstream waterways. Pollution prevention measures shall include, but are not limited to: • Structural containment of packages of fertilizer and other agricultural chemicals • Sweeping and clean-up of fertilizer and other agricultural chemical storage areas when leaks or spillage is observed • Employee training to inform store personnel of stormwater pollution prevention measures	Site inspection	Prior to the first day of the Walmart store operations and during store operations	City of Oroville Community Development and Public Works Department		
MM HYD-4: Prior to issuance of grading permits for the proposed project, the project applicant shall retain a qualified civil engineer to prepare and submit a drainage plan to the City of Oroville that identifies onsite drainage facilities that will ensure that runoff from the project site is released at a rate no greater than that of the pre-development condition. The City of Oroville shall review and approve the drainage plan, and the project applicant shall incorporate the approved plan into the proposed project plans.	Approval of plan	Prior to issuance of grading permits for the proposed project	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
10. Public Services and Utilities					
MM PSU-3a: Prior to issuance of building permits, the project applicant shall submit landscaping plans to the City of Oroville for review and approval that identify the following outdoor irrigation water conservation measures: • Separate metering of irrigation water • Drought-resistant vegetation • Irrigation systems employing at least four of the following features: - Drip irrigation - Low-precipitation-rate sprinklers - Bubbler/soaker systems - Programmable irrigation controllers with automatic rain shutoff sensors - Matched-precipitation-rate nozzles that maximize the uniformity of the water distribution characteristics of the irrigation system - Conservative sprinkler spacings that minimize overspray onto paved surfaces - Hydrozones that keep plants with similar water needs in the same irrigation zone • Minimally or gently sloped landscaped areas to minimize runoff and maximize infiltration • Organic topdressing mulch in non-turf areas to decrease evaporation and increase water retention	Approval of plans	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM PSU-3b: Prior to issuance of building permits, the project applicant shall submit building plans to the City of Oroville for review and approval that identify the following indoor water conservation measures: • Separate metering of domestic water • Low-flow or ultra-low-flow toilets and urinals • Faucet aerators or low-flow faucets in bathrooms	Approval of plans	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
MM PSU-6a: Prior to issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The contractor shall be approved by the City of Oroville. The project applicant shall provide documentation to the satisfaction of the City of Oroville demonstrating that construction and demolition debris was recycled.	Submittal of documentation	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
MM PSU-6b: Prior to issuance of occupancy permits, the project applicant shall prepare and submit a Recycling and Waste Reduction Plan to the City of Oroville for review and approval. The plan shall identify management practices and onsite facilities necessary to collect and store recyclable materials. All onsite recycling facilities shall be screened from public view.	Approval of plan	Prior to issuance of occupancy permits	City of Oroville Community Development and Public Works Department		
11. Transportation					
MM TRANS-2a: Prior to issuance of building permits, the project applicant shall pay all transportation-related fees to the City of Oroville in accordance with the latest adopted fee schedule.	Receipt of fees	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-2b: Prior to issuance of the certificate of occupancy, the project applicant shall install a signal and provide separate turn lanes on the westbound approach at the intersection of Cal Oak Road/Feather River Boulevard. The project applicant shall be responsible for the full cost of the signal and turn lanes.	Acceptance of work	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM TRANS-13a: Prior to issuance of the certificate of occupancy, the project applicant shall install an enhanced bus stop along the project frontage suitable for use by Butte Regional Transit buses. The enhanced bus stop shall provide, at a minimum, a shelter, signage, transit information, lighting, and a trash receptacle. The bus stop shall be located near a direct pedestrian connection to the store entrance. The City of Oroville and Butte Regional Transit shall be consulted about the design and location of the bus stop, and the project applicant shall incorporate all feasible recommendations.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM TRANS-13b: Prior to issuance of the certificate of occupancy, the project applicant shall install bicycle storage facilities. Bicycle storage facilities shall consist of one or more racks near the main entrance that provide spaces equivalent to 2 percent of the proposed project's minimum parking requirement.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM TRANS-14: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Oroville for review and approval. The plan shall identify the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network, and to encourage the use of SR-70. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.	Approval of plan	Prior to commencement of construction activities	City of Oroville Community Development and Public Works Department		

Amended Mitigation Monitoring and Reporting Program for the Oroville Walmart Project City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

Prepared for:

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July 17, 2014

Table 1: Oroville Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
11. Transportation					
MM TRANS-2a: To mitigate impacts identified in Impact TRANS-2, the applicant shall provide the following payments to the satisfaction of the City of Oroville: • The project applicant shall pay all transportation-related fees to the City of Oroville in accordance with the adopted fee schedule at the time building permits are issued. • The applicant shall contribute towards the cost of necessary study area improvements on a fair-share or "pro-rata" basis by paying fair-share contributions towards improvements identified by the City as necessary through an adopted traffic impact analyses or study and not otherwise identified in an adopted fee schedule or program at the time building permits are issued.	Receipt of fees	Prior to issuance of building permits	City of Oroville Community Development Department		

ATTACHMENT - C

RESOLUTION NO. P2014-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE APPROVING USE PERMIT 09-02, USE PERMIT 10-06, USE PERMIT 10-07, USE PERMIT 10-08, DEVELOPMENT REVIEW 09-07, VARIANCE 10-01 AND SIGN PERMIT 10-01 FOR THE OROVILLE WALMART PROJECT

WHEREAS, the project is known as the "Oroville Walmart Project" and is located on 20.8 acres identified as Assessor Parcel Numbers 035-360-019 through -027 and 035-360-006 located at the southeast corner of Cal Oak Road and Feather River Boulevard in the City of Oroville; and

WHEREAS, the proposed project consists of the development of an approximately 200,225-square-foot Walmart store and associated parking and infrastructure; and

WHEREAS, on April 18, 2007 the applicant originally submitted an application for the project; and

WHEREAS, the applicant submitted subsequent applications, resulting in the applicant requesting approval of Use Permit 09-02 to allow general retail in the Intensive Industrial (M-2) zone, Use Permit 10-06 to allow more than 500 square feet of outdoor storage in the M-2 zone, Use Permit 1 0-07 to allow more than 125 percent of the minimum required parking, Use Permit 10-08 to allow outdoor display and sales greater than six feet in height, Development Review 09-07 for new commercial construction, Variance 10-01 to allow deviations from the signage regulations, and Sign Permit 10-01 for proposed project signage; and

WHEREAS, public hearing notices were mailed to all property owners within a 300-foot radius of the subject property and to all agencies and interested parties as required by California State Planning Law, and a public hearing was published for a minimum of 10 days prior to the first public hearing in the Oroville Mercury Register and the Chico Enterprise Record; and

WHEREAS, at a special hearing held November 10, 2010, the Planning Commission adopted Resolution P2010-20 certifying the Final Environmental Impact Report for the Oroville Walmart Project, including Errata, adopted the CEQA Findings of Fact and a Statement of Overriding Considerations, and approved a Mitigation and Monitoring Reporting Program; and

WHEREAS, at a special hearing held November 10, 2010, the project was presented to the Planning Commission for final action, at which time interested persons had an opportunity to testify either in support of or opposition to the project; and

WHEREAS, at the November 10, 2010 Planning Commission special hearing, upon hearing and considering all testimony and arguments of all persons desiring to be

heard, the Planning Commission considered all facts relating to the project applications; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oroville finds, determines and orders as follows:

1) The above recitations are true and correct.

2) The Planning Commission does hereby approve the Oroville Walmart Project subject to the following finds of fact, and takes the specific actions numbered below in support of that approval:

    a. The project as conditioned is consistent with the land use designation and policies of the General Plan.

    b. The project as conditioned is consistent with the zoning designation and regulations of the Zoning Code.

    c. Pursuant to Section 26-50.030 of the Zoning Code (Zoning Clearance) the project as conditioned meets all of the requirements that apply to that structure or use, including but not limited to requirements for allowed activities and development standards.

    d. The attached conditions of approval have been deemed necessary to achieve the purposes of the Zoning Code, and also promote the general health, safety and public welfare of the City.

3) The Planning Commission hereby approves Use Permit 09-02 to allow general retail in the Intensive Industrial (M-2) zone, Use Permit 10-06 to allow more than 500 square feet of outdoor storage in the M-2 zone, and Use Permit 10-08 to allow outdoor display and sales greater than six feet in height, subject to the following findings of fact and to the conditions of approval included in Exhibit A:

    a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole. The project would relocate the existing Walmart store located approximately 1,200 feet to the north to an area that has been designated for commercial uses under the current General Plan, and therefore will be compatible with the surrounding area. The proposed outdoor storage area totaling 1,080 square feet will allow for the containment of bales of cardboard and wood pallets prior to being taken off site for recycling. The project will confine all outdoor sales areas in excess of 6 feet in height to the outdoor garden center area, which will be screened with fencing. None of these uses will be detrimental to the general health, safety or public welfare. It should be noted that the EIR prepared for the project determined that the project would not have any

significant impacts that could not be mitigated with respect to aesthetics, light and glare as well as land use.

b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity. The proposed site has been designated for commercial uses under the current General Plan, and therefore is a suitable location. Also, it is suitably located relative to transportation facilities, including State Route 70, and existing public services. The B Line bus route #25 services Feather River Boulevard south of Cal Oak Road adjacent to the project site. It should be noted that the EIR prepared for the project determined that the project would not have any significant impacts that could not be mitigated with respect to land use.

c. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use. The City has adequate existing water supplies to serve the project, as well as sufficient sewage treatment capacity. The project will provide pedestrian pathways, a bus stop, and bicycle parking all of which are permanent mechanisms for reducing overall vehicle trips and contribute to an overall air quality benefit. It should be noted that the EIR prepared for the project determined that the project would not have any significant impacts that could not be mitigated with respect to public services and utilities.

d. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties. The proposed site has been designated for commercial uses under the current General Plan, and has been designed of a size and with buffers so as to not adversely affect abutting properties. The project includes appropriate landscaping, planting buffers, and other screening that improve the aesthetic quality of the parking area. It should be noted that the EIR prepared for the project determined that the project would not have any significant impacts that could not be mitigated with respect to land use or noise.

e. The subject site is physically suitable for the type and intensity of land use being proposed. The proposed site has been designated for commercial uses under the current General Plan, and provides sufficient acreage for the proposed project. The underlying soils are appropriate for this type of development. Minimal grading is necessary for the project. It should be noted that the EIR prepared for the project determined that the project would not have any significant impacts that could not be mitigated with respect to land use.

f. The size, intensity and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole. The project will relocate the existing store to a site that has been designated for commercial uses under the current General Plan, and falls within the allowed floor area ratio. It should be noted that the EIR prepared for the project determined that the project would not have any significant impacts that could not be mitigated with respect to land use.

g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, of the Zoning Code (as conditioned) and of the City Code. The EIR documents the project's consistency with the General Plan and the City's Municipal Code.

4) The Planning Commission hereby approves Use Permit 10-07 to allow more than 125 percent of the minimum required parking, subject to the findings of fact made above plus the following applicable findings of fact, and to the conditions of approval included in Exhibit A:

a. The proposed use will create significant conflicts with surrounding uses unless the maximum parking requirement is increased. The project will service a regional market and therefore likely will require more parking than the average commercial use. If the requested additional parking is not provided, it could impact adjacent properties due to cars parking nearby versus at the site. Also, the parking lot circulation could be impacted due to cars continuing to circle while looking for parking, increasing the chances for vehicle-vehicle and vehicle-pedestrian conflicts.

b. The proposed increase in parking is no greater than necessary to avoid these conflicts and protect public health, safety and welfare. The project is only requesting 6 spaces above the maximum allowed by the Code per the 125 percent increase, which is not greater than necessary to avoid the types of potential conflicts stated above, and would help protect public health, safety and welfare by avoiding potential vehicle-vehicle and/or vehicle-pedestrian conflicts in the parking lot.

5) The Planning Commission hereby approves Development Review 09-07 for new commercial construction, subject to the following findings of fact and to the conditions of approval included in Exhibit A:

a. The project design respects Oroville's existing context by harmonious development that respects, responds to and improves upon the character of the surrounding built environments.

b. The project design contributes to neighborhood identity by enhancing and improving the visual and design character of the City.

c. The project design establishes individual identity while complementing the character established within the existing neighborhood and the City.

d. The proposed building utilizes high quality architectural design, which incorporates appropriate massing, facade articulation, roof forms and quality building materials.

e. The proposed building will provide attractive and detailed facades on all sides, including those that face streets as well as those that face adjacent development.

f. The project incorporates enhanced paving materials, pedestrian-scale lighting, and adequate sidewalk space that will contribute to an attractive and physically safe pedestrian environment.

g. The project design and use will contribute to active and economically vibrant environments.

h. The project site design interconnects with the larger network of non-vehicular connections between neighborhood and cross-town destinations.

i. The project's surface parking lot is designed and landscaped in ways that allow buildings and landscaping to be the primary focal elements viewed from streets.

j. The project design includes attractive and functional streetscapes for vehicular traffic.

k. The project includes attractive, comfortable outdoor space at the entrance to the building.

6) The Planning Commission hereby approves Variance 10-01 to allow deviations from the signage regulations, subject to the following findings of fact and to the conditions of approval included in Exhibit A:

a. The granting of the variance is not inconsistent with the General Plan or any applicable specific plan. The General Plan does not contain policies regarding signage with which the subject signs would be inconsistent, and there is no applicable specific plan.

b. There are exceptional and extraordinary circumstances or conditions applying to the land, building or use referred to in the application that do

not generally apply to other land, buildings or uses in the same district. The project will be built on a compilation of ten parcels each of which, under the code, would receive at least one monument sign and one wall sign totaling 250 square feet each for a total of 20 signs and 2,500 square feet of sign area. The subject project is requesting substantially less than that, in concert with the size of the project area and building.

c. The granting of the variance will not grant a special privilege to the property. The ordinance allows for six signs and the applicant is requesting six signs, but in a different configuration than anticipated in the ordinance. As noted above, if the parcels were not merged, the Code would allow a total of 20 signs and 2,500 square feet of sign area.

d. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district, and that would otherwise be denied to the property in question. See items b and c above.

e. The granting of the variance will not be materially detrimental to the public welfare. The variance will simply allow additional signage. See also items band c above.

f. The granting of the variance will not be injurious to, or incompatible with, any nearby property or improvements. The variance will simply allow additional signage, which is significantly less than would be allowed if the parcels were not merged. See items band c above.

g. The strict and literal enforcement of the provisions of the sign ordinance would result in an unreasonable and unnecessary hardship for this project. The building is one of the largest in the City and limiting it to the allowed signage would result in signage disproportionate to the building due to its small size compared to the wall area. See also items b and c above.

h. The subject variance is in harmony with the purposes of the sign ordinance. See items b and c above.

i. Because of special circumstances applicable to the property (including size, shape, topography, location, or surroundings) the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. See items b, c and g above.

7) The Planning Commission hereby approves Sign Permit 10-01 for proposed project signage, subject to the following findings of fact and to the conditions of approval included in Exhibit A:

a. The signs use a palette of colors and materials that is generally related to the architecture and design of other buildings and signs on the site.

b. The size of the signs does not cause them to overwhelm the scale of buildings on the site and on surroundings sites.

c. The number and placement of signs is generally consistent with the number and placement of signs on other nearby properties.

d. The signs conform to the requirements of this section, as well as any applicable specific plan or design guidelines adopted by the City Council.

8) Pursuant to Section 26-50.010(E)(5) of the Zoning Code notice of this determination shall be issued in writing to the permit applicant within ten days.

****

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 28h of July, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

DONALD L. RUST, SECRETARY DAMON ROBISON, CHAIRPERSON

Exhibits

A – Conditions of Approval

RESOLUTION NO. P2014-14: Exhibit A
Oroville Walmart Project - Conditions of Approval

General Conditions

1. The City shall not be required to defend any third party claims and/or suits challenging any action taken by the City with regard to any procedure or substantive aspect of the City's approval of development of the Project, the environmental process, or any other actions related to the proposed uses of the Property. The Applicant may, however, in its sole and absolute discretion appear as real party in interest in any such third party action or proceeding. Short of conducting its own separate defense and incurring its own attorneys' fees, the City shall cooperate with Applicant in its defense in any such action or proceeding. Before retaining its own separate legal counsel, the City shall meet and confer with the Applicant to determine the feasibility and advisability of mounting a joint defense in defending any entitlements granted by the City. In deciding whether to agree to a joint defense, the City can identify any conflicts of interest or other reservations it might have with respect to the attorneys proposed by the Applicant. If the City defends such action or proceeding, the Applicant shall pay to the City whatever attorneys' fees and litigation costs, including those for depositions and expert witnesses in their entirety, as may be incurred by the City in defense of such action or proceeding, provided that in no event shall the Applicant be required to pay or to reimburse the City for any future attorneys' fees after the Applicant has chosen not to defend the entitlements granted pursuant to this Agreement. The Applicant may at any time notify the City in writing of the Applicant's decision to terminate such reimbursement obligation and, thereafter, in the event that the City decides to continue the defense of such third party action or proceeding the Applicant shall have no further obligation to reimburse the City for the City's attorneys' fees. The City shall have the absolute right to retain such legal counsel as the City deems necessary and appropriate. Notwithstanding any other provision contained herein, the Applicant shall reimburse City in the event of any award of Court Costs or attorney fees is made against City in favor of any third party challenging either the sufficiency of an EIR or the validity of the City's actions relating to the Project.

2. Implement all adopted EIR mitigation measures as identified in the final EIR Mitigation Monitoring Program (Attachment A to these conditions of approval).

3. The project will be constructed in substantial compliance with the exhibits attached to the Staff Report except as modified by the conditions of approval and with any changes necessary to meet city codes and specifications.

4. Pursuant to Section 26-13.010(B) of the Zoning Code, all areas of a site that are not landscaped, paved or developed shall generally be kept free of debris, including unused fill or building materials.

5. Pursuant to Section 26-13.010(C)(1) of the Zoning Code, as modified for improved vehicular circulation, light fixtures shall not exceed 20 feet above grade.

6. Pursuant to Section 26-13.050(C)(2) of the Zoning Code, the Landscape Architect of signature on the landscaping plans must also install the approved improvements.

7. Pursuant to Section 26-13.050(D)(2) no more than 10 percent nonliving ground cover such as rock, bark, chips or bricks shall be used.

8. Pursuant to Section 26-13.050(H)(5) of the Zoning Code, an approved concrete curb shall be installed around the perimeter of each landscaped area and shall be at least 6 inches higher than the finished grade of the parking area. The foundation and design of the curb shall conform to the requirements of the City Engineering Design Standards.

9. Except as provided in Section 26-13.050(I), all required landscaping and irrigation improvements shall be installed consistent with the approved landscaping plan prior to issuance of a certificate of occupancy.

10. Pursuant to Section 26-13.050(J) of the Zoning Code, the irrigation system shall include timers and rain shut-off devices to prevent excessive and unnecessary watering.

11. Pursuant to Section 26-13.050(K) of the Zoning Code, landscaped areas shall be continually maintained in good condition and shall be kept clean and weeded, and trees shall be pruned in a natural pattern and shall not be topped or pollarded. See performance criteria contained in this code section.

12. Pursuant to Section 26-13.050(L) of the Zoning Code, the property owner shall enter into a written agreement for the installation and maintenance of landscaping. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest.

13. Pursuant to Section 26-13.070(A) of the Zoning Code, no owner or tenant shall lease or rent required parking spaces. If a required parking space is converted to another use, a replacement shall be provided.

14. Pursuant to Section 26-13.070(C)(1) of the Zoning Code, parking spaces and access driveways shall be graded and drained in accordance with City Engineering Design Standards to alleviate the creation of flooding and drainage problems for the subject property and any surrounding properties.

15. Pursuant to Section 26-13.070(C)(2) of the Zoning Code, all runoff from parking and vehicular circulation areas shall be treated and filtered on site to remove sediment and pollutants, using a method approved by the City Engineering Design Standards, before it is discharged into the storm drain system.

16. Pursuant to Section 26-13.070(D) of the Zoning Code, the curbing around all landscape planters shall be two-feet in width to serve as a wheel stop to prevent parked vehicles from overhanging landscaping. The two-foot curb shall be added to the size of the landscape well; it shall not be constructed so as to make the inside of the landscape planter smaller. Other positive vertical control shall be provided at property lines and walkways to prevent parked vehicles from overhanging, to the satisfaction of the City Engineer.

17. Pursuant to Section 26-13.070(F) of the Zoning Code, no sales, storage, or other activity are allowed in required parking areas unless all of the following circumstances apply: 1) The activity is a temporary use that meets the requirements of Section 26-16.060 of the Zoning Code; 2) The activity uses the parking spaces for no more than eight hours in a single day; 3) The activity occupies no more than 157 parking spaces, excluding ADA spaces.

18. Pursuant to Section 26-13.070(M) of the Zoning Code, in addition to any requirements in the City Engineering Design Standards, each bicycle parking space shall provide a securely anchored, stationary parking device that is adequate to lock and secure a six-foot long bicycle.

19. Pursuant to Section 26-13.070(R) of the Zoning Code, the minimum dimensions of parking spaces and aisles, and their required configuration, shall be as shown in the City Engineering Design Standards.

20. Pursuant to Section 26-13.080(D) of the Zoning Code, the walls screening the truck loading area shall have a decorative architectural treatment on the exterior, subject to the review and approval of the Planning Director.

21. Pursuant to Section 26-13.080(E) of the Zoning Code, no sales, storage, repair work, dismantling or servicing of any kind shall be permitted in the truck loading area.

22. Pursuant to Section 26-13.080(F) of the Zoning Code, all loading spaces shall be paved, graded and drained as required for parking lots in the City Engineering Design Standards.

23. Pursuant to 26-16.060(C)(3) the sale of seasonal holiday agricultural products may not exceed a maximum period of 45 days.

24. Temporary outdoor displays and sales shall be conducted pursuant to Section 26-16.130 of the Zoning Code.

25. Storage and display within the outdoor storage area, garden center, and truck loading area shall not exceed the height of the approved fencing that screens each area.

26. Pursuant to Section 26-16.140(E) of the Zoning Code, hazardous wastes and substances as defined in Chapter 11C of the City Code, including liquids, shall not be stored in an outdoor storage area or storage container, except with the approval of the Fire Chief. The approval shall be granted only if the applicant demonstrates the following: 1) The design of the storage area or container includes adequate measures to contain the hazardous wastes and substances in the event of a spill; and 2) The storage area or container complies with the provisions of Chapter 11C of the City Code.

27. Pursuant to Section 26-19.030(A) of the Zoning Code, all permanent signs that are displayed outdoors shall be constructed of durable, weatherproof materials. All materials and structural components in a permanent sign shall meet the applicable requirements of the City Building Code. Illuminated signs shall meet the requirements of the City Electrical Code.

28. Pursuant to Section 26-19.030(B) of the Zoning Code, all signs, together with all of their supporting structural elements, shall be kept in a state of good repair at all times.

29. Pursuant to Section 26-19.050(A) of the Zoning Code, the building address number shall be displayed at the building's primary entrance in accordance with the requirements of this section. This shall occur prior to occupancy.

30. Pursuant to Section 26-19.060(F) of the Zoning Code, any sign that includes lighting shall conform to the lighting performance standards in Section 26-13.010 of this chapter. Any conduits or wires that are connected to a sign's lighting source shall be screened or hidden from view where practical.

31. Pursuant to Section 26-19.070(A)(2) of the Zoning Code, the thickness of any wall sign shall not exceed one foot.

32. Any temporary signs used during operations of this project shall conform to the requirements of Section 26-19.100 and 26-19.090 of the Zoning Code, as applicable.

33. Pursuant to Section 26.50-010(D)(3) of the Zoning Code, the Zoning Administrator may inspect the premises for which the use permit is issued at any reasonable time to ensure compliance with the conditions of the use permit.

Refusal to permit the Zoning Administrator to inspect the premises shall be rebuttably presumed to be grounds for revocation of the use permit.

34. Pursuant to Section 26-50.010.F of the Zoning Code, where a use permit has not been used for one year, the Zoning Administrator shall make the required determinations regarding whether relevant circumstances have changed significantly so that the permit shall be reviewed by the Planning Commission to determine if a hearing should be scheduled to revoke the permit.

35. The approval of the Use Permit shall expire 1 year after the use permit is approved, unless within that time the applicant obtains all necessary building permits and pays all required fees associated with the permits. The review authority may extend the initial approval for an additional one-year period upon receipt, prior to expiration of approval, of a written application for extension, signed by the applicant and accompanied by a fee established by resolution of the City Council. These timeframes shall be temporarily suspended if a legal challenge is filed, and shall recommence once such challenge is finally resolved.

36. Pursuant to Section 26-53.050 of the Zoning Code, the Development Review approval shall expire within one year. Pursuant to Section 26-53.050(C) the review authority may extend the initial approval for an additional one-year period. These timeframes shall be temporarily suspended if a legal challenge is filed, and shall recommence once such challenge is finally resolved.

37. The plans shall be modified to show, and the applicant shall install, a bus stop/shelter on one of the street frontages, at a location to be determined by the City and Butte Regional Transit. The bus stop/shelter design and location shall be reviewed and approved by the City of Oroville and by Butte Regional Transit. Installation shall be completed prior to occupancy.

38. The plans shall be modified to remove what appears to be a monument sign at the northern access on Feather River Boulevard. The application does not include a request for signage at that location.

39. Subject to the review and approval of the Planning Director, an accentuated parapet banding detail at the roof line and more parapet height variation on the street facing sides of the structure shall be added to help break up the linear nature of the structure, create some definition, and complement the articulation already included in the design.

40. Subject to the review and approval of the Planning Director, the southern portion of the of the west elevation (facing Feather River Boulevard) shall be modified to include additional pilasters in a contrasting color to add interest and break up the mass.

41. Subject to the review and approval of the Planning Director, the east elevation (fronting 7th Avenue) shall be modified to include additional arch walls (similar to the west elevation fronting Feather River Boulevard) and pilasters in sufficient quantity so that with additional color changes and parapet variation, the entire length of the elevation would be improved.

42. Subject to the review and approval of the Planning Director, the pedestrian pathways through the parking lot shall be a minimum of eight feet in width and be surfaced with colored concrete paving.

43. Subject to the review and approval of the Planning Director, the three primary vehicular entries to the site, off of Feather River Boulevard, Cal Oak Road, and 7th Avenue shall have decorative paving.

44. Subject to the review and approval of the Planning Director, the rear elevation shall be modified between the southeast corner and the truck dock to include additional arch walls (similar to the west elevation fronting Feather River Boulevard), pilasters and/or color changes in sufficient quantity to improve that portion of the elevation.

45. Subject to the review and approval of the Planning Director, plans showing the plaza area located near the front of the store shall be modified to provide seating all around the proposed tree well as well as additional benches.

46. Design for the proposed freestanding sign shall be modified to include a minimum 4 foot masonry base with an integrated landscape planter that uses the same type and color of masonry as used for the store. The sign shall be modified to improve architectural interest and establish a thematic relationship to the architectural of the store. Landscaping shall be added at the base and in the integrated planter.

47. Six-foot iron fencing shall be provided along the entire rear property line.

48. The applicant shall acquire any necessary encroachment permits from other agencies as may be required for implementation of the project and all conditions of approval and mitigation measures.

49. Prior to issuance of any building permits, the 10 project parcels shall be merged into one legal parcel.

50. Prior to issuance of any building permits, the applicant shall secure any other needed ministerial permits and/or administrative approvals necessary for construction of the building.

51. Spills of any fertilizers and other packaged garden and/or agricultural chemicals in the outdoor garden area shall be promptly cleaned and disposed of, so that no ground absorption into or runoff occurs.

52. Hosing down of the outdoor garden area is prohibited unless all water is contained and properly disposed so that ground absorption and runoff are avoided.

53. Except for employees on duty, overnight parking shall be prohibited. Walmart shall install parking lot signage that reflects this prohibition.

54. The applicant shall provide specifications (color, design, location, mounting, etc) for all proposed exterior lighting subject to review and approval of the Planning Director. Light fixtures (both freestanding and building mounted) shall be decorative and contribute aesthetically to the project.

55. Within 15 years of occupancy, the property owner or tenant shall provide verification that 50 percent shading has been achieved, pursuant to Section 26.13.050(H)(6) of the Zoning Code.

56. The applicant shall install and maintain a shopping cart locking system that prevents off-site use of store shopping carts.

57. The minimum level of illumination along pedestrian paths between destinations shall be 0.5 foot-candles (Design Guidelines, page 72). At pedestrian destination points such as entryways, plazas and courtyards, lighting levels shall achieve illumination of 1 foot-candle. Illumination shall achieve a lighting level of 1 foot-candle on the parking lot surface.

Prior to Site Grading

58. Obtain a Grading Permit from the City's Public Works Department.

59. Submit onsite grading, drainage and improvement plans prepared by a California Registered Civil Engineer, in conformance with City standards for review and approval by the Engineering Division. The plans and any necessary supplemental submittals shall show all of the items listed below as follows:

60. Drainage details to include finish grade elevations, the direction of surface flows, and the proposed location and invert elevations of all drainage features to include drainage inlets, drainage manholes and drainage pipes.

61. Hydraulic capacity calculations and design details for the approximate 800 feet of drainage ditch along the east side of the property to be undergrounded.

62. A drainage solution for the drainage pipe located in the 10-foot drainage easement that enters the southern property of the property off of Feather River Boulevard.

63. Drainage calculations to support the design size of the detention or retention facility, and orifice calculations to support the design size of the stormwater flow discharge/metering device.

64. A stormwater drainage and detention/retention facility designed such that there is no increase in pre-project peak storm water discharge from the site for a 2-year, 10-year and 100-year storm event. On-site storm drainage shall be collected and detained or retained on-site and then transported via underground conduit to an approved drainage facility.

65. Provisions to demonstrate how pollutants will be removed from surface water runoff before the runoff is discharged from the site or to land. The drainage facilities shall be consistent with Best Management Practices, as outlined in the 2009 California Storm Water Quality Construction Handbook, published by the California Storm Water Quality Association, as may be updated from time to time, or from the City Engineering Design Standards.

66. A Notice of Intent filed with the Central Valley Regional Water Quality Control Board.

67. A Stormwater Pollution Prevention Plan filed with the Central Valley Regional Water Quality Control Board.

68. The design of the sanitary sewer service system including the type and size of the sanitary sewer line lateral, and the proposed point and type of connection to City's collection system.

69. The location and orientation of any existing onsite easements.

Prior to Issuance of a Building Permit

70. Facility shall be designed by a registered engineer/architect pursuant to the 2010 California Building Code, as adopted by the City of Oroville, and shall reflect all of the requirements listed in these Conditions. The parking lot plan shall include all signage and striping and required ADA parking and paths of travel requirements.

71. Fire protection for the building regarding the use of off-site fire hydrants, on-site fire hydrants, building sprinkler system(s) and required fire flows shall conform to the 2007 California Fire Code.

72. Landscape and irrigation plans for both the onsite and offsite landscape and irrigation improvements shall be submitted to the Department of Parks and Trees for review and approval. The landscape and irrigation systems, landscape water budget and all necessary technical submittals shall conform to City standards and the State of California Department of Water Resources Model Water Efficient Landscape Ordinance. The irrigation controller for the offsite irrigation system shall be battery operated.

73. Submit offsite frontage improvement plans prepared by a California Registered Civil Engineer, in conformance with City standards, for review and approval by the Engineering Division. The plans and any necessary supplemental submittals shall show all of the items listed below as follows:

74. Frontage improvements along the project's Feather River Boulevard, Cal Oak Road and 7th Avenue frontages to include a) a 12-foot wide center turn lane, b) 12-foot wide travel lanes on each side of the center turn lane, c) 6-foot wide sidewalks, 9.5 foot-wide landscape strips, curb and gutter and d) a 4-foot paved shoulder on the project side of each frontage, and d) a 2-foot wide paved shoulder and bladed swale on the opposite side of the project frontages.

75. Americans With Disabilities Act (ADA) pedestrian ramps at the corner of Feather River Boulevard and Cal Oak Road and Cal Oak Road and 7th Avenue.

76. Gutter flowline elevations to demonstrate the conveyance of surface water away from the project and an absence of potential ponding of stormwater.

77. Details for a 2-inch thick and 42-foot wide asphaltic concrete (AC) overlay along each project frontage.

78. A striping plan showing edgeline and center turn lane striping and lane markings. All striping shall be thermoplastic.

79. Plans for the installation of a traffic signal at the intersection of Feather River Boulevard and Cal Oak Road. The design of the traffic signal system shall include traffic loop detectors capable of detecting bicycles and motorcycles. The design of the traffic signal system shall be by a California Registered Electrical Engineer and shall be in conformance with all applicable Caltrans standards.

80. Plans for the conversion of the intersections at Cal Oak Road and 7th Avenue and Cal Oak Road and 5th Avenue to 4-way stops in accordance with City standards.

81. Plans for the installation of street lights along the project frontages in accordance with City standards.

82. Submit an itemized engineer's cost estimate for the proposed offsite improvements to be approved by the Public Works Department, so appropriate plan check and inspection fees can be collected prior to plan review and issuance of construction permits.

83. Submit landscape and irrigation plans per Condition No. 74 for the onsite and offsite landscaping and irrigation improvements.

84. Pay all applicable development impact fees (traffic, sewer, stormwater, etc.) in place at the time of building permit issuance.

85. Pay all applicable sewer hookup capacity and connection fees in place at the time of building permit issuance.

86. Submit all necessary quitclaim and grant deeds for the relocation of any utility easements requiring relocation. Facilitate the recordation of all necessary utility quitclaim and grant deeds.

87. Any relocation or rearrangement of any existing facilities necessary to accommodate this project will be at the developers/applicants expense.

Prior to Issuance of a Certificate of Occupancy

88. Fire extinguishers shall be provided. Size and number shall be determined at the time of occupancy inspection.

89. Provide refuse collection area enclosures of sufficient size for the storage of all the refuse generated by the use of the site.

90. Install a KNOX BOX for access by emergency personnel.

91. Fire hydrants shall have been installed per the requirements of the Oroville Fire Department and the California Water Service Company. Minimum flow at on-site fire hydrants of 1,500 gallons per minute shall be confirmed.

92. Complete all onsite and offsite public works improvements in accordance with the approved plans.

93. Complete the installation testing and programming of the traffic signals at Feather River Boulevard and Cal Oak Road.

94. Dedicate 10-feet of right of way along the Cal Oak Road and 7th Avenue frontages to the City of Oroville. Property owner shall pay for the preparation of the necessary metes and bounds legal descriptions, plat maps and grant deeds for City acceptance and recordation.

95. Provide "as-built" construction plans.

Attachment A – CEQA MMRP

Mitigation Monitoring and Reporting Program
for the
Oroville Walmart Project
City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

Prepared for:

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October 29, 2010

Table 1: Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
1. Aesthetics, Light, and Glare					
MM AES-3: Prior to issuance of building permits, the project applicant shall submit a photometric plan to the City of Oroville for review and approval. The photometric plan shall identify types of exterior lighting fixtures and their locations on the project site. All light fixtures shall be shielded, recessed, or directed downward to minimize light trespass onto neighboring properties. Additionally, parking lot lighting shall be directed away from public streets so that it does not produce glare, in order to ensure the safety of vehicular traffic in accordance with Oroville Municipal Code Section 26-13.010. The approved plan shall be incorporated into the project.	Approval of plan	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
2. Air Quality					
MM AIR-1a: During construction activities, the following dust control measures shall be implemented by the construction contractor: • Water shall be applied by means of truck(s), hoses or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions. • Haul vehicles transporting soil into or out of the property shall be covered. • A water truck shall be onsite at all times during grading activities. Water shall be applied to disturbed areas a minimum of two times per day, or more as necessary. Water shall also be applied to all visibly dry, disturbed soil and unpaved road surfaces to minimize dust emissions. • Vehicle speed on unpaved or disturbed areas shall be limited to less than 15 miles per hour.	Notes on construction plans; site inspection	During construction activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with District Rule 200 and 205. • Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency. • Vehicles entering or exiting the construction area shall travel at a speed that minimizes dust emissions, or less than 15 mph. • Construction workers shall park in designated parking areas to help reduce dust emissions. • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).					
MM AIR-1b: During construction, the project applicant and construction contractor shall ensure that all architectural coatings are zero-volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC, a 60-percent reduction from the URBEMIS default of 250 grams/liter of VOC) and coatings. All paints shall be applied by either high-volume, low-pressure spray equipment or by hand application.	Notes on construction plans; site inspection	During construction	City of Oroville Community Development and Public Works Department		
MM AIR-1c: Prior to the commencement of construction activities, the project applicant shall ensure the construction contractor compiles a comprehensive inventory list (make, model, engine year, horsepower, emission rates, etc.) of all heavy-duty off-road (portable and mobile) equipment having 50 horsepower or greater that will be used an aggregate of 40 or more hours for construction. The applicant shall ensure the construction contractor prepares and submits a plan to the City of Oroville demonstrating that the heavy-duty (equal to or	Approval of plan	Prior to the commencement of construction activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
greater than 50 horsepower) off-road equipment to be used in the construction project will achieve a project-wide fleet-average 10 percent NO_x reduction compared with the most recent CARB fleet average at time of construction.					
MM AIR-1d: During construction, the project applicant shall ensure that all construction equipment used by the construction contractor is properly tuned according to manufacturer's specifications.	Site inspection	During construction	City of Oroville Community Development and Public Works Department		
MM AIR-2a: Prior to issuance of the certificate of occupancy, the project applicant shall install employee lockers at a rate of no less than one locker per four employees.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-2b: Prior to issuance of the certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures: • A kiosk near the main entrance or other visible location displaying transportation information (e.g., Butte Regional Transit schedules, maps, and fares). The information shall be updated on a regular basis. • Public transit information in the employee break room. Store management shall post information such as Butte Regional Transit schedules, maps, and fares. The information shall be updated on a regular basis. • Ride sharing information in the employee break room. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. The information shall be updated on a regular basis.					
MM AIR-2c: Prior to issuance of the certificate of occupancy, the project applicant shall install the lowest-emitting, commercially available HVAC unit.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-2d: Prior to issuance of the certificate of occupancy, the project applicant shall provide BCAQMD with funding for offsite emission reductions equal to 0.11 ton of ROG and 0.33 ton of NO_x. Based on current fee schedules, this would cost $6,292.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-5: Prior to issuance of the certificate of occupancy, the project applicant shall install odor control systems on all air intake and ventilation systems. The design and type of odor control system shall be negotiated between the project applicant and the BCAQMD, to the satisfaction of the BCAQMD.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-8a: Prior to issuance of the certificate of occupancy, the project applicant shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the project site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM AIR-8b: Prior to issuance of the certificate of occupancy, the project applicant shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AIR-8c: Prior to issuance of the certificate of occupancy, the project applicant shall do the following: • The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Oroville. • During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants were reused. • A secondary closed loop system that uses glycol in place of refrigerant shall be evaluated and implemented, if found to be technically and economically feasible.	Site inspection	Prior to issuance of the certificate of occupancy; during project operations	City of Oroville Community Development and Public Works Department		
MM AIR-8d: Prior to issuance of the certificate of occupancy, the applicant shall install the following energy efficiency measures: • A daylight harvesting system that would allow lighting within the store to be dimmed when natural lighting is available. • Occupancy sensors in non-sales areas such as restrooms, break rooms, and offices. • Light Emitting Diode (LED) technology in exterior building signage and refrigerated food cases. • A central energy management system that would allow for remote monitoring of systems such as lighting, temperature, and refrigeration. • Energy efficient HVAC units that can achieve Energy Star performance standards.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• A dehumidifying system that allows the refrigeration system to operate more efficiently. • A white membrane roof with high solar reflectivity. • A heat reclamation that captures waste heat from the onsite refrigeration equipment to supply hot water needs for the store.					
MM AIR-8e: Prior to issuance of the certificate of occupancy, the applicant shall submit a landscaping plan to the City of Oroville for review and approval. The plan shall demonstrate how shade trees in the main parking field can achieve 50 percent shade coverage within 15 years of planting. The approved plan shall be incorporated into the proposed project.	Approval of plan	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
3. Biological Resources					
MM BIO-1: Prior to grading activities on the project site, a qualified biologist shall conduct a pre-construction survey for special status birds to identify any potential nesting activity, if vegetation removal associated with development of the property is to occur during the nesting bird season (February 1 through August 31). The pre-construction surveys for special status birds shall be conducted within 30 days of proposed grading activities. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for special status birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through January 31).	Submittal of documentation; site inspection	Prior to grading activities on the project site that occur between February 1 through August 31	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-2: Prior to grading activities, the project applicant shall mitigate impacted riparian habitat through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio. The applicant shall also obtain all required authorization from regulatory agencies with jurisdiction over the ditch. If these agencies require mitigation in some other format as part of its permitting mandate, the mitigation may be substituted if it can be demonstrated that it would ensure a replacement value of no less than 1:1, which will reduce any substantial adverse effect on this resource.	Submittal of documentation	Prior to grading activities	City of Oroville Community Development and Public Works Department		
MM BIO-5: Prior to issuance of grading permits, the project applicant shall obtain a tree removal permit from the City of Oroville. Removed trees shall be replaced onsite, by the end of the next planting season, at a ratio of no less than 1:1 and shall consist of native tree species.	Issuance of permit	Prior to issuance of grading permits	City of Oroville Community Development and Public Works Department		
4. Cultural Resources					
MM CUL-1: If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City of Oroville shall require the project applicant to include a standard inadvertent discovery clause in every construction contract and inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural	Notes on construction plans; site inspection; submittal of documentation	If a potentially significant cultural resource is encountered during subsurface earthwork activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials. Construction activities within the 100-foot radius may continue once all appropriate recovery measures have been completed.					
MM CUL-3: In the event a fossil is discovered during any earthwork activities for the proposed project (including those occurring at depths of less than 10 feet), all excavations within 100 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the City of Oroville to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the City determines that avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to the City for review and approval. Upon approval, the plan shall be incorporated into the project.	Notes on construction plans; site inspection; submittal of documentation	In the event a fossil is discovered during any earthwork activities	City of Oroville Community Development and Public Works Department		
MM CUL-4: If human remains are encountered during earth-disturbing activities for the project, all work in the adjacent area shall stop immediately and the Butte County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered remains.	Notes on construction plans; site inspection; submittal of documentation	If human remains are encountered during earth-disturbing activities	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
5. Geology, Soils, and Seismicity					
MM GEO-1: Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical study and building plans to the City of Oroville for review and approval. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the latest version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
7. Hydrology and Water Quality					
MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Oroville that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements: • Temporary erosion control measures shall be employed for disturbed areas. • No disturbed surfaces will be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.	Approval of plan	Prior to the issuance of grading permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.					
MM HYD-2a: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Oroville for review and approval. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to: • Bioswales and landscaped areas that promote percolation of runoff • Pervious pavement, where practical • Roof drains that discharge to landscaped areas • Trash enclosures with screen walls and roofs • Stenciling on storm drains • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins	Approval of plan	Prior to the issuance of building permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• Oil/water separators • Regular sweeping of parking areas and cleaning of storm drainage facilities • Employee training to inform store personnel of stormwater pollution prevention measures The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City for review and approval identifying procedures to ensure that stormwater quality control measures work properly during operations.					
MM HYD-2b: Prior to the first day of the Walmart store operations and during store operations, stormwater pollution prevention measures shall be implemented to prevent fertilizer and other agricultural chemicals from entering downstream waterways. Pollution prevention measures shall include, but are not limited to: • Structural containment of packages of fertilizer and other agricultural chemicals • Sweeping and clean-up of fertilizer and other agricultural chemical storage areas when leaks or spillage is observed • Employee training to inform store personnel of stormwater pollution prevention measures	Site inspection	Prior to the first day of the Walmart store operations and during store operations	City of Oroville Community Development and Public Works Department		
MM HYD-4: Prior to issuance of grading permits for the proposed project, the project applicant shall retain a qualified civil engineer to prepare and submit a drainage plan to the City of Oroville that identifies onsite drainage facilities that will ensure that runoff from the project site is released at a rate no greater than that of the pre-development condition. The City of Oroville shall review and approve the drainage plan, and the project applicant shall incorporate the approved plan into the proposed project plans.	Approval of plan	Prior to issuance of grading permits for the proposed project	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
10. Public Services and Utilities					
MM PSU-3a: Prior to issuance of building permits, the project applicant shall submit landscaping plans to the City of Oroville for review and approval that identify the following outdoor irrigation water conservation measures: • Separate metering of irrigation water • Drought-resistant vegetation • Irrigation systems employing at least four of the following features: - Drip irrigation - Low-precipitation-rate sprinklers - Bubbler/soaker systems - Programmable irrigation controllers with automatic rain shutoff sensors - Matched-precipitation-rate nozzles that maximize the uniformity of the water distribution characteristics of the irrigation system - Conservative sprinkler spacings that minimize overspray onto paved surfaces - Hydrozones that keep plants with similar water needs in the same irrigation zone • Minimally or gently sloped landscaped areas to minimize runoff and maximize infiltration • Organic topdressing mulch in non-turf areas to decrease evaporation and increase water retention	Approval of plans	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM PSU-3b: Prior to issuance of building permits, the project applicant shall submit building plans to the City of Oroville for review and approval that identify the following indoor water conservation measures: • Separate metering of domestic water • Low-flow or ultra-low-flow toilets and urinals • Faucet aerators or low-flow faucets in bathrooms	Approval of plans	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
MM PSU-6a: Prior to issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The contractor shall be approved by the City of Oroville. The project applicant shall provide documentation to the satisfaction of the City of Oroville demonstrating that construction and demolition debris was recycled.	Submittal of documentation	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		
MM PSU-6b: Prior to issuance of occupancy permits, the project applicant shall prepare and submit a Recycling and Waste Reduction Plan to the City of Oroville for review and approval. The plan shall identify management practices and onsite facilities necessary to collect and store recyclable materials. All onsite recycling facilities shall be screened from public view.	Approval of plan	Prior to issuance of occupancy permits	City of Oroville Community Development and Public Works Department		
11. Transportation					
MM TRANS-2a: Prior to issuance of building permits, the project applicant shall pay all transportation-related fees to the City of Oroville in accordance with the latest adopted fee schedule.	Receipt of fees	Prior to issuance of building permits	City of Oroville Community Development and Public Works Department		

Table 1 (cont.): Oroville Walmart Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-2b: Prior to issuance of the certificate of occupancy, the project applicant shall install a signal and provide separate turn lanes on the westbound approach at the intersection of Cal Oak Road/Feather River Boulevard. The project applicant shall be responsible for the full cost of the signal and turn lanes.	Acceptance of work	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM TRANS-13a: Prior to issuance of the certificate of occupancy, the project applicant shall install an enhanced bus stop along the project frontage suitable for use by Butte Regional Transit buses. The enhanced bus stop shall provide, at a minimum, a shelter, signage, transit information, lighting, and a trash receptacle. The bus stop shall be located near a direct pedestrian connection to the store entrance. The City of Oroville and Butte Regional Transit shall be consulted about the design and location of the bus stop, and the project applicant shall incorporate all feasible recommendations.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM TRANS-13b: Prior to issuance of the certificate of occupancy, the project applicant shall install bicycle storage facilities. Bicycle storage facilities shall consist of one or more racks near the main entrance that provide spaces equivalent to 2 percent of the proposed project's minimum parking requirement.	Site inspection	Prior to issuance of the certificate of occupancy	City of Oroville Community Development and Public Works Department		
MM TRANS-14: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Oroville for review and approval. The plan shall identify the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network, and to encourage the use of SR-70. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.	Approval of plan	Prior to commencement of construction activities	City of Oroville Community Development and Public Works Department		

Amended Mitigation Monitoring and Reporting Program for the Oroville Walmart Project City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

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July 17, 2014

Table 1: Oroville Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
11. Transportation					
MM TRANS-2a: To mitigate impacts identified in Impact TRANS-2, the applicant shall provide the following payments to the satisfaction of the City of Oroville: • The project applicant shall pay all transportation-related fees to the City of Oroville in accordance with the adopted fee schedule at the time building permits are issued. • The applicant shall contribute towards the cost of necessary study area improvements on a fair-share or "pro-rata" basis by paying fair-share contributions towards improvements identified by the City as necessary through an adopted traffic impact analyses or study and not otherwise identified in an adopted fee schedule or program at the time building permits are issued.	Receipt of fees	Prior to issuance of building permits	City of Oroville Community Development Department		

ATTACHMENT - D

SECOND PARTIALLY RECIRCULATED DRAFT
Environmental Impact Report
Oroville Walmart Project
City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

Prepared for:

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May 16, 2014

TABLE OF CONTENTS

Section 1.A: Overview 1.A-1

1.1.A - Project Summary 1.A-1
1.2.A - CEQA Process Background 1.A-1
1.3.A - CEQA Standards for Recirculation 1.A-2
1.4.A - Summary of Changes 1.A-3
1.5.A - Relationship of the Partially Recirculated Draft EIR to Draft EIR and Final EIR 1.A-5
1.6.A - Public Review of the Partially Recirculated Draft EIR 1.A-5

Section 2.A: Executive Summary 2.A-1

2.1.A - Executive Summary Matrix 2.A-1

4.2.A - Air Quality/Greenhouse Gas Emissions 4.2.A-1

4.2.1.A – Introduction 4.2.A-1
4.2.2.A - Environmental Setting 4.2.A-1
4.2.3.A - Regulatory Framework 4.2.A-3
4.2.4.A – Methodology 4.2.A-13
4.2.5.A - Thresholds of Significance 4.2.A-18
4.2.6.A - Project Impacts and Mitigation Measures 4.2.A-19

4.11.A - Transportation 4.11.A-1

LIST OF APPENDICES

Appendix A: *Friends of Oroville et al. v. City of Oroville et al.* (3rd Dist. Ct. of Appeal, 2013), Case No. C070448

Appendix B: Greenhouse Gas Analysis Report

LIST OF TABLES

Table 1.A-1: Summary of Draft EIR Revisions and Additions 1.A-3

Table 2.A-1: Executive Summary Matrix 2.A-2

Table 4.2.A-1: Proposed Walmart Construction Greenhouse Gas Emissions 4.2.A-20

Table 4.2.A-2: Operational CO_2 Generation for Proposed Walmart 4.2.A-22

Table 4.2.A-3: Project Mitigation Measures that Reduce Emissions 4.2.A-24

Table 4.2.A-4: Project Design Features that Reduce Emissions 4.2.A-28

Table 4.2.A-5: Operational CO_2e Generation for Existing Walmart 4.2.A-30

Table 4.2.A-6: Operational CO2 Generation for Proposed Walmart and Existing Walmart in 2014 ..... 4.2.A-32

SECTION 1.A: OVERVIEW

1.1.A - Project Summary

The proposed project consists of the development of a 200,225-square-foot Walmart store and associated parking and infrastructure on a 20.75-acre site bounded by Feather River Boulevard (west); Cal Oak Road (north); 7th Avenue (east); and vacant, industrially zoned land (south) in the City of Oroville, Butte County, California. The interior of the store would contain general merchandise and grocery sales areas; additionally, the interior would include a fast-food restaurant tenant, a bank, a medical clinic, a vision center, a photo lab, and a nail and hair salon. An existing Walmart store located at 355 Oroville Dam Boulevard East (approximately 0.4 mile northwest of the project site across Feather River Boulevard) will be closed, but the existing store would be sold to a third party who has plans to retenant it in the future.

1.2.A - CEQA Process Background

The City of Oroville (City) released the Draft EIR on February 11, 2010 to evaluate the proposed relocation and construction of a Walmart Store. The Draft EIR circulated for public review between February 11, 2010 and March 29, 2010. Following release of the Draft EIR, the City determined that portions of the document needed to be recirculated in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088.5. The Partially Recirculated Draft EIR circulated for public review between September 1, 2010 and October 18, 2010. Following closure of the public review period, the City prepared responses to all comments received in response to the Draft EIR and Partially Recirculated Draft EIR. The responses were provided in the Final Environmental Impact Report (Final EIR), which the City released in October 2010. The Oroville City Council certified the Final EIR and approved the project entitlements on December 14, 2010.

Following the Council actions, the Friends of Oroville and two individuals (Petitioners) filed suit against the City alleging the EIR was deficient (*Friends of Oroville et al. v. City of Oroville*, Case No. 152682). The Petitioners contended the EIR (1) improperly found it was infeasible for the Project to contribute its fair share mitigation for "Year 2030" cumulative traffic impacts along eight intersections of Oroville Dam Boulevard (hereafter Oroville Dam Blvd.), (2) inadequately analyzed the Project's hydrological impacts, (3) inadequately analyzed the Project's greenhouse gas emissions, and (4) violated CEQA's notice requirements. On August 19, 2013, The Third District Court of Appeal ruled in favor of Petitioners on the third contention and with tangential points with the first contention, and ruled in favor of the City on all other contentions. A copy of the Court of Appeal's decision is included as Appendix A.

In relevant part, the Court of Appeal opinion remanded the case to the trial court:

> [T]o ensure the Project's [greenhouse gas] GHG emissions constitute a significant or a less than significant environmental impact in light of a proper application of the threshold-of-significance standard of Assembly Bill 32, which, according to the EIR, seeks to cut about 30 percent from business-as-usual emission levels projected for 2020 or about 10 percent from 2010 levels. As part of this analysis, the EIR must set forth how the Project's EIR-specified operational GHG emissions compare to those for the existing Wal-Mart store, and must provide a quantitative or qualitative determination or estimate of the mitigation measures' effect on GHG emissions (MM AIR-8a through MM AIR-8e).

And,

> Given that the transportation-related fee schedule is being updated along with the Traffic Program update, we think it necessary to confirm that the issuance of building permits is a provision which ensures that Wal-Mart, as required by MM TRANS-2a, pays "all transportation-related fees to [the City] in accordance with the latest adopted fee schedule," and not a provision that excuses such payment depending on when building permits are issued.

In response to the Court's decision, the City directed City staff to prepare a Partially Recirculated Draft EIR (PRDEIR).

1.3.A - CEQA Standards for Recirculation

The City determined a partial recirculation of the EIR most effectively complies with the Court of Appeal's ruling and CEQA Guidelines Section 15088.5, which sets forth the criteria and process for undertaking a partial recirculation.

1.3.1.A - Overview

CEQA Guidelines Section 15088.5 establishes that a lead agency is required to recirculate an EIR when significant new information is added to the EIR after it is released for public review. "New information" is defined as "changes in the project or environmental setting as well as additional data or other information" that results in the disclosure of:

- A new significant environmental impact;
- A substantial increase in the severity of an environmental impact; or
- A feasible project alternative or mitigation measure considerably different from others previously analyzed [that] would clearly lessen the environmental impacts of the project.

CEQA Guidelines Section 15088.5 also establishes that recirculation may be triggered by the Draft EIR being so fundamentally and basically inadequate and conclusionary in nature that meaningful

public review and comment were precluded. In this case, the Court found that the 2010 EIR's analysis of the project's GHG emissions was fundamentally inadequate.

1.3.2.A - Standards for Partial Recirculation

CEQA Guidelines Section 15088.5(c) establishes that if revisions to the Draft EIR are limited to only a few chapters of the document, the lead agency need only recirculate the portions it revises. This is known as "partial recirculation." As discussed on the following pages, the City is partially recirculating those portions of the Draft EIR it revised to address the Third District Court of Appeal's decision, including the Air Quality section related to greenhouse gases and that portion of the Transportation section specifically related to Mitigation Measure TRANS-2a, for public and agency review. These changes are described in detail in Section 1.4.A. The information presented in this PRDEIR is limited to the discussion of the significance of the project's GHG emissions and Mitigation Measure TRANS-2a. The remainder of the Draft EIR was affirmed by the Court of Appeal, has not been revised, and is therefore not being recirculated.

1.4.A - Summary of Changes

CEQA Guidelines Section 15088.5(g) requires that Recirculated Draft EIRs provide a summary of the revisions made to the Draft EIR. Two chapters of the Draft EIR were revised, and the changes are summarized below. Table 1.A-1 summarizes the changes within the PRDEIR. In addition, a general overview of the revised Greenhouse Gas Emissions analysis follows.

Table 1.A-1: Summary of Draft EIR Revisions and Additions

Draft EIR			Second Partially Recirculated Draft EIR	
Section	**Page(s)**	**Description**	**Section**	**Page(s)**
Section ES, Executive Summary	2-6 to 2-22	Table ES-1 Executive Summary Matrix; Impact AIR-8 (replacement of text) and Mitigation Measure TRANS-2a (replacement of text)	Section 2.1.A, Executive Summary Matrix	2.A-1 to 2.A-3
Section 4.2, Air Quality	4.2-1	Section 4.2.1 - Introduction (addition of new text)	Section 4.2.1.A, Air Quality/ Greenhouse Gas Emissions, Introduction	4.2.A-1
	4.2-30 to 4.2-31	Section 4.2.4 – Methodology (addition of new text)	Section 4.2.4.A, Air Quality/ Greenhouse Gas Emissions, Methodology	4.2.A-13 to 4.2.A-18

Table 1.A-1 (cont.): Summary of Draft EIR Revisions and Additions

Draft EIR		Description	Partially Recirculated Draft EIR	
Section	Page(s)		Section	Page(s)
Section 4.2, Air Quality (*cont.*)	4.2-51 to 4.2-71	Section 4.2.6 – Project Impacts and Mitigation Measures (text replacement for Impact AIR-8, including new Tables 4.2-16 through 4.2-19.	Section 4.2.6.A, Air Quality/ Greenhouse Gas Emissions, Project Impacts and Mitigation Measures	4.2.A-19 to 4.2.A-38
Section 4.11, Transportation	4.11-64	Section 4.11.6 – Project Impacts and Mitigation Measures (text replacement for Mitigation Measure TRANS-2a to reflect Court decision).	Section 4.11.6.A, Transportation, Mitigation Measure TRANS-2A	4.11.A-1

Section 4.2.A, Air Quality/Greenhouse Gas Emissions

The discussion of environmental setting and impacts for project GHG emissions included in the 2010 Draft EIR's Air Quality section has been replaced with a new section limited only to GHG emissions. This information is provided as a stand-alone EIR section to comply with the Court of Appeals ruling, which identified the project's GHG emissions as the only deficiency that required the City's reconsideration. The section replaces the 2010 Draft EIR's GHG analysis (Impacts AIR-8 and AIR-9) in their entirety.

The updated GHG emissions analysis in the PRDEIR uses a quantitative, business as usual (BAU) threshold of significance derived from AB 32 target reductions, as calculated by the California Air Resources Board (ARB). Specifically, the analysis quantifies the GHG emissions for the Project to determine compliance with AB 32's reduction goals and utilizes a 29 percent reduction from BAU as the threshold of significance.

In ARB's Scoping Plan, adopted in 2008, the ARB forecast the GHG emissions that would occur in 2020 if reduction actions were not taken to account for projected growth. The no-action scenario is known as BAU. This forecast was necessary to assess the scope of the reductions California must achieve to return to 1990 statewide GHG emissions levels by 2020, or 427 million metric tons of carbon dioxide equivalents ($MMTCO_2e$). The ARB described the BAU scenario as GHG emissions in the absence of any GHG emissions reduction measures identified in the Scoping Plan. The ARB forecast 2020 BAU GHG emissions of 596 $MMTCO_2e$. The Scoping Plan identified that a reduction of 169 $MMTCO_2e$ or approximately 28.4 percent from BAU was needed in order to return emissions to 1990 levels by 2020 and achieve the AB 32 goal.[1]

[1] The 2008 Scoping Plan relied on emissions data through 2004. In August 2013, ARB released the latest update of the

In addition, the analysis assesses emissions at the existing store, which will be vacated and presumably re-tenanted. This accounts for emissions generated from the existing Walmart store located on Oroville Dam Boulevard, approximately 0.4 mile northwest of the project site across Feather River Boulevard. The analysis quantifies the GHG emissions for the new Walmart store and the existing Walmart store to compare the efficiency improvements of the Project and a similarly used existing structure. The potential for the project to result in cumulatively significant GHG impacts is also addressed.

Section 4.11.A, Transportation

The text of Mitigation Measure TRANS-2a has been replaced to reflect the Court decision.

1.5.A - Relationship of the Partially Recirculated Draft EIR to Draft EIR and Final EIR

As previously discussed, this PRDEIR consists of only the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously released 2010 Draft EIR that have been revised to address the Court of Appeal's decision. Specifically, Mitigation Measure TRANS-2a of the Transportation section and the discussion of the project's GHG emissions in the Air Quality section has been replaced with the new mitigation language and GHG analysis.

In addition, one new technical appendix, the Greenhouse Gas Analysis Report (Appendix B) has been prepared by First Carbon Solutions | Michael Brandman Associates, and is provided to support the PRDEIR. All other aspects of the 2010 Draft EIR remain unchanged. No changes are proposed that would impact conclusions of environmental significance. Further, while the language of Mitigation Measure TRANS-2a has been modified to address the Court's concern related to enforceability, no new mitigation measures are proposed. Therefore, no changes to the Project Alternatives and Other CEQA Considerations sections are necessary.

As discussed in Section 1.6.A, the PRDEIR is being circulated for public review. Following closure of the PRDEIR public review period, the City will prepare responses to comments, which will be provided in the Partially Recirculated Final EIR. City Decision makers will then consider certification of the Partially Recirculated Final EIR, along with re-certification of the portions of the previous 2010 Final EIR that were not affected by the Court of Appeal's decision.

1.6.A - Public Review of the Partially Recirculated Draft EIR

The City of Oroville is circulating the PRDEIR for the statutory 45-day review period. The City of Oroville has filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrent with the NOC,

State's GHG inventory, providing updated GHG emissions data through 2010. The update shows that actual emissions between 2005 and 2010 were considerably lower than the emissions forecasted in the 2008 Scoping Plan. Based upon this update and the resulting lower estimate of 2020 BAU emissions, the 29 percent reduction from BAU threshold is conservative.

this PRDEIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the PRDEIR in accordance with Public Resources Code 21092(b)(3).

In accordance with CEQA Guidelines Section 15088.5(f)(2), the City requests that reviewers limit their comments to the revised portions of the prior Draft EIR contained in this PRDEIR and not provide new comments, or restate prior comments, on portions of the Draft EIR not affected by the Third District Court of Appeal decision and which remain unchanged. Comments on portions of the Draft EIR that were previously circulated and not changed or revised by this PRDEIR have already been addressed in the Final EIR and the City will not respond to them in the Partially Recirculated Final EIR to follow. In the interest of avoiding redundancy, the City requests that reviewers do not restate those comments.

The PRDEIR is available for review at the following locations:

City of Oroville
Department of Community Development and Public Works
1735 Montgomery Street
Oroville, CA 95965
Hours: Monday–Friday, 8 a.m. to 5 p.m.

Butte County Library, Oroville Branch
1820 Mitchell Street
Oroville, CA 95966
Hours:
Monday, Wednesday, Friday, Saturday
10 a.m. to 5 p.m.
Tuesday, Thursday, 12 p.m. to 7 p.m.

In addition, the PRDEIR is available online on the City of Oroville website:
http://www.cityoforoville.org/

Agencies, organizations, and interested parties have the opportunity to comment on the PRDEIR during the 45-day public review period. Written comments on this PRDEIR should be addressed to:

Mr. Donald Rust, Director of Community Development
City of Oroville
Community Development Department
1735 Montgomery Street
Oroville, CA 95965
Phone: 530-538-2433
Fax: 530-538-2426
Email: planning@cityoforoville.org

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the Oroville Planning Commission and City Council on the project, at which the certification of the PRDEIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.

SECTION 2.A: EXECUTIVE SUMMARY

2.1.A - Executive Summary Matrix

Table 2.A-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for Impacts AIR-8, AIR-9, and TRANS-2 and corresponding mitigation measures.

Table 2.A-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 4.2.A - Air Quality		
Impact AIR-8.A: The proposed project may emit significant amounts of greenhouse gases or conflict with an applicable plan, policy, or regulation concerning greenhouse gas reduction.	**MM AIR-8a:** Prior to issuance of the certificate of occupancy, the project applicant shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the project site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria. **MM AIR-8b:** Prior to issuance of the certificate of occupancy, the project applicant shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes. **MM AIR-8c:** Prior to issuance of the certificate of occupancy, the project applicant shall do the following: • The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Oroville. • During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants were reused. • A secondary closed loop system that uses glycol in place of refrigerant shall be evaluated and implemented, if found to be technically and economically feasible. **MM AIR-8d**: Prior to issuance of the certificate of occupancy, the applicant shall install the following energy efficiency measures: • A daylight harvesting system that would allow lighting within the store to be dimmed when natural lighting is available. • Occupancy sensors in non-sales areas such as restrooms, break rooms, and offices. • Light Emitting Diode (LED) technology in exterior building signage and refrigerated food cases. • A central energy management system that would allow for remote monitoring of systems such as lighting, temperature, and refrigeration.	Less than significant impact.

Table 2.A-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• Energy efficient HVAC units that can achieve Energy Star performance standards. • A dehumidifying system that allows the refrigeration system to operate more efficiently. • A white membrane roof with high solar reflectivity. • A heat reclamation that captures waste heat from the onsite refrigeration equipment to supply hot water needs for the store. **MM AIR-8e:** Prior to issuance of the certificate of occupancy, the applicant shall submit a landscaping plan to the City of Oroville for review and approval. The plan shall demonstrate how shade trees in the main parking field can achieve 50 percent shade coverage within 15 years of planting. The approved plan shall be incorporated into the proposed project.	
Impact AIR-9.A: The proposed project would not be subject to significant adverse effects as a result of global climate change.	No mitigation is necessary.	Less than significant impact.
Section 4.11.A - Transportation		
Impact **TRANS-2.A:** The proposed project would contribute to unacceptable intersection operations under Year 2030 Conditions.	**MM TRANS-2a:** To mitigate impacts identified in Impact TRANS-2, the applicant shall provide the following payments to the satisfaction of the City of Oroville: • The project applicant shall pay all transportation-related fees to the City of Oroville in accordance with the adopted fee schedule at the time building permits are issued. • The applicant shall contribute towards the cost of necessary study area improvements on a fair-share or "pro-rata" basis by paying fair-share contributions towards improvements identified by the City as necessary through an adopted traffic impact analyses or study and not otherwise identified in an adopted fee schedule or program at the time building permits are issued.	Significant unavoidable impact.

4.2.A - Air Quality/Greenhouse Gas Emissions

4.2.1.A - Introduction

The Greenhouse Gas Analysis, provided in this section and included as Appendix B, was prepared to evaluate the project's estimated greenhouse gas (GHG) generation relative to "business as usual" and "existing" store emissions. The Greenhouse Gas Analysis follows current California Environmental Quality Act (CEQA) assessment practices and Butte County Air Quality Management District (BCAQMD) recommendations for quantification of emissions and evaluation of potential GHG impacts, and it utilizes California's Assembly Bill (AB) 32's emission reduction goal.

4.2.2.A - Environmental Setting

Greenhouse Gas Emissions and Climate Change

Constituent gases of the Earth's atmosphere called GHGs play a critical role in the Earth's radiation budget by trapping infrared radiation emitted from the Earth's surface, which would otherwise have escaped into space. Prominent GHGs contributing to this process include carbon dioxide (CO_2), methane (CH_4), ozone, water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). This phenomenon, known as the Greenhouse Effect, is responsible for maintaining a habitable climate. Anthropogenic emissions of these GHGs in excess of natural ambient concentrations are widely held to be responsible for the enhancement of the Greenhouse Effect, leading to a trend of unnatural warming of the Earth's natural climate, known as global warming or climate change. Emissions of these gases that may contribute to inducing or exacerbating global warming are attributable to activities associated with the industrial/ manufacturing, utilities, transportation, residential, and agricultural sectors. Transportation is responsible for 41 percent of the State's GHG emissions, followed by electricity generation. Emissions of CO_2 and N_2O are by-products of fossil fuel combustion. Methane, a potent GHG, results from off-gassing associated with agricultural practices and landfills. Sinks of CO_2 include uptake by vegetation and dissolution into the ocean.

Greenhouse gases are global pollutants, unlike ozone, carbon dioxide, particulate matter, and TACs, which are pollutants of regional and local concern. Worldwide, California is the 12th to 16th largest emitter of CO_2 and is responsible for approximately 2 percent of the world's CO_2 emissions.

Potential Environmental Effects

Worldwide, average temperatures are likely to increase by 1.8 degrees Celsius (°C) to 4°C, or approximately 3 degrees Fahrenheit (°F) to 7°F by the end of the 21st century. However, a global temperature increase does not translate to a uniform increase in temperature in all locations on the Earth. Regional climate changes are dependent on multiple variables, such as topography. One region of the Earth may experience increased temperature, increased incidents of drought, and similar warming effects, whereas another region may experience a relative cooling. According to the United Nations Intergovernmental Panel on Climate Change (IPCC) Working Group II Report, Climate Change impacts to North America may include diminishing snowpack, increasing evaporation,

exacerbated shoreline erosion, exacerbated inundation from sea level rising, increased risk and frequency of wildfire, increased risk of insect outbreaks, increased experiences of heat waves, and rearrangement of ecosystems, as species and ecosystem zones shift northward and to higher elevations.

For California, climate change has the potential to incur/exacerbate the following environmental impacts:

- Increased frequency, duration, and intensity of conditions conducive to air pollution formation (particularly ozone)
- Intrusion of seawater into coastal aquifers
- Reduced precipitation
- Increased agricultural growing season
- Changes to precipitation and runoff patterns
- Increased growth rates of weeds, insect pests and pathogens
- Reduced snowfall (precipitation occurring as rain instead of snow)
- Inundation of low-lying coastal areas by sea level rise
- Earlier snowmelt
- Increased incidents and severity of wildfire events
- Decreased snowpack
- Expansion of the range and increased frequency of pest outbreaks
- Increased agricultural demand for water

Although certain environmental effects are widely accepted to be a potential hazard to certain locations, such as rising sea level for low-laying coastal areas, it is currently infeasible to predict all environmental effects of climate change on any one location.

Pollutants of Concern – Greenhouse Gases

Gases that trap heat in the atmosphere are GHGs, analogous to the way a greenhouse retains heat. The accumulation of GHGs in the atmosphere regulates the earth's temperature. However, human activities have increased the amount of GHGs in the atmosphere. Some GHGs can remain in the atmosphere for hundreds of years. The following GHGs are defined under Assembly Bill 32 but are not expected to be generated by the project: chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

The term "global warming potential" is the potential of a gas to contribute to global warming; it is based on a reference scale with carbon dioxide at 1. Some pollutants are more potent than carbon dioxide, which is reflected by a higher global warming potential. The following is a brief description of the most common GHGs that may be emitted by the project.

Carbon dioxide. Carbon dioxide (CO_2) is an odorless, colorless natural GHG. CO_2 is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and

volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, gasoline, and wood. As discussed above, CO_2 has a global warming potential of 1.

Methane. Methane is a flammable GHG. A natural source of methane is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are landfills, fermentation of manure, and ruminants such as cattle. Methane has a global warming potential of 21.

Nitrous oxide. Nitrous oxide, also known as laughing gas, is a colorless GHG. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) contribute to its atmospheric load. Nitrous oxide is a highly potent GHG with a global warming potential of 310.

4.2.3.A - Regulatory Framework

Climate Change

Climate change is a change in the average weather of the earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. According to the California Climate Change Center's 2012 report "Our Changing Climate, Vulnerability & Adaptation to Increasing Risks from Climate Change in California," climate change effects in California may result in consequences such as loss of snow-pack, increased risk of large wildfires, and reductions in the quality and quantity of certain agricultural products.

Climate change is driven by forcings and feedbacks. Radiative forcing is the difference between the incoming energy and outgoing energy in the climate system. Positive forcing tends to warm the surface while negative forcing tends to cool it. Radiative forcing values are typically expressed in watts per square meter ($W\ m^{-2}$). The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere. The global warming potential of a gas is essentially a measurement of the radiative forcing of a GHG compared with the reference gas, carbon dioxide.

Individual GHG compounds have varying global warming potentials and atmospheric lifetimes. The reference gas for the global warming potential is carbon dioxide, which has a potential of 1. The calculation of the carbon dioxide equivalent is a consistent methodology for comparing GHG emissions, since it normalizes various GHG emissions to a consistent metric. Methane's warming potential of 21 indicates that methane has a warming effect 21 times greater than carbon dioxide on a molecule per molecule basis. A carbon dioxide equivalent is the mass emissions of an individual GHG multiplied by its global warming potential. Greenhouse gases are often presented in the unit, metric tons of carbon dioxide equivalents ($MTCO_2e$).

Gases that trap heat in the atmosphere are GHGs, analogous to the way a greenhouse retains heat. The accumulation of GHGs in the atmosphere regulates the earth's temperature to be suitable for life.

The presence of GHGs in the atmosphere affects the earth's temperature. Without the natural heat-trapping effect of GHG, the earth's surface would be about 34°C cooler. However, human activities have increased the amount of GHGs in the atmosphere. Some GHGs can remain in the atmosphere for hundreds of years.

In 2010, total worldwide GHG emissions were estimated to be 50,100 million $MTCO_2e$ (UNEP 2013). In 2010, GHG emissions in the U.S. were 6,875 million $MTCO_2e$. In 2010, California emitted approximately 451.6 million $MTCO_2e$, including imported electricity and excluding combustion of international fuels and carbon sinks or storage. The major source of GHGs in California is transportation, contributing 38 percent of the State's total GHG emissions. Electricity generation is the second largest source, contributing 21 percent of the State's GHG emissions (ARB 2013).

Climate change is caused by GHGs emitted all around the world from a variety of sources, including the combustion of fuel for transportation and heat, cement manufacturing, and refrigerant emissions. International and federal agreements have been enacted to deal with climate change issues. The State of California has enacted key legislation in an effort to reduce its contribution to climate change, as discussed below.

International and Federal

Intergovernmental Panel on Climate Change. In 1988, the United Nations and the World Meteorological Organization established the IPCC to assess "the scientific, technical and socio economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation."

United Nations Framework Convention on Climate Change (Convention). On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change. Under the Convention, governments gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

Pursuant the requirements of the Convention, the United States submitted the first U.S. Climate Action Report to the United Nations Framework Convention on Climate Change Secretariat in 1994, the second in 1997, and the third in 2002. The fourth Climate Action Report was released in 2007, and it provides an update on key activities conducted by the U.S. since the third report; an inventory of U.S. GHG emissions and sinks; an estimate of the effects of mitigation measures and policies on future emissions levels; and a description of U.S. leadership and involvement in international programs, including associated contributions and funding efforts. In addition, the text discusses U.S. national circumstances that affect U.S. vulnerability and responses to climate change.

Kyoto Protocol. A particularly notable result of the United Nations Framework Convention on Climate Change efforts is a treaty known as the Kyoto Protocol, which went into effect on February 16, 2005. When countries sign the Protocol, they demonstrate their commitment to reduce their emissions of GHGs or engage in emissions trading. More than 170 countries are currently participating in the Protocol. Industrialized countries are required to reduce their GHG emissions by an average of 5 percent below their 1990 levels by 2012. In 1998, United States Vice President Al Gore symbolically signed the Protocol; however, in anticipation of the signing, the U.S. Senate approved a non-binding "Sense of the Senate" resolution in July 1997 by a margin of 95-0 that expressed opposition to the treaty's provisions, most notably the disparity in GHG emissions reduction obligations between industrialized nations and developing nations. In 2001, President George W. Bush indicated that he would not submit the treaty to the U.S. Senate for ratification, which effectively ended American involvement in the Kyoto Protocol. In December 2009, international leaders met in Copenhagen to address the future of international climate change commitments post-Kyoto. No binding agreement was reached in Copenhagen; however, the Committee identified the long-term goal of limiting the maximum global average temperature increase to no more than 2°C above pre-industrial levels, subject to a review in 2015. .The UN Climate Change Committee held additional meetings in Durban, South Africa in November 2011; Doha, Qatar in November 2012; and Warsaw, Poland in November 2013. The meetings are gradually gaining consensus among participants on individual climate change issues.

Early attempts by the EPA to regulate GHG emissions from vehicles were challenged in court. *Massachusetts v. EPA* (Supreme Court Case 05-1120) was argued before the United States Supreme Court on November 29, 2006, in which it was petitioned that EPA regulate four GHGs, including carbon dioxide, under Section 202(a)(1) of the Clean Air Act. A decision was made on April 2, 2007, in which the Supreme Court held that petitioners have a standing to challenge the EPA and that the EPA has statutory authority to regulate GHGs emissions from new motor vehicles.

On December 7, 2009, the EPA Administrator signed the Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act. The EPA Administrator made findings that the current and projected concentrations of the mix of six key GHGs—carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)—in the atmosphere threaten the public health and welfare of current and future generations. The Administrator further finds that the combined emissions of CO_2, CH_4, N_2O, and HFCs from new motor vehicles and motor vehicle engines contribute to the GHG pollution that threatens public health and welfare. These findings do not themselves impose any requirements on industry or other entities. However, this action was a prerequisite for implementing GHG emissions standards for vehicles. The final rule for the findings became effective January 14, 2010.

In June 2012, a federal appeals court rejected a lawsuit by thirteen states against the EPA. The suit alleged that the EPA violated the law by relying almost exclusively on data from the United Nations Intergovernmental Panel on Climate Change rather than doing its own research or testing data

according to federal standards. The states include Virginia, Texas, Alabama, Florida, Hawaii, Indiana, Kentucky, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, and Utah. Virginia intends to petition the Supreme Court to review the case.

In September 2011, the EPA Office of Inspector General evaluated the EPA's compliance with established policy and procedures in the development of the endangerment finding, including processes for ensuring information quality. The evaluation concluded that the technical support document should have had more rigorous EPA peer review.

Clean Vehicles. In collaboration with the National Highway Traffic Safety Administration, EPA finalized emission standards for light-duty vehicles (2012-2016 model years) in May of 2010 and heavy-duty vehicles (2014-2018 model years) in August of 2011 (EPA 2014). The new standards cover model years 2012 through 2016 and require an average fuel economy standard of 35.5 miles per gallon in 2016. The Corporate Average Fuel Economy law was passed by Congress in 2007, which required an average fuel economy of 35 miles per gallon in 2020.

California Regulations

In 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as AB 32. AB 32 focuses on reducing GHG emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. The California Air Resources Board (ARB) is the state agency charged with monitoring and regulating sources of emissions of GHGs that cause global warming in order to reduce emissions of GHGs. AB 32 also required that ARB determine what the statewide GHG emissions level was in 1990, and approve a statewide GHG emissions limit so it may be applied to the 2020 benchmark. ARB approved a 1990 GHG emissions level of 427 million $MTCO_2e$, on December 6, 2007 in its Staff Report. Therefore, in 2020, emissions in California are required to be at or below 427 million $MTCO_2e$.

The ARB Scoping Plan originally identified a 2020 emission inventory of 596 million $MTCO_2e$ under a Business as Usual (BAU) scenario. At that level, a 28 percent reduction was required to achieve the 427 million $MTCO_2e$ 1990 inventory. In October 2010, ARB prepared an updated 2020 forecast to account for the recession and slower forecasted growth. The forecasted inventory without the benefits of adopted regulation is now estimated at 545 million $MTCO_2e$. Therefore, under the updated forecast, a 21.7 percent reduction from BAU is required to achieve 1990 levels (ARB 2010). The ARB also prepared updated emission inventories for 2000 through 2011 to show progress achieved to date (ARB 2013). Executive Order S-3-05 includes a target for 2010 of reducing GHG emissions to 2000 levels. As shown below, the 2010 emission inventory achieved this target. Also shown are the average reductions needed from all statewide sources (including all existing sources) to reduce GHG emissions back to 1990 levels.

- 1990: 427 million $MTCO_2e$
- 2000: 463 million $MTCO_2e$ (an average 8-percent reduction needed to achieve 1990 base)
- 2010: 450 million $MTCO_2e$ (an average 5-percent reduction needed to achieve 1990 base)
- 2020: 545 million $MTCO_2e$ BAU (an average 21.7-percent reduction needed to achieve 1990 base)

The ARB approved a Climate Change Scoping Plan in December 2008. The Plan "proposes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health." The ARB has aggressively implemented the Scoping Plan measures since approval. ARB reports in its "Draft Proposed First Update to the Climate Change Scoping Plan: Building on the Framework" that California is on track to meet the near-term 2020 GHG target and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32 (ARB 2014).

The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG emissions target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewable energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. Capped strategies are subject to the proposed cap-and-trade program. The Scoping Plan states that the inclusion of these emissions within the cap-and trade program will help ensure that the year 2020 emission targets are met despite some degree of uncertainty in the emission reduction estimates for

any individual measure. Implementation of the capped strategies is calculated to achieve a sufficient amount of reductions by 2020 to achieve the emission target contained in AB 32. Uncapped strategies will not be subject to the cap-and-trade emissions caps and requirements, and they are provided as a margin of safety by accounting for additional GHG emission reductions. Measures relied upon by ARB to reach the AB 32 target are described below.

Title 24. Although it was not originally intended to reduce GHGs, California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The 2013 Title 24 standards require a 30 percent reduction in energy use for non-residential land uses compared with the 2008 Title 24 standards (California Energy Commission 2012).

SB 1368. In 2006, the State Legislature adopted Senate Bill 1368 (SB 1368), which was subsequently signed into law by the Governor. SB 1368 directs the California Public Utilities Commission to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. Because of the carbon content of its fuel source, a coal-fired plant cannot meet this standard because such plants emit roughly twice as much carbon as natural gas, combined cycle plants. Accordingly, the law will effectively prevent California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. Thus, SB 1368 will lead to dramatically lower GHG emissions associated with California's energy demand, as SB 1368 will effectively prohibit California utilities from purchasing power from out-of-state producers that cannot satisfy the performance standard for GHG emissions required by SB 1368.

SB 97 and the CEQA Guidelines Update. Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. The code states "(a) On or before July 1, 2009, the Office of Planning and Research (OPR) shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the Office of Planning and Research pursuant to subdivision (a)." Section 21097 was also added to the Public Resources Code. It indicates that the failure to adequately analyze the effects of GHGs in a document related to the environmental review of a transportation project funded under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 does not create a cause of action for a violation. However, SB 97 does not safeguard non-transportation funded projects from court challenges for omitting a climate change analysis.

On April 13, 2009, the Office of Planning and Research submitted to the Secretary for Natural Resources its recommended amendments to the CEQA Guidelines for addressing GHG emissions. On July 3, 2009, the Natural Resources Agency commenced the Administrative Procedure Act rulemaking process for certifying and adopting these amendments pursuant to Public Resources Code section 21083.05. Following a 55-day public comment period and two public hearings, the Natural Resources Agency proposed revisions to the text of the proposed Guidelines amendments. The Natural Resources Agency transmitted the adopted amendments and the entire rulemaking file to the Office of Administrative Law on December 31, 2009. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010.

The CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change.

A new section, CEQA Guidelines Section 15064.4, was added to assist agencies in determining the significance of GHG emissions. The new section allows agencies the discretion to determine whether a quantitative or qualitative analysis is best for a particular project. However, little guidance is offered on the crucial next step in this assessment process—how to determine whether the project's estimated GHG emissions are significant or cumulatively considerable.

Also amended were CEQA Guidelines Sections 15126.4 and 15130, which address mitigation measures and cumulative impacts respectively. Greenhouse gas mitigation measures are referenced in general terms, but no specific measures are championed. The revision to the cumulative impact discussion requirement (Section 15130) simply directs agencies to analyze GHG emissions in an EIR when a project's incremental contribution of emissions may be cumulatively considerable; however, it does not answer the question of when emissions are cumulatively considerable.

Section 15183.5 permits programmatic GHG analysis and later project-specific tiering, as well as the preparation of Greenhouse Gas Reduction Plans. Compliance with such plans can support a determination that a project's cumulative effect is not cumulatively considerable, according to proposed Section 15183.5(b).

In addition, the amendments revised Appendix F of the CEQA Guidelines, which focuses on Energy Conservation. The sample environmental checklist in Appendix G was amended to include the following GHG questions:

Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

And

Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

SB 375 passed the Senate on August 30, 2008 and was signed by the Governor on September 30, 2008. According to SB 375, the transportation sector is the largest contributor of GHG emissions and contributes over 40 percent of the GHG emissions in California; automobiles and light trucks alone contribute almost 30 percent. SB 375 indicates that GHGs from automobiles and light trucks can be reduced by new vehicle technology, but significant reductions from changed land use patterns and improved transportation are necessary. SB 375 states that "Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." SB 375 does the following: (1) it relaxes CEQA requirements for some housing projects that meet goals for reducing GHG emissions, and (2) it requires the regional governing bodies in each of the State's major metropolitan areas to adopt, as part of their regional transportation plan, "sustainable community strategies" that will meet the sustainable community strategies by allocating federal transportation funds only to projects that are consistent with the emissions reductions.

Concerning CEQA, SB 375, section 21159.28 states that CEQA findings determinations for certain projects are not required to reference, describe, or discuss (1) growth inducing impacts or (2) any project-specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network if the project:

1. Is in an area with an approved sustainable communities strategy or an alternative planning strategy that the ARB accepts as achieving the greenhouse gas emission reduction targets.
2. Is consistent with that strategy (in designation, density, building intensity, and applicable policies).
3, Incorporates the mitigation measures required by an applicable prior environmental document.

SB 375 also directs ARB to develop regional GHG emission reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035. ARB has completed the target setting process for each of California's 17 metropolitan planning areas, including targets for the Butte County Association of Governments (BCAG). The emission-reduction goals for BCAG are a passenger vehicle GHG emission reduction for 2020 of 2 percent per capita and 2 percent per capita for 2035 (ARB 2013).

The BCAG selected a balanced land use alternative for the Sustainable Community Strategy to achieve the SB 375 targets including the following:

- Balanced share of new housing within the center, established and new growth areas
- Contains reasonable levels of infill and redevelopment
- Consistent with local land use plans and draft habitat conservation plan
- Consistent with BCAG long-term regional growth forecasts by jurisdiction

AB 1493. California Assembly Bill 1493 (Pavley), enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. Regulations adopted by the ARB apply to 2009 and later-model-year vehicles. The ARB estimates that the regulation would reduce climate change emissions from the light-duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030.

The regulation implementing Pavley was stalled by automaker lawsuits and by the EPA's denial of an implementation waiver. On January 21, 2009, the ARB requested that the EPA reconsider its previous waiver denial. On January 26, 2009, President Obama directed that the EPA assess whether the denial of the waiver was appropriate. On June 30, 2009, the EPA granted the waiver request. On September 8, 2009, the U.S. Chamber of Commerce and the National Automobile Dealers Association sued EPA to challenge its granting of the waiver to California for its standards. California assisted EPA in defending the waiver decision. The U.S. District Court for the District of Columbia denied the Chamber's petition on April 29, 2011.

A second round of regulations on passenger vehicles and light trucks (Pavley II) was incorporated into Amendments to the ARB Low-Emission Vehicle Program referred to as LEV III. The amendments, effective August 7, 2012, apply to vehicles for model years 2017 through 2025. The regulation will reduce GHGs from new light-duty vehicles by 34 percent from 2016 levels by 2025.

Non-Legislative/Non-Adopted Legislation

Governor's Office of Planning and Research. OPR published a technical advisory on CEQA and Climate Change, as required under SB 97, on June 19, 2008. The guidance did not include a suggested threshold, but it stated that the OPR has asked ARB to "recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of greenhouse gas emissions throughout the state." The OPR does recommend that CEQA analyses include the following components:

- Identify greenhouse gas emissions
- Determine significance
- Mitigate impacts

CAPCOA. On January 8, 2008, the California Air Pollution Control Officers Association (CAPCOA) released a paper to provide a common platform of information and tools for public agencies. The disclaimer states that it is not a guidance document but a resource to enable local decision makers to make the best decisions they can in the face of incomplete information during a period of change. The paper indicates that it is an interim resource and does not endorse any particular approach. It discusses three groups of potential thresholds, including a no significance threshold, a threshold of zero, and a non-zero threshold. The non-zero quantitative thresholds as identified in the paper range from 900 to 50,000 metric tons per year. The CAPCOA paper also identified non-zero qualitative thresholds.

Local Public Agencies

BCAQMD's CEQA Handbook contains a discussion on the effects of climate change on the environment in Butte County. The CEQA Handbook recommends that environmental documents for sizable project contain a qualitative discussion of GHGs, and references the CAPCOA White Paper.

The City of Oroville does not have any adopted guidance on GHG emissions; however, the Oroville 2030 General Plan Open Space, Natural Resources and Conservation Element includes the following goals and policies that would provide GHG reductions:

- **Goal OPS-16.** Encourage conservation of energy and fuel resources and promote environmental sustainability.
    - **P16.1.** Conserve scarce or non-renewable energy resources and encourage the use of alternative energy sources.
    - **P16.2.** Consider energy efficiency in architectural design when reviewing projects.
    - **P16.3.** Encourage the development and expansion of alternative energy resources and industries such as solar and hydroelectric power.
    - **P16.4.** Encourage energy conservation, waste reduction and environmental sustainability in all City activities.
    - **P16.5.** Encourage new private and public development to maximize opportunities for use of passive or natural heating and cooling and encourage sites with solar opportunities to be designed with natural heating and cooling principles.
    - **P16.7.** New development shall comply with Green Building Standards adopted by the California Building Standards Commission at the time of building permit application.
    - **P16.9.** Provide incentives for project that include solar water heating and electricity generation.
    - **P16.11.** Consider adopting additional measures that achieve a greater reduction in energy and water use reduction than required by State law, which may include, but not be limited to:
        - Cool roofs
        - Higher thermal insulation standards

  - Lower-flow fixtures
  - Tankless water heaters
  - High efficiency space cooling and heating systems
- **P16.12**. Encourage the use of passive solar design, renewable energy systems, including solar energy, and green building techniques to improve energy conservation and comfort in residential, commercial and civic buildings.

The project is consistent with the General Plan goals and policies designed to reduce energy use and GHG emissions.

4.2.4.A - Methodology

This analysis uses the latest version of the land use model, California Emissions Estimator Model (CalEEMod) version 2013.2.2 and emission factors approved by the ARB for estimating GHG emissions. A description of the model and emission factors used in the analysis follows.

Greenhouse Gas Modeling Parameters and Assumptions

Description of CalEEMod

The California Emissions Estimator Model (CalEEMod) version 2013.2.2 was developed in cooperation with the air districts throughout the State. CalEEMod is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with construction and operation from a variety of land uses. CalEEMod replaces the URBEMIS 2007 model that was used in the original 2010 DEIR. URBEMIS is no longer recommended for use for project analysis by California air districts.

The CalEEMod model quantifies direct emissions from construction and operations (including vehicle and off-road equipment use), as well as indirect emissions, such as GHG emissions from electricity use, solid waste disposal and decomposition, and energy used for water transport. Site- and project-specific information is entered into the model to account for variations in project type, size location, uses, architectural coating, efficiency measures, and other emission factors. CalEEMod also includes a mitigation quantification component that can be used to determine the emission reductions from project design features and mitigation measures.[1]

Description of Emission Factors

Air pollutant emissions can be estimated by using emission factors and a level of activity. Emission factors are the emission rate of a pollutant given the activity over time. The ARB has published emission factors for on-road mobile vehicles/trucks in the EMFAC mobile source emissions model and emission factors for off-road equipment and vehicles in the OFFROAD emissions model. An air

[1] The project-specific factors and modification of the default settings for the Existing and Proposed Walmart are identified in the Greenhouse Gas Analysis Report, included as an appendices to this Recirculated EIR.

emissions model (or calculator) combines the emission factors and the various levels of activity and outputs the emissions for the various pieces of equipment and sources associated with the project.

Emission factors are often updated and there is a normal lag time between the development of new emission factors and the integration of the new emissions factors into the appropriate models. The current version of CalEEMod uses OFFROAD 2011 and EMFAC2011 emission factors.

Incorporation of AB 32 Target and Regulations into Modeling

The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. A key requirement of AB 32 is that the target for GHGs emitted in California be reduced to 1990 levels by the year 2020.

The ARB approved the 1990 GHG emissions inventory level of 427 million $MTCO_2e$ on December 6, 2007 (ARB 2007). Therefore, emissions generated in California in 2020 are required to be equal to or less than 427 million $MTCO_2e$ to achieve the AB 32 target. In order to account for growth that would occur by 2020, the ARB prepared a BAU scenario that estimates the emissions that would occur with growth in population and commercial activity predicted in the state and no additional regulatory actions were taken to reduce emissions. The ARB estimated emissions in the 2020 BAU scenario at 596 million $MTCO_2e$, which does not account for reductions from new regulations that reduce GHGs adopted since 2005 (ARB 2008c). Reducing emissions from 596 million $MTCO_2e$ to 427 million $MTCO_2e$ requires approximately a 29 percent reduction in order to reduce GHG emissions to 1990 levels. As discussed earlier, ARB updated the 2020 BAU forecast to 545 million $MTCO_2e$, which requires only a 21.7 percent reduction to reach 1990 levels. As a conservative assumption, the project analysis assumes that a 29 percent reduction from BAU would still be required to show that the project is consistent with AB 32 targets and would be considered to have a less than significant impact on climate change. The modeling accomplished for the project includes a 2020 BAU scenario and a 2020 scenario with reductions from regulations applicable to the project and mitigation measures and design features proposed for the project to determine whether the project meets this threshold.

Summary of State Actions to Achieve AB 32 Targets

Under AB 32, the ARB published its Final Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California, which were either underway or enforceable by January 1, 2010. The ARB published a total of 44 early action measures that apply to the transportation, commercial, forestry, agriculture, cement, oil and gas, fire suppression, fuels, education, energy efficiency, electricity, and waste sectors. The ARB estimates that the 44 recommendations will result in reductions of at least 42 million $MTCO_2e$ by 2020, representing approximately 25 percent of the 2020 target. The ARB has adopted regulations implementing all the Early Action Measures and achieved its initial target of reducing emissions to 2000 levels by 2010 (ARB 2011).

The ARB's Climate Change Scoping Plan (Scoping Plan) contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 (ARB 2008). The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target – each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors and significant reductions are anticipated from the Cap and Trade program that affects industrial sources of emissions. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related greenhouse gas emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. Capped strategies are subject to the now adopted cap-and-trade program. The Scoping Plan states that the inclusion of these emissions within the cap-and trade program will help ensure that the year 2020 emission targets are met despite some degree of uncertainty in the emission reduction estimates for any individual measure. Implementation of the capped strategies is calculated to achieve a sufficient amount of reductions by 2020 to achieve the emission target contained in AB 32. Uncapped strategies that will not be subject to the cap-and-trade emissions caps and requirements are provided as a margin of safety by accounting for additional GHG emission reductions.[2]

[2] On March 17, 2011, the San Francisco Superior Court issued a final decision in *Association of Irritated Residents v. California Air Resources Board* (Case No. CPF-09-509562). While the Court upheld the validity of the ARB Scoping Plan for the implementation of AB 32, the Court enjoined ARB from further rulemaking under AB 32 until ARB amends its CEQA environmental review of the Scoping Plan to address the flaws identified by the Court. On May 23, 2011, ARB filed an appeal. On June 24, 2011, the Court of Appeal granted ARB's petition staying the trial court's order pending consideration of the appeal. In the interest of informed decision-making, on June 13, 2011, ARB released the expanded alternatives analysis in a draft Supplement to the AB 32 Scoping Plan Functional Equivalent Document. The ARB approved the Scoping Plan and the CEQA document on August 24, 2011.

The largest sources of 2020 emission reductions incorporated into the emission models used in this analysis from regulations enacted as part of AB 32 include the following:

- **Mobile**: Pavley and Low Carbon Fuel Standard regulation reductions are calculated by CalEEMod. The estimated reduction is 30 percent of the mobile sources GHG emissions (motor vehicle emissions).
- **Electricity**: Renewable Portfolio Standards require a 33-percent renewable portfolio by the year 2020. The estimated reduction from electricity generation related GHG emissions is 16 percent for PG&E. The California Public Utilities Commission (CPUC) reports that PG&E's average renewable portfolio percentage for 2009 through 2011 was 17 percent[3]. Rates for 2009, 2010, and 2011 were reported at 14.4 percent, 15.9 percent, and 20.9 percent, respectively (CPUC 2014). Therefore, PG&E is required to achieve a 16 percent reduction by 2020 to comply with the 33 percent renewable mandate.

The following examples help to illustrate how regulatory changes will lead to GHG emissions reductions at the project level:

- The energy used by the project purchased from the grid will result in much lower emissions as the local utility's energy portfolio becomes cleaner over time by implementation of the Renewable Portfolio Standard.
- Motor vehicle GHG emissions associated with the project will also decline over time as state and federal fuel efficiency standards are implemented and new vehicles are purchased by project customers and employees.
- The ARB adopted regulation to control emissions of refrigerants in commercial refrigeration systems (Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources) is expected to reduce emissions from this source by 50 percent by 2020. Refrigerants are the second-largest source of emissions estimated for the project.

The project's emissions related to electricity consumption are expected to be substantially lower than the forecasted amounts because it would meet current Title 24 Building Energy Efficiency Standards, which are updated about every 3 years to increase their stringency. The new store is substantially more energy efficient than the existing Oroville Walmart.

Incorporation of Regulatory Reductions into Modeling

The CalEEMod model used to estimate project GHG emissions incorporates reductions anticipated with the implementation of some of the adopted state regulations in future year emission factors that reflect the phase in of new standards. Specifically, reductions achieved from Pavley I motor vehicle

[3] CPUC 2014. Quarterly Reports to the Legislature. Website: http://www.cpuc.ca.gov/PUC/energy/Renewables /documents.htm. Accessed May 13, 2014.

efficiency standards and the Low Carbon Fuel Standard are incorporated into the model. In addition, updates to Title 24 building energy efficiency standards through the 2008 version are incorporated into CalEEMod building energy usage rates.

CalEEMod in some cases also allows model users to input emission factors that reflect the benefit of regulations not currently incorporated into the model. The reductions from the Renewable Portfolio Standard that applies to California's electric utilities are addressed by revising the energy intensity factors to reflect the required reductions. Furthermore, the model includes a mitigation component that allows credits for regulations not in the model, along with design features and mitigation measures included in the project. Some adopted regulations not included in CalEEMod require off-model calculations to determine the reductions that can be credited to the project. Two regulations not currently incorporated into CalEEMod include the State's 2013 Title 24 building energy standards that become effective on July 1, 2014, and the Pavley II motor vehicle efficiency requirements that are part of ARB's Low Emission Vehicle (LEV) III standards and that will apply to model year 2016 to 2025 passenger vehicles and light trucks. The 2013 Title 24 standards require a 21.8 percent reduction in energy use for non-residential land uses compared with the 2008 Title 24 standards (California Energy Commission 2013). The ARB estimates that LEV III will reduce vehicle emissions by 3 percent by 2020 (ARB 2011).

In order to understand the impact of the Walmart project in relation to the AB 32 target, one must consider the project's 2020 BAU emission inventory and the regulations that apply to the Walmart's emission sources. Using a 2020 BAU inventory allows comparison of emissions from the same starting point as was used to determine the Scoping Plan's 29 percent statewide reduction from BAU required to achieve the AB 32 target. In other words, if the project emissions are 29 percent less than BAU in the year 2020 through the application of a combination of project design features and applicable regulations, including improved Building Code requirements and AB 32 scoping plan measures, then the project would be considered consistent with state targets and would have a less than significant impact from GHG emissions.

Pollutants Analyzed

This analysis considers all GHGs identified by AB 32, which include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The project would generate a variety of GHGs during construction and operation, including several defined by AB 32 such as carbon dioxide, methane, and nitrous oxide.

The project may also emit GHGs that are not defined by AB 32. These include aerosols, water vapor, and ozone precursors. The ARB, following the recommendations of the Intergovernmental Panel on Climate Change, has not included these gases in the California Greenhouse Gas Inventory, which is primarily due to uncertainty as to their effect on climate change. For example, aerosols are short-lived particles that remain in the atmosphere for about one week. Black carbon is a component of aerosol. Studies have indicated that black carbon has a high global warming potential; however, the

Intergovernmental Panel on Climate Change states that it has a low level of scientific certainty. Water vapor could be emitted from evaporated water used for landscaping, but this is not a significant impact because water vapor concentrations in the upper atmosphere are primarily due to climate feedbacks rather than emissions from project-related activities. The project would emit nitrogen oxides and volatile organic compounds, which are ozone precursors. Ozone is a GHG; however, unlike the other GHGs, ozone in the troposphere is relatively short-lived and can be reduced in the troposphere on a daily basis. Stratospheric ozone can be reduced through reactions with other pollutants.

Certain GHGs defined by AB 32 would not be emitted by the project. Perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the project. Therefore, it is not anticipated that the project would emit perfluorocarbons or sulfur hexafluoride.

4.2.5.A - Thresholds of Significance

CEQA requires lead agencies to evaluate potential environmental effects based on, to the fullest extent possible, scientific, and factual data (CEQA Guidelines Section 15064(b)). Significance conclusions must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064f(5)).

The following GHG significance thresholds are contained in Appendix G of the CEQA Guidelines, which were added by amendments adopted into the Guidelines on March 18, 2010, pursuant to SB 97. A significant impact would occur if the project would:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Section 15064.4(b) of the CEQA Guideline amendments for GHG emissions states that a lead agency may take into account the following three considerations in assessing the significance of impacts from GHG emissions:

Consideration 1: The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.

Consideration 2: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

Consideration 3: The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's

incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Neither the City of Oroville nor the BCAQMD has adopted a Greenhouse Gas Reduction Plan or Strategy that would apply to the proposed project. The BCAQMD CEQA Guidelines list various publications issued by the California Air Pollution Control Officer Association (CAPCOA), which will be used as a basis for establishing a threshold of significance.

For this project, the City has determined that a 29 percent reduction from the BAU threshold of significance will be utilized in the analysis, which is consistent with the emissions reduction objective identified in AB 32 and as described in the ARB Scoping Plan. This approach has been used by a number of lead agencies around the State and is recommended by several air districts.

4.2.6.A - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Greenhouse Gas Emissions

Impact AIR-8.A:	**The proposed project may emit significant amounts of greenhouse gases or conflict with an applicable plan, policy, or regulation concerning greenhouse gas reduction.**

Impact Analysis

Construction Analysis

The project would emit GHGs from upstream emission sources and direct sources (combustion of fuels from worker vehicles and construction equipment).

An upstream emission source (also known as life cycle emissions) refers to emissions that were generated during the manufacture of products to be used for construction of the project. Upstream emission sources for the project include but are not limited to the following: emissions from the manufacture of cement; emissions from the manufacture of steel; and/or emissions from the transportation of building materials to the seller. The upstream emissions were not estimated because they are not within the control of the project and to do so would be speculative. Additionally, the California Air Pollution Control Officers Association White Paper on CEQA and Climate Change supports this conclusion by stating, “The full life-cycle of GHG emissions from construction activities is not accounted for . . . and the information needed to characterize [life-cycle emissions] would be speculative at the CEQA analysis level” (CAPCOA 2008). Therefore, pursuant to CEQA Guidelines Sections 15144 and 15145, upstream/life cycle emissions are speculative; no further discussion is necessary.

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from

onsite and offsite activities. Onsite emissions principally consist of exhaust emissions (CO_2, CH_4, and N_2O) from heavy-duty construction equipment and motor vehicle operation. Offsite emissions are caused by motor vehicle exhaust (CO_2, CH_4, and N_2O) from delivery vehicles and worker traffic.

The installation of new refrigerants may result in fugitive accidental release of refrigerants, and this possibility was assumed to occur and included in the analysis. The global warming potential for the refrigerants, which assume to use a hydrofluorocarbon called R404a, (3,750) is much greater compared with carbon dioxide (1).

Greenhouse gas emissions from project construction equipment and worker vehicles are shown in Table 4.2.A-1. The emissions are from all phases of construction. Construction equipment is expected to be used on the project site, and would result in exhaust emissions consisting of carbon dioxide, methane, and nitrous oxide.

Project construction emissions would occur prior to year 2020, which is the target year for the AB 32 threshold of significance for GHGs. In addition, the BCAQMD's guidance does not address emissions from project construction. The total GHGs from construction would be 1,706.93 $MTCO_2e$, which is significantly less than the 25,000 $MTCO_2e$ reporting threshold in the ARB's cap and trade program. Therefore, any construction-related emissions would be less than significant.

Additionally, in order to provide a conservative analysis, the short-term construction emissions have been amortized over the expected (long-term) operational life of a project. Operational life of a building can be estimated to be 25 years for conventional commercial buildings. This results in 68.28 $MTCO_2e$ per year of construction-related emissions over the life of the project. The construction emissions have been added to the project operational emissions in Table 4.2.A-1 for determining whether the project would exceed the 29 percent reduction from BAU threshold.

The construction analysis used a 2014 construction start date and default modeling assumptions.

Table 4.2.A-1: Proposed Walmart Construction Greenhouse Gas Emissions

Construction Activity	$MTCO_2e$
Grading	92.39
Building Construction	1,163.90
Paving	22.63
Architectural Coatings	6.71
Refrigerants	421.30
Total	1,706.93
Amortized over 25 years	68.28

Note:
$MTCO_2e$ = metric tons of carbon dioxide equivalents
Source: Michael Brandman Associates, Appendix B.

Operational Analysis

BAU is defined in the ARB's AB 32 Scoping Plan as emissions occurring in 2020 if the average baseline emissions during the 2005 period grew to 2020 levels without additional control. The reduction required of the State's 2020 BAU inventory to achieve 1990 levels is 28.4 percent, based on the 2008 Scoping Plan baseline inventory and growth projections made at the time. A target reduction of 29 percent from 2020 BAU provides a margin of safety to ensure the target is achieved or exceeded.

Operational or long-term emissions occur over the life of the project. Sources of operational emissions include:

- **Area**. Refers to consumer products, area architectural coatings, and landscaping equipment. Area emissions were estimated using CalEEMod.
- **Indirect Electricity**. Refers to the GHG emissions generated by offsite power plants to supply electricity required for the project. Electricity emissions were estimated using CalEEMod.
- **Mobile**. Refers to motor vehicle/exhaust emissions from the employee and customer vehicles and heavy-duty trucks that would access the project site. Motor vehicle and truck emissions were calculated using CalEEMod and information contained in the project's traffic impact study.
- **Natural Gas**. Refers to exhaust from natural gas usage. Carbon dioxide emissions were estimated using CalEEMod.
- **Water**. Estimates the land uses contribution of GHG emissions from electricity use associated with supplying and treating the water and wastewater. Water emissions were estimated using CalEEMod.
- **Waste**. Refers to the GHG emissions associated with disposal of solid waste into landfills. Waste emissions were estimated using CalEEMod.
- **Refrigerants**. Refers to fugitive hydrofluorocarbons emissions from normal operation of refrigeration systems and the heating and ventilation systems. Proposed refrigerant use is estimated from similar Walmart stores. Emission estimate methodology was derived from the EPA, Climate Leaders.

Proposed Project Emissions

The project would emit 16,678 $MTCO_2e$ under the 2020 BAU scenario without reductions from regulations and design features. With implementation of the proposed design features and regulatory requirements, operation of the new Walmart store would produce approximately 11,393 $MTCO_2e$ at full buildout in 2020, which represents an approximate 31.7 percent reduction from the Proposed Walmart 2020 BAU scenario without reductions (Table 4.2.A-2).

Table 4.2.A-2: Operational CO_2 Generation for Proposed Walmart

Proposed Walmart Emission Sources	$MTCO_2e$ per year		Percent Reduction
	2020 BAU Scenario	2020 Scenario (With Reductions)	
Area	0.01	0.01	0.0
Energy	805.14	580.61	27.9
Mobile (Vehicles)	12,792.56	9228.98	27.9
Waste	391.68	195.84	50.0
Water	51.11	34.16	33.2
Refrigerants	2,569.00	1,285.00	50.0
Amortized Construction	68.28	68.28	0.0
Total Emissions	16,677.78	11,392.88	31.7

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent. 2020 BAU emissions are estimated in CalEEMod by using 2005 default settings to reflect emission rates and factors prior to the implementation of state regulations.
2020 Scenario (With Reductions) represents emissions after application of adopted regulations and design features included in CalEEMod and the Refrigerant Management Regulation not included in CalEEMod.
Source: Emission Summary and Reduction Spreadsheet and CalEEMod output (Appendix B).

Emission Reductions Applicable to the Project

The analysis estimates the percentage reduction in the project's GHG emissions from the BAU scenario. Estimates for reductions from adopted regulations were derived from reduction estimates developed by the ARB and the California Energy Commission (CEC) to support adoption of the regulations. Estimates developed by Walmart for similar stores stated reductions of 9 percent beyond 2008 Title 24 Standards from installation of energy efficiency design features. The latest adopted update to the state energy efficiency standards is the 2013 Title 24 standards that are scheduled to go into effect in July 2014. All new construction will be required to comply with the 2013 Title 24 standards once they go into effect. The CEC estimated that implementation of 2013 Title 24 standards will result in a 21.8 percent reduction in emissions beyond the 2008 Title 24 standards. Since regulatory compliance is mandatory, it is assumed that the project will meet the applicable regulatory standard in effect at the time of project development, and no additional reductions are claimed for the project's energy efficiency design features that will be otherwise required by the 2013 Title 24 standards. Therefore, in order to conservatively assess the project's energy efficiency design features, credit for the 2013 Title 24 standards was estimated in the CalEEMod energy mitigation component by applying the 21.8 percent reduction estimated by CEC for the regulation. The results are reflected in the 2020 project operational mitigated emissions.

CalEEMod does not include emission reductions for the 20 percent water savings mandated by the California Green Building Code. Therefore, the reduction from this regulation is added to the CalEEMod mitigation component. It is assumed that Walmart water-saving design features will be required to meet or exceed the code requirements.

Reductions in light-duty car and truck emissions from LEV III are applied by reducing the emission factors in CalEEMod for the appropriate vehicle types by 3 percent consistent with ARB estimates of reductions from the introduction of new 2017 through 2020 vehicles meeting the more stringent standards. Reductions for mobile sources related to the project location and design features are reflected in the CalEEMod mitigated output.

Project-Specific Mitigation Measures and Design Features

Operation of the Proposed Walmart would increase local GHG emissions on the project site. The project incorporates a variety of design features that must meet or exceed current regulations. These design features help reduce the project's energy and water demand, promote waste reduction, and create opportunities for reductions in vehicle miles traveled. This would have the effect of helping reduce GHGs either directly onsite, indirectly by reducing the need for electricity generation, or offsite in materials production and materials disposal. The original 2010 Draft EIR included mitigation measures that were intended to ensure that proposed design features were fully implemented:

MM AIR-8a Prior to issuance of the certificate of occupancy, the project applicant shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the project site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria.

MM AIR-8b Prior to issuance of the certificate of occupancy, the project applicant shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.

MM AIR-8c Prior to issuance of the certificate of occupancy, the project applicant shall do the following:

- The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Oroville.
- During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants were reused.
- A secondary closed loop system that uses glycol in place of refrigerant shall be evaluated and implemented, if found to be technically and economically feasible.

MM AIR-8d Prior to issuance of the certificate of occupancy, the applicant shall install the following energy efficiency measures:

- A daylight harvesting system that would allow lighting within the store to be dimmed when natural lighting is available.
- Occupancy sensors in non-sales areas such as restrooms, break rooms, and offices.
- Light Emitting Diode (LED) technology in exterior building signage and refrigerated food cases.
- A central energy management system that would allow for remote monitoring of systems such as lighting, temperature, and refrigeration.
- Energy efficient heating, ventilation, and air conditioning units that can achieve Energy Star performance standards.
- A dehumidifying system that allows the refrigeration system to operate more efficiently.
- A white membrane roof with high solar reflectivity.
- A heat reclamation that captures waste heat from the onsite refrigeration equipment to supply hot water needs for the store.

MM AIR-8e Prior to issuance of the certificate of occupancy, the applicant shall submit a landscaping plan to the City of Oroville for review and approval. The plan shall demonstrate how shade trees in the main parking field can achieve 50 percent shade coverage within 15 years of planting. The approved plan shall be incorporated into the proposed project.

The mitigation measures were quantified on an individual basis where possible using available information and techniques. The results of the analysis are presented in Table 4.2.A-3.

Table 4.2.A-3: Project Mitigation Measures that Reduce Emissions[4]

Mitigation Measure/Design Feature	Reduction	Emission Reductions ($MTCO_2e$)
Interior Lighting Measures		
MM AIR-8d: Daylight Harvesting	20% less lighting needed during daylight hours	—
MM AIR-8d: Occupancy Sensors	35% lighting reduction on average	—
Overall Building Lighting Reduction	265,642 kWh/yr	49.68

[4] Mitigation Measure 8b is not included in this table because the mitigation measure is required by regulation and is a preventative measure that does not, in itself, reduce emissions. Specifically, Mitigation Measure AIR-8b requires the posting of signs to remind drivers of the applicable standards for idling times during deliveries. Mitigation Measure AIR-8c requires maintenance of the existing refrigeration system and reuse, where possible, of refrigerants, which is required by ARB's Refrigerant Management Program and is already quantified in Table 6.

Table 4.2.A-3 (cont.): Project Mitigation Measures that Reduce Emissions

Mitigation Measure/Design Feature	Reduction	Emission Reductions ($MTCO_2e$)
Exterior Lighting Measures		
MM AIR-8d: LED Lighting	88,554 kWh/yr	16.56
Refrigeration Measures		
MM AIR-8d: LED Case Lighting	72,231 kWh/yr	13.51
Space Cooling Measures		
MM AIR-8d: Central Energy Management System	15–30% reduction in energy consumption per system vendor	NQ
MM AIR-8d: Energy Star HVAC System	31,963 kWh/yr	5.98
MM AIR-8d: Dehumidifying System	Increases comfort at higher temps, reducing HVAC use	NQ
MM AIR-8d: White Membrane Roof	44,045 kW/yr	8.24
Space Heating Electricity Measures		
MM AIR-8d: Central Energy Management System	15–30% reduction in energy consumption	NQ
MM AIR-8d: Energy Star HVAC	15% more efficient than conventional models	NQ
Natural Gas Reduction Measures		
MM AIR-8d: Heat Reclamation for Hot Water	338,688 kBTU/yr	17.98
Parking Lot Measures		
MM AIR-8a. Install high reflectance/light colored paving materials	10% increase in solar reflectivity reduces temperature 7 degrees F.	NQ
MM AIR-8e. 50 percent Parking Lot Shade in 15 years	4–8 degrees F cooler in shaded lot	NQ
Total Emission Reduction	—	111.94
Note: Details regarding reduction estimates provided in Appendix B. NQ = Not Quantifiable		

While the CalEEMod model provides the best, overall, project-specific quantification and analysis of emissions, quantification of the individual mitigation measures in the 2010 DEIR is important to illustrate the relative magnitude of the reductions and effectiveness of the design features identified for the project. The following discussion describe how the mitigation measure reductions relate to the overall reductions claimed in meeting the 29 percent reduction from 2020 BAU significance threshold

shown in Table 4.2.A-2. Only reductions from individual measures that can be demonstrated definitively to exceed amounts required by regulations have been counted toward the overall reduction.

The individual mitigation measures listed in Table 4.2.A-3 are quantified on the basis of reduction estimates from a number of sources, documented within the Greenhouse Gas Analysis report in the Appendix, including equipment manufacturers estimates, applicant estimates, and BCAQMD guidance documents. The reductions represent a reasonable estimate of the range of energy savings that can be achieved with these measures. The reduction estimates in Table 4.2.A-3 do not encompass all energy features that will be included in the building, such as insulation, and window design that will only be determined when building plans are prepared for review by the City.

The mitigation measures identified in Table 4.2.A-3 provide commitments for specific design features and energy systems that would contribute toward achieving or exceeding the target; but whose overall or combined reduction cannot be determined at this time. In other words, the reductions from the mitigation measures are included within the amount attributed to Title 24 compliance in the CalEEMod results. In any case, the fully verifiable reductions included in the model results (those for which accurate reductions could be determined, based upon known and verifiable data) demonstrate that the overall reduction in emissions meet or exceed the AB 32 requirements of a 29 percent reduction in emissions over BAU.

For those mitigation measures in Table 4.2.A-3 that are not quantifiable, there is still value in presenting a qualitative discussion of the benefits of the measures. Measures such as shade trees reduce ambient temperatures adjacent to the building, but the amount of energy savings in the building is uncertain. The dehumidifying system makes buildings more comfortable for occupants at higher temperatures, but this will vary by the existing humidity and occupant preferences, making the benefits of this measure also uncertain. The Central Energy Management System has the potential to reduce energy consumption by 15 to 30 percent. However, the portion of the building or systems that would be supported by the Central Energy Management System and the system operating parameters have not been identified at this time. These factors would be determined as final construction drawings are completed and a Title 24 compliance report is prepared. Therefore, from a qualitative standpoint, there is support for the conclusion that the systems would reduce overall energy consumptions and emissions, but the extent of those reductions is uncertain. Building energy efficiency is regulated under Title 24 California Building Energy Efficiency Standards. As noted above, the most recent update, the 2013 Title 24 Standards, becomes effective on July 1, 2014 and the project is required to comply with the 2013 Title 24 Standards. Compliance with Title 24 can be achieved with a prescriptive approach in which the building designer chooses individual measures such as those listed in Table 4.2.A-3 to achieve the required level of efficiency, or with a whole-building performance approach using CEC-approved compliance software that summarizes the energy features for the entire building. As stated earlier, the CEC estimates that energy savings from compliance with the 2013 Title 24 will exceed the current 2008 Standards for non-residential

buildings by 21.8 percent. Therefore, at a minimum, the project must achieve a 21.8 percent reduction compared with current standards, which are included in the CalEEMod assumptions. This 21.8 percent reduction is in addition to the reductions already achieved by current regulations. Current regulations are taken into consideration in the CalEEMod in determining the overall reduction.

Title 24 compliance is generally calculated during the building permit application process when completed, detailed engineering and architectural design drawings are available. At the time of this analysis, 2013 Title 24 compliance is not yet mandatory but will become mandatory when the law goes into effect on July 1, 2014; therefore, no Walmart buildings have been required to undergo the calculation process to comply with the 2013 Title 24 standards. While any new Walmart must achieve, at a minimum, a 21.8 percent reduction compared with current standards under the 2013 Title 24 standards, the full complement of energy features of a new Walmart under the 2013 Title 24 standards have not been calculated using an energy performance model to verify an amount by which the project would exceed the standards; nor, for the same reason, has any similar project completed the prescriptive process. As stated above, the specific calculations for Title 24 compliance are made when the final construction drawings are completed and the portion of the building or systems that would be supported by the Central Energy Management System and the system operating parameters have been identified. Thus, the amount of reductions achieved by the Table 4.2.A-3 measures *in excess* of the CEC estimated reduction of 21.8 percent would be fully determined when the project completes the Title 24 compliance process. To provide a conservative analysis, the results generated by CalEEMod and presented herein include only reductions that can be counted toward achieving the target using available, fully verifiable information.

Additional details regarding project design features and how they reduce project emissions are provided in Table 4.2.A-4. The reductions from energy efficiency features included in CalEEMod are described above. Reductions in mobile source emissions from infill development and alternative transportation were quantified using the CalEEMod mitigation component and included in the modeling output. The EIR notes that the project would result in the reduction in travel times and lengths, which would generally result in reduced emissions. However, reductions in travel length were not quantified for the purpose of this analysis because a suitable quantification method has not been identified. The design features related to water conservation were also quantified in the CalEEMod mitigation component, based on achieving, at a minimum, the 20 percent reduction from compliance with CalGreen water conservation requirements. The reductions for solid waste design features were incorporated into the CalEEMod mitigation component, based on compliance with the state mandates for solid waste diversion. While it is not possible to determine a quantifiable reduction in emissions for all of these design features, Table 4.2.A-4 provides an explanation of how each of those features contributes to the overall reductions in emissions for the store. In conclusion, as demonstrated in Table 4.2.A-2, the project—accounting for all verifiable reductions—exceeds the

29 percent from BAU threshold used to determine consistency with AB 32, and its GHG impacts are considered less than significant.

Table 4.2.A-4: Project Design Features that Reduce Emissions

Category	Project Design Feature	Reductions in Emissions
Infill development	The project site is located within the Oroville city limits near existing commercial and industrial development. In addition, the project site is located in an area served by existing infrastructure.	This contributes to compact urban form and avoids the need to extend urban services and infrastructure into unserved areas.
Reduction in travel lengths	The Walmart store would provide grocery sales; 24-hour operations.	The Existing Walmart store on Oroville Dam Boulevard is the largest general merchandise store in southern Butte County. The new Walmart store would be expected to create significant "cross shopping" opportunities for existing store customers and, therefore, reduce the need to make additional trips for food. In addition, 24-hour operations would also increase convenience for customers going to and from work or visitors passing through Butte County.
Alternative transportation	Provision of safe and convenient bicycle parking.	This would facilitate bicycle use and contribute to a reduction in vehicle trips.
	A Butte County Transit bus stop would be installed onsite.	This would facilitate transit use and contribute to a reduction in vehicle trips.
Energy efficiency	The new HVAC units would be among the most energy efficient available. The store would employ an energy management system that is monitored and controlled from corporate headquarters in Bentonville, Arkansas. This energy management system enables corporate headquarters to monitor energy usage, analyze refrigeration temperatures, and observe HVAC and lighting performance. It also allows corporate headquarters to adjust lighting, temperature, or refrigeration set points from a central location.	This feature would decrease electricity consumption associated HVAC equipment. This feature would decrease electricity consumption associated with associated with interior climate control.
	The grocery area would capture waste heat from the refrigeration equipment to heat water for the kitchen prep areas of the store.	This feature would decrease natural gas consumption associated with water heating.
	The entire building would have a white Thermoplastic polyolefin-type membrane roof. The high solar reflectivity of this membrane results in lowering the cooling load.	This feature would decrease electricity consumption associated with interior climate control.

Table 4.2.A-4 (cont.): Project Design Features that Reduce Emissions

Category	Project Design Feature	Reductions in Emissions
Energy efficiency (*cont.*)	All internally illuminated building signage would use Light Emitting Diode (LED) lighting. With lamp life ranging up to 100,000 hours, using LEDs significantly reduces the need to manufacture and dispose of fluorescent lamps.	This feature would decrease electricity consumption associated with lighting and decrease solid waste generation.
Water conservation	Restroom sinks would use sensor-activated, low-flow faucets. The low flow faucets reduce water usage by 84 percent, while the sensors, which regulate the amount of time the faucets flow, save approximately 20 percent in water usage over similar, manually operated systems.	This feature would decrease indirect GHG emissions associated with water conveyance and treatment.
	Urinals would use 0.125 gallon per flush, and toilets would use 1.28 gallons per flush. The urinals have water savings of approximately 87.5 percent and toilets have savings of 25 percent compared with typical systems.	This feature would decrease indirect GHG emissions associated with water conveyance and treatment.
Solid waste reduction	Most of the store would be constructed using 100 percent recycled steel. Walmart structural steel suppliers use high efficient electric arc furnaces that use 50 percent less energy to manufacture recycled steel. In addition, all of the plastic baseboards and much of the plastic shelving are manufactured from recycled material.	This would reduce emissions associated with decomposition, mineral extraction, and certain aspects of production.
	The store includes supplemental cementitious material (fly ash) in interior and exterior floor slabs, footing and foundations, grout, and all site concrete. All poured concrete for the store would include either fly ash (15 to 20 percent) or slag (25 to 30 percent). Fly ash is a waste product from the coal-fired electrical process and slag is a waste product of steel manufacturing.	This would reduce emissions associated with decomposition, mineral extraction, and certain aspects of production.
	Construction activities would include construction and demolition debris recycling. The goal of the construction and demolition program is to capture and recycle as much of the metals, woods, floor and ceiling tiles, concretes, asphalts and other materials generated as part of the demolition and construction process as possible.	This would reduce emissions associated with decomposition.
	Recycling facilities for aluminum, glass, plastic, and other materials would be installed for customer and employee use.	This would reduce emissions associated with decomposition, mineral extraction, and certain aspects of production.

Table 4.2.A-4 (cont.): Project Design Features that Reduce Emissions

Category	Project Design Feature	Reductions in Emissions
Anti-idling measures	Walmart trucks are equipped with devices that automatically shut off idling engines after 3 minutes.	This feature would reduce onsite emissions of GHG emissions from delivery trucks.
Landscaping	The proposed project would provide landscaping and shade trees in the parking area, with the objective of achieving 50 percent shade coverage within 15 years.	Shade trees can reduce sun exposure, thereby reducing cooling demand and associated energy use.
Source: Michael Brandman Associates, 2013.		

Existing Walmart Emissions

To provide a comparison between the Existing store and the Proposed store, the analysis includes a determination of the 2020 BAU scenario for the continued operation of the Existing store. In providing this comparison, however, it should be noted that the State's 2020 BAU inventory assumes the continued operation of existing sources, and the Scoping Plan strategy accounts for reductions from measures and regulations that apply to existing sources. Table 4.2.A-5 shows that the continued operation of the Existing Walmart located on Oroville Dam Boulevard would produce approximately 8,210 $MTCO_2e$ in the 2020 BAU scenario and approximately 5,991 $MTCO_2e$ in 2020 with regulations applied. The applicable regulations for existing development include the Renewable Portfolio Standard, Pavley motor vehicle emission standards, waste reductions through city compliance with state recycling and diversion mandates, and refrigerant management. Thus, it is anticipated that the Existing Walmart would achieve a 27.0 percent reduction from 2020 BAU emissions through compliance with adopted regulations that apply to existing sources compared with its current operations. However, since the emissions from the continued operation of the Existing Walmart or new tenant in the existing building are already accounted for in the State's Scoping Plan emission inventory, it would not conflict with or hinder achievement of the emission reduction goal set by the ARB's Scoping Plan.

Table 4.2.A-5: Operational CO_2e Generation for Existing Walmart

Existing Walmart Emission Source	$MTCO_2e$ per year		Percent Reduction
	2020 BAU Scenario	2020 Scenario (CalEEMod)	
Area	0.01	0.01	0.0
Energy	429.29	353.13	17.7
Mobile (Vehicles)	6,742.19	5,109.41	24.2
Waste	197.41	98.71	50.0
Water	25.76	22.28	13.5

Table 4.2.A-5 (cont.): Operational CO_2e Generation for Existing Walmart

Existing Walmart Emission Source	$MTCO_2e$ per year		Percent Reduction
	2020 BAU Scenario	2020 Scenario (CalEEMod)	
Refrigerants	815.00	407.00	50.0
Total Emissions	8,209.66	5,991.04	27.0

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent. 2020 BAU emissions are estimated in CalEEMod by using 2005 default settings to reflect emission rates and factors prior to the implementation of state regulations.
2020 CalEEMod Scenario represents regulations accounted for in the model.
Source: Emission Reduction Spreadsheet and CalEEMod output (Appendix B).

Comparison of Existing Walmart and Proposed Walmart Emissions

The Existing Walmart store will be closed after the Proposed Walmart is constructed. However, the project is not taking credit for reducing the Existing or 2020 emissions at the Existing store because the Existing store will not be demolished as part of the project and therefore can be assumed to continue to operate and produce GHG emissions. Walmart has indicated it will vacate the site and sell it to a local developer who plans to re-tenant the building. The analysis and comparison of the Existing and Proposed stores assumed continued operation in a similar capacity. A future change in the use of the Existing store could require additional environmental analysis at that time by the future tenants for the change in use but is not a part of this project.

As indicated above in the discussion regarding Existing Walmart emissions, the Existing store will be subject to the application of regulations that would reduce the emissions at the Existing store over time. These regulations will affect other existing uses similarly. As shown in Table 4.2.A-5 above, the emissions from the smaller 100,910-square-foot Existing Walmart were estimated at 8,210 $MTCO_2e$ in the 2020 BAU scenario, and 5,991 $MTCO_2e$ per year in 2020 with regulations applied, assuming that the Existing Walmart or similar store would still be operational in 2020. In comparison, the 200,225 square-foot Proposed Walmart's emissions were estimated at 11,393 $MTCO_2e$ per year (Table 4.2.A-5).

The difference reflects the effect of recent building energy efficiency regulations and new project design features that do not apply to the existing store that was built prior to those regulations being in effect. Since it is probable that the existing and new buildings would both be occupied in the future, the emissions from the Proposed Walmart are in addition to the emissions from the Existing Walmart or its future tenant or tenants. The proposed project site is vacant, so no emissions are currently being produced at that location under existing conditions; thus, any development on this site would increase emissions.

The comparison of the Proposed store with the Existing store provides a demonstration of the effectiveness of the regulations that have gone into effect with the implementation of AB 32. These

regulations are incorporated into the CalEEMod model to determine the overall reduction of the emissions for new projects such as the Proposed Walmart. Regulatory compliance is mandatory and thus ensures the intent of AB 32 is satisfied.

The State's 2020 BAU inventory assumes the continued operation of existing sources and the Scoping Plan strategy accounts for reductions from measures and regulations that apply to existing sources, as described in the discussion of the Existing Walmart, above. As a result, the Existing Store's emissions are already taken into account when considering the reduction of emissions for the Proposed Walmart. The Proposed Walmart would result in new GHG emissions; however, the project would comply with regulations that reduce emissions by more than 29 percent from the 2020 BAU inventory demonstrating consistency with the Scoping Plan targets.

Existing and Proposed Walmart Emissions in 2014

Two additional modeling runs were conducted to estimate the emissions from the Existing Walmart and the Proposed Walmart, assuming a 2014 opening day with regulations incorporated. The 2014 analysis was prepared for informational purposes only, since the relevant analysis year is 2020 to determine project significance based on percent reduction from BAU as provided in Table 4.2-A-2 for the Proposed Walmart. The results of the 2014 analysis presented in Table 4.2-A-6 show that emissions from both the Existing Walmart, that is expected to be re-tenanted in the future, and the Proposed Walmart decline from the uncontrolled BAU rates by substantial amounts by 2014 (see Table 4.2-A-2 and Table 4.2-A-5) reflecting regulations adopted by the State since 2005 to implement AB 32. A comparison of the 2014 Existing Walmart with 2020 Existing Walmart shows that additional emissions reductions will accrue by 2020 as the State continues to implement additional regulations on existing sources of greenhouse gas emissions. The Proposed Walmart would produce lower emissions on a per-square-foot basis in 2014 compared with the Existing Walmart because of compliance with building energy and water efficiency standards that only apply to new construction.

Table 4.2.A-6: Operational CO_2 Generation for Proposed Walmart and Existing Walmart in 2014

Proposed Walmart Emission Sources	$MTCO_2e$ per year	
	2014 Existing Store	2014 Proposed Store
Area	0.01	0.01
Energy	412.15	474.87
Mobile (Vehicles)	6,085.98	10,992.87
Waste	197.41	195.84
Water	19.89	30.54
Refrigerants	407.00	1,285.00
Amortized Construction	—	68.28
Total Emissions	7,122.43	13,047.41

Table 4.2.A-6 (cont.): Operational CO_2 Generation for Proposed Walmart and Existing Walmart in 2014

Proposed Walmart Emission Sources	$MTCO_2e$ per year	
	2014 Existing Store	2014 Proposed Store

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent. 2014 emissions are estimated in CalEEMod using 2014 settings and energy intensity factors. Refrigerants reflect the State's Refrigerant Management Program, which will be fully implemented in 2014.
Source: CalEEMod output (Appendix B).

Cumulative Analysis

Climate change is an inherently cumulative effect. An individual project cannot generate enough GHG emissions to effect a discernable change in global climate. However, the proposed project may participate in this potential impact by its incremental contribution combined with the cumulative increase of all other sources of GHGs, which when taken together constitute potential influences on global climate change.

CEQA Guidelines Section 15130(b)(1)(B) lists two approaches for assessing cumulative impacts. These are the "list approach" and the "summary of projections" approach. For this project, the "summary of projections" approach from the Guidelines was selected as the most appropriate for addressing GHG impacts. An extract of this Guidelines section is provided below:

> A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

There is no comprehensive international strategy or agreement to reduce global GHG emissions and no set amount of reductions that would be required of the United States as its contribution to addressing this problem. In the absence of comprehensive national and international action, the State of California has set its own reduction targets to do its part in limiting global warming and set a positive example, speed the transition to a low carbon economy, and be a clean technology leader. As discussed earlier, AB 32 includes a target for the State to reduce emissions to 1990 levels by 2020. The ARB adopted a Scoping Plan that identified strategies for achieving the 2020 target through regulations, market mechanisms, and other actions. The ARB determined that achieving the emission target in 2020 accounting for growth in population and employment predicted for the State would

require a reduction of 29 percent if no new regulatory actions were taken to reduce emissions. This is referred to as the BAU scenario. The Scoping Plan inventories and strategy constitute a statewide plan for achieving the AB 32 target. It is a summary of projections at the state level that is used in this cumulative analysis.

BAU scenarios are commonly used in air quality planning to ensure that control measures are adequate to overcome the effects of cumulative growth in emissions by an attainment year. The Scoping Plan constitutes a summary of projections of all emissions sources in the State and includes the control strategy to ensure that the AB 32 target will be achieved. The question for cumulative impacts for projects under CEQA then becomes: does the project hinder or obstruct the Scoping Plan? This is answered quantitatively by determining if the project's emissions in 2020 would be at least 29 percent less than emissions under BAU conditions thereby demonstrating consistency with the overall state reduction. As shown in Table 4.2.A-2, the reduction percentage from regulations and standard measures results in a 31.7 percent reduction in GHG emissions from BAU, which exceeds the 29 percent reduction threshold. The 31.7 percent reduction accounts for regulations with which the project must comply and design features and mitigation measures that further assist the State in achieving its target. No aspect of the project was identified that hinders or obstructs achievement of the State's targets; therefore, this assessment finds GHG emissions less than cumulatively significant.

Conclusion

The analysis quantified the GHG emissions from the Proposed Walmart under two scenarios. First, the analysis estimated emissions in 2020 under a BAU scenario to reflect emissions without state regulations and design features. Second, the analysis estimated emissions in a 2020 scenario with the benefits of regulations and design features. The purpose of the two scenarios is to demonstrate consistency with the state target set in AB 32 to achieve 1990 emission levels by 2020 and detailed in the ARB Scoping Plan, which requires a 29 percent reduction in GHG emissions from the BAU inventory in 2020 to achieve the target. Application of the regulations and design features applicable to the Proposed Walmart resulted in a 31.7 percent reduction from the 2020 BAU inventory, demonstrating consistency with the Scoping Plan reduction percentage, allowing for a finding of less than significant for this impact. The 31.7 percent reduction was determined by utilizing the CalEEMod, taking into account Title 24 and other related applicable regulations. Additional features of the project, such as those identified in Table 4.2.A-4, would further reduce emissions, as would certain project design features, identified as mitigation measures in the 2010 DEIR and described in Table 4.2.A-3, but which are not quantifiable at this time. These additional design features and mitigation measures were not separately taken into account in determining the 31.7 percent reduction, but would reduce emissions.

The 2010 DEIR included mitigation measures to reduce project GHG emissions. Since the 2010 DEIR was released, the State has adopted additional regulations that will be in effect prior to project construction that make the originally identified mitigation measures redundant. In particular, 2013 Title 24 Energy Efficiency regulations require efficiency improvements that achieve reductions at

least as great as the project mitigation measures. Therefore, the analysis credits only the percentage reduction from the regulation that is mandatory and would be verified as part of the City's project review process. Reduction estimates for the 2010 DEIR mitigation measures were provided in the analysis for information only.

The analysis quantified emissions from the Existing Walmart for comparison with emissions from the Proposed Walmart. The Existing Walmart was assumed to be re-tenanted after the Proposed Walmart is constructed, and the emissions from the Existing Walmart/new tenant would continue into the future. To provide a valid comparison with the Proposed Project, emissions from the Existing Project were estimated in a 2020 BAU scenario and a 2020 with regulations scenario. The Proposed Project would produce fewer emissions from energy use than the Existing Walmart because it would be required to meet the latest energy efficiency regulations and would include the latest building energy efficiency features. The regulations applicable to existing sources would reduce emissions from motor vehicles used by customers and employees of both the Existing and Proposed Walmart. Regulations applicable to the electric utility would result in fewer emissions from energy use for both stores. The Existing Walmart was in operation at the time the ARB developed the Scoping Plan baseline inventory and future year projections. Therefore, the emissions were accounted for in the state targets, and they would be considered consistent with AB 32 and the Scoping Plan and would result in a less than significant impact.

Operation of the Proposed Walmart would increase local GHG emissions on the project site. Measures that reduce the emissions generated by motor vehicles, natural gas consumption, and electricity consumption would reduce the primary operational sources of GHGs to the maximum extent practicable. Mitigation Measures AIR-8a through AIR-8e would ensure that proposed design features are fully implemented and reduce local GHG emissions to a level considered less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM AIR-8a Prior to issuance of the certificate of occupancy, the project applicant shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the project site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria.

MM AIR-8b Prior to issuance of the certificate of occupancy, the project applicant shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.

MM AIR-8c Prior to issuance of the certificate of occupancy, the project applicant shall do the following:

- The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Oroville.
- During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants were reused.
- A secondary closed loop system that uses glycol in place of refrigerant shall be evaluated and implemented, if found to be technically and economically feasible.

MM AIR-8d Prior to issuance of the certificate of occupancy, the applicant shall install the following energy efficiency measures:

- A daylight harvesting system that would allow lighting within the store to be dimmed when natural lighting is available.
- Occupancy sensors in non-sales areas such as restrooms, break rooms, and offices.
- Light Emitting Diode (LED) technology in exterior building signage and refrigerated food cases.
- A central energy management system that would allow for remote monitoring of systems such as lighting, temperature, and refrigeration.
- Energy efficient HVAC units that can achieve Energy Star performance standards.
- A dehumidifying system that allows the refrigeration system to operate more efficiently.
- A white membrane roof with high solar reflectivity.
- A heat reclamation that captures waste heat from the onsite refrigeration equipment to supply hot water needs for the store.

MM AIR-8e Prior to issuance of the certificate of occupancy, the applicant shall submit a landscaping plan to the City of Oroville for review and approval. The plan shall demonstrate how shade trees in the main parking field can achieve 50 percent shade coverage within 15 years of planting. The approved plan shall be incorporated into the proposed project.

Level of Significance After Mitigation

Less than significant impact.

Climate Change Effects

Impact AIR-9.A:	**The proposed project would not be subject to significant adverse effects as a result of global climate change.**

Impact Analysis

Although human understanding of the Earth's climate is constantly evolving, it is accepted by most respected climate change researchers that anthropogenic sources of GHGs are influencing climate patterns. There are several negative potential environmental effects associated with climate change. Worldwide, average temperatures are estimated by some researchers to increase by 1.8°C to 4°C, or approximately 3°F to 7°F by the end of the 21st century. However, a global temperature increase does not translate to a uniform increase in temperature in all locations on the earth. Regional climate changes are dependent on multiple variables, such as topography. One region of Earth may experience increased temperature, increased incidents of drought and similar warming effects, whereas another region may experience a relative cooling. According to the United Nations Intergovernmental Panel on Climate Change's Working Group II Report, climate change impacts to North America may include:

- Diminishing snowpack
- Increasing evaporation
- Exacerbation of shoreline erosion
- Exacerbation of inundation from sea level rising
- Increased risk and frequency of wildfire
- Increased risk of insect outbreaks
- Increased experiences of heat waves
- Rearrangement of ecosystems as species and ecosystems shift northward and to higher elevations

AB 32 indicates that "the potential effects of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the State from the Sierra snow pack; a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences; damage to marine ecosystems and the natural environment; and an increase in the incidence of infections, disease, asthma, and other health-related problems" (State of California 2006, AB 32, Section 38501(a)).

The California Climate Change Center published a report that assesses the risks of climate change to California. The following is a summary of the potential risks to California from that report.

- A reduction in the Sierra snow pack could result a reduction in hydropower, which comprises about 15 percent of California's in-state electricity production.

- A reduction in the Sierra snow pack could result in a loss of winter recreation from insufficient snow for skiing and snowboarding.
- A decrease in water supply could also negatively impact the food supply that depends on that water for use.
- Climate change could also increase temperatures, leading to decreased supply of certain agricultural products such as wine, fruit, nuts, and milk. California farmers may also have to face increasing threats from pests and pathogens.
- Climate change could also result in increasing wildfires. If temperatures rise into the medium range of what was predicted, the risk of fires in California could increase as much as 55 percent.
- Climate change could result in plant and animal species relocating to cooler, more habitable "up-slope" locations.
- Climate change could negatively affect the health and productivity of California's forests. The productivity of mixed conifer forests is expected to diminish as much as 18 percent by the end of the century.
- A rise in sea levels could result in increased coastal floods and shrinking beaches.

The relevant climate change effects to the proposed project are discussed below.

Rise in Sea Levels

The project site is more than 100 miles from the Pacific Ocean. Accordingly, this condition precludes the possibility of the proposed project being exposed to sea level rise.

Wildfires

The City of Oroville General Plan indicates that the project site is located in a moderate wildland fire risk severity zone. The development of the proposed project would include the installation of fire suppression systems (e.g., fire hydrants, fire sprinklers, smoke detectors). These systems would be designed in accordance with the latest standards of the California Fire Code and would be considered adequate to provide fire suppression to the project site.

The Oroville Fire Department would provide fire protection to the proposed project. The Fire Department is staffed 24 hours a day, and the nearest station is 1.6 miles from the project site. The Fire Department indicated in a letter that it has adequate resources to serve the proposed project and did not foresee any operational challenges in providing fire protection. Therefore, the proposed project would not be at risk of wildfires.

Water Supply

California Water Service Company (Cal Water) would provide the proposed project with potable water. As discussed in Section 4.10, Public Services and Utilities, Cal Water obtains its water from

groundwater sources and the Feather River. Combined, both sources can provide 10.74 million gallons per day (mgd), which is well in excess of existing demand of 6.3 mgd. Cal Water provided a "will-serve" letter indicating that it anticipates having enough water supplies to serve the proposed project. Nonetheless, the proposed project would implement various outdoor and indoor water efficiency mitigation measures to reduce water demand. Finally, the proposed project consists of a commercial retail project, a type of land use that is not considered water-intensive. For these reasons, the proposed project would not be adversely affected by changes in water supply availability attributable to climate change.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

4.11.A - Transportation

This section contains the revised Mitigation MeasureTRANS-2a to address the decision of the Court of Appeal and ensure the payment of "all transportation-related fees to [the City] in accordance with the latest adopted fee schedule," and to omit a provision that excuses such payment depending on when building permits are issued. Mitigation MeasureTRANS-2a as stated below supersedes and replaces Mitigation Measure TRANS-2a contained in the 2010 Draft EIR. This section is limited to this single issue and the remainder of the Transportation section of the 2010 Draft EIR remains unmodified.

Mitigation Measures

MM TRANS-2a To mitigate impacts identified in Impact TRANS-2, the applicant shall provide the following payments to the satisfaction of the City of Oroville:

- The project applicant shall pay all transportation-related fees to the City of Oroville in accordance with the adopted fee schedule at the time building permits are issued.
- The applicant shall contribute towards the cost of necessary study area improvements on a fair-share or "pro-rata" basis by paying fair-share contributions towards improvements identified by the City as necessary through an adopted traffic impact analyses or study and not otherwise identified in an adopted fee schedule or program at the time building permits are issued.

SECOND PARTIALLY RECIRCULATED DRAFT
Environmental Impact Report
Oroville Walmart Project
City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

APPENDICES

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May 16, 2014

APPENDICES

Appendix A: *Friends of Oroville et al. v. City of Oroville et al.* (3rd Dist. Ct. of Appeal, 2013), Case No. C070448

Appendix B: Greenhouse Gas Analysis Report

Appendix A:
Friends of Oroville et al. v. City of Oroville et al.
(3rd Dist. Ct. of Appeal, 2013), Case No. C070448

Filed 8/19/13

CERTIFIED FOR PARTIAL PUBLICATION*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

FRIENDS OF OROVILLE et al., Plaintiffs and Appellants, v. CITY OF OROVILLE et al., Defendants and Respondents; WAL-MART STORES, INC., Real Party in Interest and Respondent.	C070448 (Super. Ct. No. 152682)

APPEAL from a judgment of the Superior Court of Butte County, Stephen E. Benson, Judge. Reversed in part and affirmed in part.

William D. Kopper for Plaintiffs and Appellants.

Cota Cole, Derek P. Cole, Scott E. Huber and Daniel S. Roberts for Defendants and Respondents.

K&L Gates and Edward P. Sangster for Real Party in Interest and Respondent.

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* Pursuant to California Rules of Court, rules 8.1105(b) and 8.1110, only the introduction, the Factual and Procedural Background, the Standard of Review at the beginning of the Discussion, part III.A. of the Discussion, and the Disposition of this opinion are certified for publication.

In this action under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.),[1] the Friends of Oroville and two individuals (collectively plaintiffs) challenge the City of Oroville's (the City) approval of an environmental impact report (EIR) for the project at issue—a relocated and expanded Wal-Mart Supercenter to replace an existing Wal-Mart of traditional dimension and retail offerings (the Project).

On appeal, plaintiffs contend the City's EIR (1) improperly found it was infeasible for the Project to contribute its fair share mitigation for "Year 2030" cumulative traffic impacts along eight intersections of Oroville Dam Boulevard (hereafter Oroville Dam Blvd.), (2) inadequately analyzed the Project's hydrological impacts, (3) inadequately analyzed the Project's greenhouse gas emissions, and (4) violated CEQA's notice requirements. We find merit in plaintiffs' third contention (in published pt. III.A. of this opinion), agree on a tangential point with their first contention, and reverse on those bases, but otherwise shall affirm the judgment denying plaintiffs' petition for writ of mandate.

FACTUAL AND PROCEDURAL BACKGROUND

The Project is a Wal-Mart Supercenter to replace an existing Wal-Mart store in the City. The Project comprises a nearly 200,000-square-foot building and garden center (about twice the size of the existing Wal-Mart store), and will provide 24-hour retail and grocery services to the City and surrounding areas.

In January 2010, prior to the City's release of the draft environmental impact report (DEIR), the City adopted resolution No. 7471. This resolution interpreted the City's general plan to allow roadway *segments*, rather than *intersections*, to determine the acceptable level of service for traffic along Oroville Dam Blvd.

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[1] Undesignated statutory references are to the Public Resources Code.

Plaintiffs earlier filed an action for writ of mandate challenging resolution No. 7471. In response, the City repealed the resolution; and this necessitated a revision of the DEIR's traffic section, which was undertaken in a partially recirculated draft environmental impact report (PRDEIR).

In October 2010, the City released the final EIR, which included responses to public and agency comment.

On November 10, 2010, the City's Planning Commission held a public hearing and approved the EIR and the Project.

Plaintiffs appealed the Planning Commission's decision resulting in a de novo public hearing before the City's City Council. This hearing took place on December 2, 2010, and was extended to December 14. On December 14, 2010, the City Council approved the Project by denying plaintiffs' appeal, certifying the EIR, approving a mitigation program, and adopting findings of fact and a statement of overriding considerations (for significant impacts that could not be mitigated or mitigated fully).

We will set forth specific facts pertinent to the issues on appeal when we discuss those issues.

DISCUSSION

Standard of Review

"In reviewing . . . CEQA issues on appeal, we determine, independently from the trial court, whether [the] City prejudicially abused its discretion either by failing to comply with legal procedures or by making a decision unsupported by substantial evidence." (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1178 (*Anderson*).)

The substantial evidence standard—i.e., enough relevant information and reasonable inferences to support a fair argument-based conclusion, even if other

conclusions might also be reached—is applied in reviewing factually based findings, conclusions and determinations. (*Anderson*, *supra*, 130 Cal.App.4th at p. 1178; Cal. Code Regs., tit. 14, § 15384, subd. (a) (CEQA's regulatory guidelines; hereafter CEQA Guidelines).)

In reviewing the adequacy of an EIR's environmental analyses, a reviewing court does not pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency in providing informed decisionmaking and informed public participation, thereby meeting the statutory goals of the EIR process. (*Anderson*, *supra*, 130 Cal.App.4th at p. 1178 .)

I. The Traffic Issues*

Background and Contentions

Traffic impacts pose a major issue for the Project. And Oroville Dam Blvd. (which is also State Route 162 in the City) comprises a large part of that issue.

Plaintiffs contend the City failed to adopt feasible mitigation for the Project's contribution to Year 2030 cumulative traffic impacts to eight intersections on Oroville Dam Blvd. because (1) the law and (2) substantial evidence, do not support the City's finding that fair share fee-based mitigation is infeasible to reduce the Project's impact to less than significant. We agree in a peripheral way with the first point and disagree as to the second.

The revised traffic section in the PRDEIR concluded, among other things, that these eight intersections along Oroville Dam Blvd. would operate at unacceptable levels of service in 2030 due to cumulative traffic impacts. The PRDEIR's traffic analysis estimated the Project's percentage contribution to these Year 2030 impacts at 5 and 6 percent for seven of the intersections, and 11 percent for the remaining intersection.

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* See footnote, *ante*, page 1.

In mitigating these Year 2030 cumulative traffic impacts, the City imposed "Mitigation Measure TRANS-2a" (MM TRANS-2a) on the Project, which requires that: "Prior to issuance of building permits, [Wal-Mart] shall pay all transportation-related fees to [the City] in accordance with [the City's] latest adopted fee schedule."

The City explained MM TRANS-2a, as applied to the eight Oroville Dam Blvd. intersections at issue, as follows: "[MM TRANS-2a] requires [Wal-Mart] to pay all transportation-related fees, which constitutes the Project's fair share [toward mitigating the Year 2030 cumulative traffic impacts]. However, at the time of the [PRDEIR], the necessary improvements [on Oroville Dam Blvd.] were not identified in the City's Traffic Capital Improvement Program [(Traffic Program)]. As such, there is no existing mechanism in place for [Wal-Mart] to contribute its fair share, . . . render[ing] [these improvements infeasible] and the residual significance of this impact significant and unavoidable." "[MM TRANS-2a] requires [Wal-Mart] to provide fair share [mitigation] fees for improvements to these intersections [on Oroville Dam Blvd.] that would improve [Year 2030] operations to acceptable levels. It is only because there is uncertainty about whether all of these improvements can be implemented [per the Traffic Program, which is currently being updated,] that [MM TRANS-2a] cannot be deemed to fully mitigate the impact to a level of [less than] significant." (Furthermore, the PRDEIR noted, and the City recognized, that several of the Oroville Dam Blvd. improvements require widening the roadway to three lanes in each direction, which is, additionally, not a feasible improvement.)

The record shows that, when the City approved the EIR and the Project on December 14, 2010, the Traffic Program update was expected to be completed by March 2011, and the transportation-related fee schedule was being updated along with the Traffic Program update.

The City responded to a concern in the final EIR about MM TRANS-2a's implementation as follows: "If the Project's building permits are issued prior to the City updating its fee program per the update it is currently undertaking of the [Traffic Program], the Project would still pay fees . . . . Some of the improvements required as a result of cumulative impacts are not included in the current [Traffic Program], however, and therefore no money would be collected towards those improvements. [¶] . . . [¶] . . . [T]he City anticipates adopting the updated [Traffic Program] well before the Project could obtain its building permits. Therefore, it is reasonable to assume that the Project will pay fees towards the improvements identified in the EIR as currently being considered for inclusion in the [Traffic Program]."

1. Legal infeasibility.

"A public agency must mitigate or avoid the significant environmental effects of a project that it carries out or approves if it is feasible to do so." (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 937 (*Tracy First*).) "CEQA requires that feasible mitigation measures actually be implemented as a condition of development, and not merely be adopted and then neglected or disregarded." (*Anderson*, *supra*, 130 Cal.App.4th at pp. 1186-1187.)

A fair share fee contribution by a single project to a mitigation fund addressing cumulative impacts from multiple projects (which include the single project) constitutes mitigation of the single project's impact to less than significant if the fair share fee is (1) at least "roughly proportional" to the effects of the single project, and (2) part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the cumulative impacts at issue. (*City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 361-362 (*City of Marina*); *Anderson*, *supra*, 130 Cal.App.4th at pp. 1187-1189; *Tracy First*, *supra*, 177 Cal.App.4th at p. 937.)

Here, the City could not legally conclude that MM TRANS-2a would actually mitigate the Project's contribution to Year 2030 cumulative traffic impacts (for the eight intersections of Oroville Dam Blvd. at issue) to less than significant based on a fair share mitigation fee. This is because, at the time the City approved the EIR and the Project, the City's updated Traffic Program specifying future traffic improvements had not yet been completed and adopted.

Instead, under MM TRANS-2a, the City required Wal-Mart, prior to the issuance of building permits, to "pay all transportation-related fees to [the City] in accordance with the latest adopted fee schedule." This fee schedule was being updated along with the Traffic Program update. In recognition of this, the PRDEIR stated that if improvements to the eight intersections of Oroville Dam Blvd. at issue "are included in the [Traffic Program], payment of fees in accordance with [MM TRANS-2a] would satisfy [Wal-Mart's fair share] obligation."

Thus, the City, as a matter of determining the legal feasibility of mitigation measures for the eight Oroville Dam Blvd. intersections at issue, did what it could in approving the EIR and the Project in the absence of an enforceable mitigation plan or program at that point. In this absence, however, the City, in MM TRANS-2a, properly conditioned the issuance of building permits to Wal-Mart on Wal-Mart's payment of all transportation-related fees to the City in accordance with the latest adopted fee schedule. As this court observed in *Tracy First*, "[m]itigation measures adopted by [an] agency must be fully enforceable. 'A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. . . .' ([§ 21081.6, subd. (b); CEQA Guidelines, § 15126.4, subd. (a)(2)].)" (*Tracy First*, *supra*, 177 Cal.App.4th at p. 937.)

However, in Wal-Mart's respondent's brief on appeal (a brief the City joins in full), Wal-Mart problematically interprets MM TRANS-2a as providing that "*if* the City

amends it[s] [Traffic Program] *before* the City issues building permits to Wal-Mart, Wal-Mart will have to pay its share of improvements included in that program." (Italics added.) One corollary to this interpretation is that *if* the City does *not* so amend, Wal-Mart will *not* have to pay its share of improvements in the Traffic Program. Given that the transportation-related fee schedule is being updated along with the Traffic Program update, we think it necessary to confirm that the issuance of building permits is a provision which *ensures* that Wal-Mart, as required by MM TRANS-2a, pays "all transportation-related fees to [the City] in accordance with the latest adopted fee schedule," and not a provision that *excuses* such payment depending on when building permits are issued. In short, the issuance of building permits is a measure to ensure Wal-Mart's transportation-related fee schedule payment, not a measure to thwart it.

Accordingly, we will reverse the judgment denying plaintiffs' petition for writ of mandate as to this specific issue, and direct the trial court to grant the petition to that extent—i.e., confirm that Wal-Mart has paid or will pay "all transportation-related fees to [the City] in accordance with the latest adopted fee schedule," as required by MM TRANS-2a.

2. Substantial evidence infeasibility.

Plaintiffs claim that virtually all the evidence in the record shows that prior to the Project's approval, it was feasible for the City to include, in the City's Traffic Program, mitigation measures for the Project's contribution to the Year 2030 cumulative traffic impacts to the eight intersections at issue on Oroville Dam Blvd.; and therefore, the City's finding that it was infeasible to mitigate these impacts to less than significant was not based on substantial evidence. Based on this evidentiary posture, plaintiffs maintain that Wal-Mart refused to pay its fair share contribution to mitigating these cumulative impacts, and that the City shielded Wal-Mart from paying its fair share so as not to jeopardize the Project.

To support their substantial evidence claim, plaintiffs rely on the following three lines of evidence.

First, plaintiffs point to the City's resolution No. 7471, which defined acceptable traffic service levels based on the less impacted roadway segments along Oroville Dam Blvd. rather than on the customary more impacted intersections. The City repealed this resolution, though (albeit in the face of litigation from plaintiffs).

Second, plaintiffs maintain that almost all of the relevant fair share information for the Project had been compiled for the earlier DEIR, and simply needed to be incorporated into the later PRDEIR. However, the PRDEIR necessitated a new traffic study, and the relevant traffic information in the DEIR comprised only percentages of Wal-Mart's cumulative impact contribution to each of the eight intersections at issue (not estimated costs). As plaintiffs acknowledge in their reply brief, "the City knew Wal-Mart's fair share percentage of the [Oroville Dam Blvd. intersection impacts] and . . . *only needed* to determine the cost of the improvements and take the administrative action of adding the needed intersection improvements to the [Traffic Program]." (Italics added.) This "only needed" to-do list is a substantial one, however.

And, third, plaintiffs cite to a December 2009 e-mail communication from Wal-Mart's attorney to the City. That communication asks "the City to confirm what improvements [the City] will be including in the [Traffic Program] that will be used to calculate the traffic fee"; and notes, "the City has stated it has now identified the final improvements that will be included in the [Traffic Program]." Although this communication was made about a year before the City approved the Project, it also shows that Wal-Mart was willing to pay the traffic fee based on improvements identified in the Traffic Program; as the communication further explained, Wal-Mart simply did not want to pay the fee twice, once to construct the improvement and then again for the improvement.

Finally, plaintiffs' substantial evidence contention also rests on a flimsy foundation. The Traffic Program applied to the City as a whole; the eight Oroville Dam Blvd. intersections at issue were just a fragment of its focus.

We conclude there is substantial evidence to support the City's finding that it was infeasible to mitigate to less than significant the Project's Year 2030 cumulative traffic impact to the eight intersections of Oroville Dam Blvd., given that the Traffic Program had not yet been completed and adopted when the City approved the EIR and the Project.

II. Analysis of Hydrological Impacts*

Plaintiffs raise four contentions on this subject.

A. Baseline Description of Hydrological Conditions

Plaintiffs have two concerns here.

The first concern is with "Mitigation Measure HYD-4" (MM HYD-4), which specifies that, prior to issuance of grading permits for the Project, Wal-Mart shall retain a qualified civil engineer to prepare and submit a drainage plan for City's approval that identifies onsite drainage facilities to ensure that runoff from the Project site is released at a rate no greater than that of the "pre-development condition."

Plaintiffs claim the EIR fails to analyze existing water percolation rates through the highly permeable mining tailings on the Project site and, without that information, it cannot be determined whether there is a feasible drainage solution that will ensure the runoff rate is no greater than pre-development conditions, as MM HYD-4 requires.

The EIR, however, included a geotechnical investigation. This investigation analyzed the surface and subsurface composition of the Project site, including the mining tailings thereon, and performed three distinct tests of how those conditions currently

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* See footnote, *ante*, page 1.

affect water percolation. Furthermore, baseline information about the percolation rates of the mining tailings on the Project site will be part of a required study for the MM HYD-4 drainage plan. Finally, the MM HYD-4 standard of no greater runoff rate is designed to avoid a project-related increase in flooding of adjacent properties during storm events, a standard ascertainable from pre-development flood information.

Plaintiffs' second concern centers on "Mitigation Measure HYD-2a" (MM HYD-2a). That mitigation measure specifies that prior to issuance of building permits for the Project, Wal-Mart shall submit a stormwater management plan for the City's approval that identifies pollution prevention measures to prevent polluted runoff from leaving the Project site, that accounts for the Project's net increase of nearly 21 acres of impervious surface area, and that ensures that water quality in downstream water bodies is not degraded. MM HYD-2a specifies 11 pollution prevention measures that this plan must include, but is not limited to; in a response to comments on stormwater quality, the EIR notes that these prevention measures have been "widely employed and . . . demonstrated to be effective means at controlling and preventing pollution from entering downstream waterways."

Plaintiffs claim the EIR fails to include information about the baseline water quality conditions at the Project site and the receiving water body, the nearby Feather River.

As for existing water quality, the EIR states, however, that "[t]here are no water bodies in [the City] area listed on the 2006 [federal] Clean Water Act['s] . . . list of impaired water bodies. As such, no [pollution-remedial] Total Maximum Daily Load requirements are in effect for any surface water bodies in the Oroville area." Furthermore, as with percolation rates, existing runoff from the Project site will be part of the study for the MM HYD-4 drainage plan.

We conclude that the EIR's description of the challenged baseline hydrological information is adequate.

B. Drainage Facilities and Drainage Impacts

As for the issue of drainage facilities, plaintiffs' hydrology expert commented in the EIR process that because of the highly permeable mining tailings on the Project site, the Project would need facilities to temporarily store about 32 acre-feet of water each year to ensure that the runoff rate is no greater than pre-development conditions, as MM HYD-4 requires.

Plaintiffs contend the EIR is inadequate because it fails to describe a stormwater detention basin to address this comment. However, the Project's documents included a plan submitted to the City's Design Review Board that showed a preliminary design schematic illustration of proposed-site stormwater catch basins, including how those basins would connect to the proposed drainage system for the Project. All that plaintiffs can muster in their reply brief to this fact is the tepid remark that "[t]his reference provides no additional information about the stormwater detention basin or other facilities to retain stormwater on site."

As for the issue of drainage impacts, plaintiffs assert that, in view of the highly permeable mining tailings on the Project site, the Project's 21-acre increase of impervious surface, the site's location "almost adjacent" to the Feather River, and the comments related thereto by plaintiffs' hydrology expert and Caltrans, the EIR was required to provide a drainage study that would provide more information about the Project's drainage impacts and the feasibility of mitigation.

The EIR describes the existing drainage system and the proposed new drainage system, and sets forth three detailed pages of responses to comments on drainage and stormwater quality. Furthermore, this issue of drainage impacts covers the same ground

that plaintiffs' baseline issues regarding drainage and pollution runoff covered in part II.A., *ante*, of this discussion. We need not repeat that discussion here.

C. Deferral of Mitigation

Plaintiffs contend that MM HYD-2a (i.e., the stormwater management/pollution runoff plan) and MM HYD-4 (i.e., the drainage plan) improperly defer formulation of specific mitigation strategies until after the Project's approval. We disagree.

Deferral of mitigation specifics is permissible where the relevant agency commits itself to mitigation and articulates specific performance criteria or standards that must be met for the project to proceed. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793-794; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275-1276.) The two challenged mitigation measures comply with this principle.

MM HYD-2a states that prior to the issuance of building permits Wal-Mart must submit for the City's approval a stormwater management plan that contains, but is not limited to, 11 specified pollution prevention measures to prevent polluted runoff from leaving the Project's site. These specified measures, the EIR notes, have been "widely employed and . . . demonstrated to be effective means at controlling and preventing pollution from entering downstream waterways," and implement "Best Management Practices" in controlling stormwater runoff quality.

MM HYD-4 provides that prior to the issuance of grading permits Wal-Mart shall retain a qualified civil engineer to prepare and submit for the City's approval a drainage plan "that will ensure that runoff from the [P]roject site is released at a rate no greater than that of the pre-development condition." This standard seeks to avoid any project-related increase in flooding of adjacent properties during storm events, a standard, as noted, ascertainable from pre-development flood information.

D. Water Quality Impacts

As to this issue, plaintiffs again argue, in a nutshell, that "[b]ecause of the high permeability of the site and the Project's contribution of oil, gas and heavy metals to stormwater runoff, the EIR needs to provide additional information about the stormwater pollution control facilities to comply with CEQA." We disagree, for the reasons already stated.

III. Greenhouse Gas Emissions*

Plaintiffs raise two basic issues relating to greenhouse gas (GHG) emissions. The first one is:

A. Substantial Evidence Does Not Support the City's Finding That the Project's GHG Emissions Will Have a Less Than Significant Environmental Impact After Mitigation

We agree.

Legal Background

The EIR primarily analyzed the environmental impact of the Project's GHG emissions according to a CEQA Guideline that was adopted around the same time the DEIR was completed—CEQA Guidelines section 15064.4, entitled "Determining the Significance of Impacts from Greenhouse Gas Emissions." This Guideline provides in pertinent part:

"(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in [CEQA Guidelines] section 15064 [(§ 15064, subd. (b) requires lead agencies to evaluate potential environmental effects based on scientific and factual data, to the extent possible)]. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions

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* See footnote, *ante*, page 1.

resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

"(1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. . . . ; and/or

"(2) Rely on a qualitative analysis or performance based standards.

"(b) A lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:

"(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

"(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project[;]

"(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. . . ."

Neither the City nor the Butte County Air Quality Management District, at the time of the EIR, had adopted a plan or strategy for reducing GHG emissions that would apply to the Project. As a result the City adopted, as a threshold-of-significance standard for determining whether the Project's GHG emissions constituted a significant environmental impact, the following standard: "[W]hether the [P]roject would significantly hinder or delay California's ability to meet the reduction targets contained in [Assembly Bill No.] 32"—the state legislation addressing GHG emissions (the California Global Warming Solutions Act of 2006). (Health & Saf. Code, § 38500 et seq., enacted by Assem. Bill No. 32 (2005-2006 Reg. Sess.) (hereafter Assembly Bill 32).) As the EIR

explains, Assembly Bill 32 "focuses on reducing greenhouse gases [including carbon dioxide] to 1990 levels by the year 2020. Pursuant to the requirements in [Assembly Bill] 32, a Scoping Plan was adopted [which] outlines actions recommended to obtain that goal." According to the EIR, the Scoping Plan (developed by the State Air Resources Board) "calls for [a] . . . reduction in California's [GHG] emissions, cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from today's levels [i.e., 2010, when the EIR here was drafted]."

Besides the formal Scoping Plan, the EIR also analyzed the Project's GHG emissions under the following informal/voluntary guides for mitigating GHG emission impacts: the State Air Resources Board's "Early Action Measures" (which focus on cool roofs and pavements, and shade trees); the California Attorney General's Web site list of "CEQA Mitigations for Global Warming Impacts" (which focus on water and energy conservation; recycling promotion; waste reduction; and non-vehicular accessibility); and a 2008 "white paper" from the California Air Pollution Control Officers Association (which focuses on matters similar to the previous two guides).

Factual Background

The EIR found the following.

Nearly all of the Project's GHG emissions will be in the form of carbon dioxide, except for refrigerant use which does not emit that gas (refrigerant use will comprise about 17 percent of the Project's total GHG emissions).

At buildout, the Project's (operational) GHG emissions will constitute nearly 15,000 metric tons of carbon dioxide equivalents per year, which is 0.003 percent of California's 2004 emissions. About 68 percent of these emissions will be from motor vehicles. The Project's remaining GHG emission sources, in terms of percentage of contribution, are as follows: natural gas use—4 percent; electrical generation—11 percent; and refrigerant use—as noted, 17 percent.

The mitigation measures adopted for the Project's GHG emissions comprise solar reflective paving and roofing materials (MM AIR-8a, MM AIR-8d); the turning off of truck engines in the loading docks (MM AIR-8b); refrigerant measures that reduce leaks and increase recycling (MM AIR-8c); energy efficiency measures, principally involving lighting, heating, cooling, and refrigeration (MM AIR-8d); and a landscaping plan, emphasizing shade trees in the parking lot (MM AIR 8-e).

Based on this mitigation, the EIR concluded that, since the Project's contribution to California's GHG emissions is less than significant (literally, miniscule), the Project would not significantly hinder or delay California's ability to meet the GHG reduction targets contained in Assembly Bill 32; and, therefore, the Project's environmental impacts from GHG emissions are less than significant.

Analysis

The City properly adopted Assembly Bill 32's reduction targets for GHG emissions as the threshold-of-significance standard in determining whether the Project's GHG emissions constituted a significant environmental impact. The same standard was deemed proper in *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327 (*Citizens*); the project there was a newer, larger Target store to replace an older one (*id.* at pp. 335-336; see *id*. at p. 330).

The problem is the City improperly applied this proper standard in concluding that the Project's environmental impacts from GHG emissions are less than significant. *Citizens*, again, exemplifies the model, showing us a proper way to apply the Assembly Bill 32 threshold-of-significance standard.

As *Citizens* explains, the GHG analysis there "listed the [GHG] emissions for 'business as usual' for the existing Target store and the proposed store at 8,280 metric tons per year and 10,337 metric tons per year, respectively. Thus, under 'business as usual' the proposed Target store would increase greenhouse gas emissions by 2,057

metric tons. However, through the implementation of energy saving measures, the . . . greenhouse gas emissions for the proposed store are reduced to 7,381 metric tons per year, or 2,956 metric tons *less than* 'business as usual.' This amounts to a 29 percent reduction from business as usual" (*Citizens*, *supra*, 197 Cal.App.4th at p. 337), more than meeting the Assembly Bill 32 target reduction of 25 percent for the year 2020 from business-as-usual emissions (this 25 percent figure was estimated by the GHG analysis in *Citizens*). Furthermore, the energy-saving measures in *Citizens* reduced existing GHG emissions by nearly 900 metric tons, more than meeting Assembly Bill 32's alternative target reduction of 10 percent from current (2010) emissions (this 10 percent figure is set forth in the Scoping Plan for Assembly Bill 32, according to the EIR here). (*Citizens*, *supra*, at p. 337; see *id*. at p. 336.)

Drawing from *Citizens*, we conclude the City misapplied the Assembly Bill 32 threshold-of-significance standard in two related ways: (1) by applying a meaningless, relative number to determine insignificant impact; and (2) by failing to ascertain the *existing* Wal-Mart's GHG emissions, and the impact on GHG emissions from the Project's mitigation measures.

First, the City noted that the Project, at buildout, would emit operationally about 15,000 metric tons of carbon dioxide equivalents yearly, which is 0.003 percent (i.e., just 3 one-thousandths of 1 percent) of California's 2004 GHG emissions. This relative comparison is meaningless, though, in determining the Project's environmental impact regarding GHG emissions. It conjures a comparison worse than apples to oranges. Of course, *one* store's GHG emissions will pale in comparison to those of the world's eighth largest economy. The relevant question to be addressed in the EIR is not the relative amount of GHG emitted by the Project when compared with California's GHG emissions, but whether the Project's GHG emissions should be considered significant in light of the threshold-of-significance standard of Assembly Bill 32, which seeks to cut

about 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2010 levels. (See *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 118-120 [discussing an analogous issue of how to determine whether a project's relatively small, additional environmental impact is significant in an area already highly impacted].)

Second, the City misapplied the Assembly Bill 32 threshold-of-significance standard by failing to calculate the GHG emissions for the existing Wal-Mart and failing to quantitatively or qualitatively ascertain or estimate the effect of the Project's mitigation measures on GHG emissions (MM AIR-8a through MM AIR-8e). (See CEQA Guidelines, § 15064.4, subd. (a).) Without these determinations, ascertaining whether Assembly Bill 32's target reductions are being met is difficult if not futile. The EIR quantified the GHG emissions for the *proposed* Project (precisely 14,817 metric tons of carbon dioxide equivalents per year for operational emissions) and the sources comprising those emissions in percentage terms (motor vehicle—68 percent; natural gas—4 percent; electrical generation—11 percent; refrigerant use—17 percent), but failed to do so for the *existing* Wal-Mart store. Surely, if these precise calculations could be done for the *proposed* Project, something similar can be done for the *existing* Wal-Mart. Nor did the EIR make any attempt to determine or estimate the quantitative or qualitative effect on GHG emissions from MM AIR-8a through MM AIR-8e. Consequently, the EIR does not sufficiently show whether Assembly Bill 32's target reductions are being met. These calculations were done in *Citizens*. (*Citizens*, *supra*, 197 Cal.App.4th at p. 337.) Such calculations and estimates, or a reasonable equivalent, must be done here.

Wal-Mart, in claiming the EIR properly applied the Assembly Bill 32 threshold-of-significance standard, relies primarily on two factors: (1) the measures set forth in the

Assembly Bill 32 Scoping Plan to reduce GHG emissions; and (2) a particular traffic study and conclusion.

The Assembly Bill 32 Scoping Plan, as noted, was developed by the State Air Resources Board and outlines measures (transportation-, energy-, and environmental-related measures) to achieve the threshold-of-significance standard of Assembly Bill 32, which, according to the EIR, seeks to cut about 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2010 levels. The EIR recognizes, however, that "most of the reduction measures [specified in the Scoping Plan for reducing GHG emissions] are not applicable to the [P]roject." As Wal-Mart explains in its respondent's brief on appeal: "The City considered the provisions of 'Scoping Plan Measures' . . . to achieve [Assembly Bill] 32 targets. Those that related to transportation were inapplicable to the Project because they had to be implemented at a statewide level." Thus, while the energy- and environmental-related measures of the Scoping Plan may apply to the Project, the transportation-related measures do not; and, as we have seen, transportation-related GHG emissions comprise nearly 70 percent of the Project's GHG emissions.

By placing great weight on Scoping Plan consistency to sustain the City's finding that the Project's GHG emissions will have a less than significant impact after mitigation, Wal-Mart ignores the elephant in the room—68 percent of the Project's GHG emissions come from motor vehicles. As noted, the EIR does not provide any figures regarding the existing Wal-Mart's GHG emissions, or any figures regarding the effect of the Project's mitigation measures on GHG emissions (MM AIR-8a through MM AIR-8e, which are largely energy- and environmental-related measures). (Contra, *Citizens*, *supra*, 197 Cal.App.4th at p. 337.)

Nor does the traffic study and conclusion, upon which Wal-Mart relies, help matters. The EIR, in its section on energy conservation, citing the traffic study and

conclusion, states: "The Institute of Transportation Engineers[,] Trip Generation [(8th ed. 2008)] indicates that a freestanding discount superstore (e.g., a [Wal-Mart] with a grocery component) generates 4.09 fewer daily trips per 1,000 square feet than a freestanding discount store (e.g., a conventional [Wal-Mart] without a grocery component)." From this, the EIR concludes that a one-stop shopping destination (i.e., a superstore) may reduce multiple and out-of-town trips for the City's residents. However, the EIR, in its section on GHG emissions, concludes that the Project will "not result in any significant changes in vehicle miles traveled"; and, in yet another section (on transportation), suggests that the Project is so large a retail destination, there will be round trips to it of up to 40 miles from neighboring communities. These speculative and contradictory conclusions do not close the evidentiary sufficiency gap involving the City's finding that the Project's GHG emissions will have a less than significant environmental impact after mitigation.

We conclude there is insufficient evidence to support the City's finding that the Project's GHG emissions will have a less than significant environmental impact after mitigation. [END OF PUBLISHED PART III.A.]

B. MM AIR-8a Complies with CEQA

In their second contention involving GHG emissions, plaintiffs take issue with "Mitigation Measure AIR-8a" (MM AIR-8a).

MM AIR-8a states: "Prior to issuance of the certificate of occupancy, [Wal-Mart] shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the [P]roject site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria."

Plaintiffs argue that MM AIR-8a does not provide any specific performance criteria, thereby allowing "the City to pave the entire parking lot in asphalt" and

rendering the mitigation measure ineffective. (See § 21002 [mitigation measures must be effective].) We disagree.

A reasonable reading of MM AIR-8a makes it effective: Wal-Mart is required to use solar reflective pavement in appropriate areas, given the type of traffic that will use that pavement.

IV. Notice*

Plaintiffs contend the City violated CEQA's notice requirements in two respects: (1) by failing to post with the County Clerk the "Notice of Availability" (NOA) of the DEIR and the PRDEIR; and (2) by failing to mail the NOA of the PRDEIR to the individuals on the notice list, including plaintiffs.

As relevant here, CEQA requires that the pertinent public agency provide NOA of any draft EIR in the following three ways: (1) publish the NOA in a newspaper of general circulation (§ 21092); (2) post the NOA for 30 days with the County Clerk (§ 21092.3); and (3) mail the NOA to any individual who has properly requested such notice (§ 21092.2). As also relevant here, CEQA sets forth a 45-day public review period for a draft EIR. (§ 21091, subd. (a).)

As for publication, there is no dispute that the City properly published the NOA for the DEIR and the PRDEIR.

As for posting, there is some evidence that the DEIR's NOA was posted, but no such evidence for the PRDEIR.

As for mailing, the City did not mail the NOA for the PRDEIR, but did mail the NOA for the final EIR, and the final EIR included the PRDEIR.

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* See footnote, *ante*, page 1.

As for timing, plaintiffs had about 10 days to review the PRDEIR before the November 10, 2010 Planning Commission hearing on EIR approval, and 46 days to review the PRDEIR before the December 14, 2010 (continued) City Council hearing on EIR approval, based on the mailed NOA for the final EIR (which, as noted, included the PRDEIR).

Where the failure to comply with CEQA procedural law subverts CEQA's purposes by omitting information from, or foreclosing participation in, the environmental review process, the error is prejudicial. (*Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 958-960 (*Schenck*); *Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1023 (*Rural Landowners*); see *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 484-487.) At least in connection with section 21092 (i.e., publication; and presumably in connection with the other notice statutes), CEQA's requirements for public notice are fulfilled if the public agency makes a good faith effort to follow the prescribed procedures for giving notice (assuming CEQA's informational and participation purposes have not been subverted). (*Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 924; see *Schenck*, *supra*, at pp. 958-960*; Rural Landowners*, *supra*, at p. 1023.) As we shall see, CEQA was not subverted by the legally deficient notice given here; therefore, this deficiency was not prejudicial and does not require reversal.

Plaintiffs were given about 10 days' notice of the PRDEIR, before the Planning Commission hearing on EIR approval took place on November 10, 2010; and 46 days of notice before the City Council approved the EIR on December 14, 2010.

For the Planning Commission hearing, plaintiffs (through counsel) submitted extensive written comments regarding the PRDEIR, and they actively participated at that hearing, along with 27 other citizens who addressed the Commission.

Plaintiffs appealed the Planning Commission decision approving the EIR to the City Council, and again submitted extensive written opposition to the EIR.

The City Council held a hearing on December 2, 2010, regarding EIR approval and plaintiffs' appeal. Pursuant to law, this hearing was de novo (i.e., independent of the Planning Commission's decision). (See Gov. Code, §§ 65903-65904; see also *BreakZone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1221.)

More than 25 citizens addressed the Council at the December 2 hearing. The City Council continued the hearing to December 14, 2010, to enable staff to review and respond to plaintiffs' EIR opposition. The City obtained from its own consultants more than 100 pages of responses to plaintiffs' EIR comments.

After considering plaintiffs' views, along with those of several other citizens, the City Council approved the EIR at the December 14 hearing.[2]

Given the final EIR notice provided here to plaintiffs (which included notice of the PRDEIR); the properly published NOA for the DEIR and the PRDEIR; the opportunity for plaintiffs to genuinely participate at the Planning Commission hearing; the 46-day review period preceding the continued City Council hearing; the de novo nature of the City Council hearing; the opportunity for plaintiffs to fully participate at the City Council hearing and have their EIR comments addressed; and the extensive participation by the public at the Planning Commission and the City Council hearings, we conclude that the legally deficient notice here did not subvert CEQA by omitting information from, or limiting participation in, the environmental review process. (*Schenck, supra,*

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[2] At oral argument in this court, plaintiffs' counsel raised for the first time that the City's insufficient notice foreclosed plaintiffs from being able to adequately respond to the City's responses to the EIR comments plaintiffs submitted for the December 2 hearing. Plaintiffs failed to assert this point earlier and cannot raise it for the first time at oral argument. (*Starzynski v. Capital Public Radio, Inc.* (2001) 88 Cal.App.4th 33, 38, fn. 2.)

198 Cal.App.4th at pp. 958-960; *Rural Landowners*, *supra*, 143 Cal.App.3d at p. 1023; see *Rural Landowners*, at p. 1020.) Consequently, that deficient notice was not prejudicial and does not require reversal. (*Schenck*, *supra*, 198 Cal.App.4th at pp. 958-960; *Rural Landowners*, *supra*, 143 Cal.App.3d at p. 1023; see *Rural Landowners*, at p. 1020.) [REMAINDER OF OPINION TO BE PUBLISHED]

DISPOSITION

We reverse the judgment to the extent it denied plaintiffs' petition for writ of mandate—and we remand this matter to the trial court to grant the petition—as to the following two EIR issues: (1) to ensure Wal-Mart has paid or will pay "all transportation-related fees to [the City] in accordance with the latest adopted fee schedule," as required by MM TRANS-2a of the EIR approved by the City; and (2) to ensure the Project's GHG emissions constitute a significant or a less than significant environmental impact in light of a proper application of the threshold-of-significance standard of Assembly Bill 32, which, according to the EIR, seeks to cut about 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2010 levels. As part of this analysis, the EIR must set forth how the Project's EIR-specified operational GHG emissions compare to those for the existing Wal-Mart store, and must provide a quantitative or qualitative determination or estimate of the mitigation measures' effect on GHG emissions (MM AIR-8a through MM AIR-8e). In all other respects, the judgment is affirmed. Plaintiffs are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278(a)(3).) **(*CERTIFIED FOR PARTIAL PUBLICATION*)**

BUTZ, Acting P. J.

We concur:

MAURO, J.

MURRAY, J.

Appendix B:
Greenhouse Gas Analysis Report

Greenhouse Gas Analysis Report
Oroville Walmart Project
City of Oroville, Butte County, California

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April 24, 2014

Table of Contents

Acronyms and Abbreviations iii

Section 1: Introduction 1
1.1 - Purpose and Methods of Analysis 1
1.2 - Project Summary 1
1.3 - Project Background and Approach to Analysis 1

Section 2: Modeling Parameters and Assumptions 3
2.1 - Model Selection 3
2.2 - Construction 8
2.3 - Operation 9

Section 3: Greenhouse Gas Impact Analysis 13
3.1 - Analysis 13

Section 4: References 30

List of Appendices

Appendix A: CalEEMod Output Existing Walmart 2020 BAU

Appendix B: CalEEMod Output Existing Walmart 2020

Appendix C: CalEEMod Output Proposed Walmart 2020 BAU

Appendix D: CalEEMod Output Proposed Walmart 2020

Appendix E: Emission Summary and Reduction Spreadsheet

Appendix F: CalEEMod Output Existing and Proposed Walmart 2014

List of Tables

Table 1: Construction Equipment Assumptions 8

Table 2: Construction Duration 9

Table 3: Trip Generation Rates 11

Table 4: Air Conditioning and Refrigeration Fugitive Emissions 12

Table 5: Proposed Walmart Construction Greenhouse Gas Emissions 15

Table 6: Operational CO_2 Generation for Proposed Walmart 16

Table 7: Project Mitigation Measures that Reduce Emissions 19

Table 8: Project Design Features that Reduce Emissions 22

Table 9: Operational CO_2e Generation for Existing Walmart 25

Table 10: Operational CO_2 Generation for Proposed Walmart and Existing Walmart in 2014 27

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ARB	California Air Resources Board
BAU	business as usual
BCAQMD	Butte County Air Management District
CalEEMod	California Emissions Estimator Model
CAPCOA	California Air Pollution Control Officers Association
CEQA	California Environmental Quality Act
CO_2	carbon dioxide
EPA	United States Environmental Protection Agency
GHG	greenhouse gas
HVAC	heating, ventilation, and air conditioning
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
$MTCO_2e$	metric tons of carbon dioxide equivalent

SECTION 1: INTRODUCTION

1.1 - Purpose and Methods of Analysis

The following greenhouse gas analysis was prepared to evaluate the project's estimated greenhouse gas generation relative to Business As Usual and "existing" store emissions. This assessment was conducted within the context of the California Environmental Quality Act (CEQA, California Public Resources Code Sections 21000, et seq.). The methodology follows current statewide CEQA assessment practices, Butte County Air Quality Management District (BCAQMD) recommendations for quantification of emissions and evaluation of potential greenhouse gas impacts, and utilizes California's Assembly Bill (AB) 32's emission reduction goal.

1.2 - Project Summary

The project consists of the development of a 200,225-square-foot Walmart Superstore and associated parking and infrastructure on the project site. The interior of the store would contain general merchandise and grocery sales areas; additionally, the interior would include a fast-food restaurant tenant, a bank, a medical clinic, a vision center, a photo lab, and a nail and hair salon. An existing Walmart store located at 355 Oroville Dam Boulevard East (approximately 0.4 mile northwest of the project site across Feather River Boulevard) will be closed, but is expected to attract new tenants in the future.

1.3 - Project Background and Approach to Analysis

In February 2010, the City of Oroville (City) released the project's Draft Environmental Impact Report (Draft EIR) for public review. The Draft EIR contained project-specific greenhouse gas emissions inventories, and determined potential significance for greenhouse gas impacts using a qualitative assessment based on consistency with AB 32 measures. No quantitative greenhouse gas threshold had been adopted by the City, so no quantification of mitigation measures relative to a percent reduction standard or threshold was accomplished. In October 2010, the City released the Final EIR, which included responses to comments from agencies and the public. On November 10, 2010, the City voted to certify the EIR and approve the project.

The project was challenged in Butte County Superior Court and was appealed to the Third Appellate District on a number of issues. The Court of Appeal's subsequent decision in *Friends of Oroville v. City of Oroville*, 218 Cal. App. 4th 1352 (2013) (*Friends of Oroville*) was limited to the greenhouse gas (GHG) emission. The following analysis was prepared to comply with the Court of Appeal's ruling.

1.3.1 - Analysis Approach

The analysis uses a business as usual (BAU) threshold of significance derived from AB 32 target reductions, as calculated by the California Air Resources Board (ARB). In ARB's Scoping Plan, adopted in 2008, the ARB forecast the GHG emissions that would occur in 2020 if reduction actions were not taken to account for projected growth. The no-action scenario is known as BAU. This forecast was necessary to assess the scope of the reductions California must achieve to return to 1990 statewide GHG emissions levels by 2020, or 427 million metric tons of carbon dioxide equivalents ($MMTCO_2e$). ARB described the BAU scenario as GHG emissions in the absence of any GHG emissions reduction measures identified in the Scoping Plan. ARB forecast 2020 BAU GHG emissions of 596 $MMTCO_2e$. The Scoping Plan identified that a reduction of 169 $MMTCO_2e$ or approximately 28.4 percent from BAU was needed in order to return emissions to 1990 levels by 2020 and achieve the AB 32 goal.[1]

The revised Greenhouse Gas Emissions Analysis is based upon current statewide CEQA assessment practices, and methods for quantification of emissions and preparing greenhouse gas evaluations recommended by the California Air Pollution Control Officers Association (CAPCOA) that were endorsed by the Butte County Air Quality Management District (BCAQMD). The revised Greenhouse Gas Emissions Analysis utilizes AB 32's emission reduction goal methodology. The analysis quantifies the GHG emissions for the Project using the California Emissions Estimator Model (CalEEMod) version 2013.2.2 to determine compliance with AB 32's reduction goals. The analysis utilizes a 29 percent reduction from BAU as the threshold of significance. The percentage reduction is rounded up from 28.4 to 29 percent to provide a small contingency reduction.

In addition, the analysis assesses emissions at the existing store, which will be vacated and presumably re-tenanted. This will account for emissions generated from the existing Walmart store located on Oroville Dam Boulevard, approximately 0.4 mile northwest of the project site across Feather River Boulevard. The analysis will quantify the GHG emissions for the new Walmart Superstore and the existing Walmart store to compare the efficiency improvements of the Project and a similarly used existing structure. The potential for cumulative impacts of the Project will also be addressed.

[1] The 2008 Scoping Plan relied on emissions data through 2004. In August 2013, ARB released the latest update of the State's GHG inventory, providing updated GHG emissions data through 2010. The update shows that actual emissions between 2005 and 2010 were considerably lower than the emissions forecasted in the 2008 Scoping Plan. Based upon this update and the resulting lower estimate of 2020 BAU emissions, the 29 percent reduction from BAU threshold is conservative.

SECTION 2: MODELING PARAMETERS AND ASSUMPTIONS

2.1 - Model Selection

The project uses the latest version of the land use model, California Emissions Estimator Model (CalEEMod) version 2013.2.2 and emission factors approved by the ARB for estimating greenhouse gas emissions. A description of the model and emission factors used in the analysis follows.

2.1.1 - Description of CalEEMod

The California Emissions Estimator Model (CalEEMod) version 2013.2.2 was developed in cooperation with the air districts throughout the State. CalEEMod is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas emissions associated with construction and operation from a variety of land uses. CalEEMod replaces the URBEMIS 2007 model that was used in the original DEIR. URBEMIS is no longer recommended for use for project analysis by California air districts.

The CalEEMod model quantifies direct emissions from construction and operations (including vehicle and off-road equipment use), as well as indirect emissions, such as GHG emissions from electricity use, solid waste disposal and decomposition, and energy used for water transport. Site- and project-specific information is entered into the model to account for variations in project type, size, location, uses, architectural coating, efficiency measures, and other emission factors. CalEEMod also includes a mitigation quantification component that can be used to determine the emission reductions from project design features and mitigation measures.[2]

2.1.2 - Description of Emission Factors

Air pollutant emissions can be estimated by using emission factors and a level of activity. Emission factors are the emission rate of a pollutant given the activity over time. The ARB has published emission factors for on-road mobile vehicles/trucks in the EMFAC mobile source emissions model and emission factors for off-road equipment and vehicles in the OFFROAD emissions model. An air emissions model (or calculator) combines the emission factors and the various levels of activity and outputs the emissions for the various pieces of equipment and sources associated with the project.

Emission factors are often updated and there is a normal lag time between the development of new emission factors and the integration of the new emissions factors into the appropriate models. The current version of CalEEMod uses OFFROAD2011 and EMFAC2011 emission factors.

[2] The project-specific factors and modification of the default settings for the Existing and Proposed Walmart are identified in the Appendices attached to this report.

2.1.3 - Incorporation of AB 32 Target and Regulations into Modeling

The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. A key requirement of AB 32 is that the target for greenhouse gases emitted in California be reduced to 1990 levels by the year 2020.

The ARB approved the 1990 greenhouse gas emissions inventory level of 427 million metric tons of carbon dioxide equivalent ($MMTCO_2e$) on December 6, 2007 (ARB 2007). Therefore, emissions generated in California in 2020 are required to be equal to or less than 427 $MMTCO_2e$ to achieve the AB 32 target. In order to account for growth that would occur by 2020, ARB prepared a "business as usual" (BAU) scenario that estimates the emissions that would occur with growth in population and commercial activity predicted in the state and no additional regulatory actions were taken to reduce emissions. ARB estimated emissions in the 2020 BAU scenario at 596 $MMTCO_2e$, which does not account for reductions from new regulations that reduce greenhouse gases adopted since 2005 (ARB 2008c). Reducing emissions from 596 $MMTCO_2e$ to 427 $MMTCO_2e$ requires approximately a 29 percent reduction in order to reduce greenhouse gas emissions to 1990 levels. Projects that comply with the emission reduction equivalent to 29 percent from 2020 BAU are consistent with AB 32 targets and would be considered to have a less than significant impact on climate change. The modeling accomplished for the project includes a 2020 BAU scenario and a 2020 scenario with reductions from regulations applicable to the project and mitigation measures and design features proposed for the project to determine whether the project meets this threshold.

Summary of State Actions to Achieve AB 32 Targets

Under AB 32, the ARB published its Final Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California, which were either underway or enforceable by January 1, 2010. The ARB published a total of 44 early action measures that apply to the transportation, commercial, forestry, agriculture, cement, oil and gas, fire suppression, fuels, education, energy efficiency, electricity, and waste sectors. The ARB estimates that the 44 recommendations will result in reductions of at least 42 $MMTCO_2e$ by 2020, representing approximately 25 percent of the 2020 target. The ARB has adopted regulations implementing all the Early Action Measures and achieved its initial target of reducing emissions to 2000 levels by 2010 (ARB 2011).

The ARB's Climate Change Scoping Plan (Scoping Plan) contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 (ARB 2008). The Scoping Plan identifies recommended measures for multiple greenhouse gas emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors and significant reductions are anticipated from the Cap and Trade program that affects industrial sources of emissions. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 greenhouse gas target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related greenhouse gas emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. Capped strategies are subject to the now adopted cap-and-trade program. The Scoping Plan states that the inclusion of these emissions within the cap-and trade program will help ensure that the year 2020 emission targets are met despite some degree of uncertainty in the emission reduction estimates for any individual measure. Implementation of the capped strategies is calculated to achieve a sufficient amount of reductions by 2020 to achieve the emission target contained in AB 32. Uncapped strategies that will not be subject to the cap-and-trade emissions caps and requirements are provided as a margin of safety by accounting for additional greenhouse gas emission reductions.[3]

The largest sources of 2020 emission reductions incorporated into the emission models used in this analysis from regulations enacted as part of AB 32 include the following:

- **Mobile**: Pavley and Low Carbon Fuel Standard regulation reductions are calculated by CalEEMod. The estimated reduction is 30 percent of the mobile sources GHG emissions (motor vehicle emissions).

[3] On March 17, 2011, the San Francisco Superior Court issued a final decision in *Association of Irritated Residents v. California Air Resources Board* (Case No. CPF-09-509562). While the Court upheld the validity of the ARB Scoping Plan for the implementation of AB 32, the Court enjoined ARB from further rulemaking under AB 32 until ARB amends its CEQA environmental review of the Scoping Plan to address the flaws identified by the Court. On May 23, 2011, ARB filed an appeal. On June 24, 2011, the Court of Appeal granted ARB's petition staying the trial court's order pending consideration of the appeal. In the interest of informed decision-making, on June 13, 2011, ARB released the expanded alternatives analysis in a draft Supplement to the AB 32 Scoping Plan Functional Equivalent Document. The ARB Board approved the Scoping Plan and the CEQA document on August 24, 2011.

- **Electricity**: Renewable Portfolio Standards require a 33-percent renewable portfolio by the year 2020. The estimated reduction from electricity generation related GHG emissions is 16 percent for PG&E.

The following examples help to illustrate how regulatory changes will lead to greenhouse gas emissions reductions at the project level:

- The energy used by the project purchased from the grid will result in much lower emissions as the local utility's energy portfolio becomes cleaner over time by implementation of the Renewable Portfolio Standard.
- Motor vehicle greenhouse gas emissions associated with the project will also decline over time as state and federal fuel efficiency standards are implemented and new vehicles are purchased by project customers and employees.
- The ARB adopted regulation to control emissions of refrigerants in commercial refrigeration systems (Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources) is expected to reduce emissions from this source by 50 percent by 2020. Refrigerants are the second-largest source of emissions estimated for the project.
- The project's emissions related to electricity consumption are expected to be substantially lower than the forecasted amounts because it would meet current Title 24 Building Energy Efficiency Standards, which are updated about every 3 years to increase their stringency. The new store is substantially more energy efficient than the existing Oroville Walmart.

Incorporation of Regulatory Reductions into Modeling

The CalEEMod model used to estimate project GHG emissions incorporates reductions anticipated with the implementation of some of the adopted state regulations in future year emission factors that reflect the phase in of new standards. Specifically, reductions achieved from Pavley I motor vehicle efficiency standards and the Low Carbon Fuel Standard are incorporated into the model. In addition, updates to Title 24 building energy efficiency standards through the 2008 version are incorporated into CalEEMod building energy usage rates.

CalEEMod in some cases also allows model users to input emission factors that reflect the benefit of regulations not currently incorporated into the model. The reductions from the Renewable Portfolio Standard that applies to California's electric utilities are addressed by revising the energy intensity factors to reflect the required reductions. Furthermore, the model includes a mitigation component that allows credits for regulations not in the model, along with design features and mitigation measures included in the project. Some adopted regulations not included in CalEEMod require off-model calculations to determine the reductions that can be credited to the project. Two regulations not currently incorporated into CalEEMod include the State's 2013 Title 24 building energy standards that are effective July 1, 2014, and the Pavley II motor vehicle efficiency requirements that are part of

ARB's Low Emission Vehicle (LEV) III standards and that will apply to model year 2016 to 2025 passenger vehicles and light trucks. The 2013 Title 24 standards require a 21.8 percent reduction in energy use for non-residential land uses compared with the 2008 Title 24 standards (California Energy Commission 2013). ARB estimates that LEV III will reduce vehicle emissions by 3 percent by 2020 (ARB 2011).

In order to understand the impact of the Walmart project in relation to the AB 32 target, one must consider the project's 2020 BAU emission inventory and the regulations that apply to the Walmart's emission sources. Using a 2020 BAU inventory allows comparison of emissions from the same starting point as was used to determine the Scoping Plan's 29 percent statewide reduction from BAU required to achieve the AB 32 target. In other words, if the project emissions are 29 percent less than BAU in the year 2020 through the application of a combination of project design features and applicable regulations, including improved Building Code requirements, and AB 32 scoping plan measures the project would be considered consistent with state targets and to have a less than significant impact from greenhouse gas emissions.

2.1.4 - Pollutants Analyzed

This analysis considers all greenhouse gases identified by AB 32, which include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The project would generate a variety of greenhouse gases during construction and operation, including several defined by AB 32 such as carbon dioxide, methane, and nitrous oxide.

The project may also emit greenhouse gases that are not defined by AB 32. These include aerosols, water vapor, and ozone precursors. The ARB, following the recommendations of the Intergovernmental Panel on Climate Change, has not included these gases in the California Greenhouse Gas Inventory, which is primarily due to uncertainty as to their effect on climate change. For example, aerosols are short-lived particles that remain in the atmosphere for about one week. Black carbon is a component of aerosol. Studies have indicated that black carbon has a high global warming potential; however, the Intergovernmental Panel on Climate Change states that it has a low level of scientific certainty. Water vapor could be emitted from evaporated water used for landscaping, but this is not a significant impact because water vapor concentrations in the upper atmosphere are primarily due to climate feedbacks rather than emissions from project-related activities. The project would emit nitrogen oxides and volatile organic compounds, which are ozone precursors. Ozone is a greenhouse gas; however, unlike the other greenhouse gases, ozone in the troposphere is relatively short-lived and can be reduced in the troposphere on a daily basis. Stratospheric ozone can be reduced through reactions with other pollutants.

Certain greenhouse gases defined by AB 32 would not be emitted by the project. Perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the project. Therefore, it is not anticipated that the project would emit perfluorocarbons or sulfur hexafluoride.

2.2 - Construction

Construction emissions estimates were prepared for the proposed project. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from onsite and offsite activities. Onsite emissions principally consist of exhaust emissions from the activity levels of heavy-duty construction equipment and motor vehicle operation. Additionally, paving operations and application of architectural coatings would release volatile organic compound emissions. Offsite emissions are caused by motor vehicle exhaust from delivery vehicles and worker traffic.

The construction equipment list is shown in Table 1. The activity for construction equipment is based on the horsepower and load factors of the equipment. In general, the horsepower is the power of an engine - the greater the horsepower, the greater the power. The load factor is the average power of a given piece of equipment while in operation compared with its maximum rated horsepower. A load factor of 1.0 indicates that a piece of equipment continually operates at its maximum operating capacity.

Table 1: Construction Equipment Assumptions

Activity	Equipment	Number	Hours per day	Horsepower	Load Factor
Site Preparation	Rubber Tired Dozers	3	8	255	0.69
	Tractors/Loaders/Backhoes	4	8	97	0.40
Grading	Excavators	2	8	162	0.27
	Graders	1	8	174	0.50
	Rubber Tired Dozers	1	8	255	0.69
	Scrapers	2	8	361	0.22
	Tractors/Loaders/Backhoes	2	8	97	0.40
Building Construction	Cranes	1	7	226	0.25
	Forklifts	3	8	89	0.26
	Generator Sets	1	8	84	0.37
	Tractors/Loaders/Backhoes	3	7	97	0.40
	Welders	1	8	46	0.37
Paving	Pavers	2	8	125	0.34
	Paving Equipment	2	8	130	0.34
	Rollers	2	8	80	0.34
Architectural Coating	Air Compressors	1	6	78	0.37
Source: CalEEMod and Michael Brandman Associates.					

The duration for construction is shown in Table 2. The construction durations are used in the greenhouse gas emissions analysis, as the emissions are presented on an annual basis. CalEEMod default construction phase durations were altered to reflect the 12-month construction timeline. The daily activity is utilized for the criteria pollutant emissions analysis.

Table 2: Construction Duration

Phase	Duration (days)	
	CalEEMod Default	Project
Site Preparation	10	10
Grading	30	30
Building Construction	300	150
Paving	20	20
Architectural Coating	20	20
Source: CalEEMod and Michael Brandman Associates.		

2.2.1 - Equipment Tiers and Emission Factors

Equipment tiers refer to a generation of emission standards established by the United States Environmental Protection Agency (EPA) and ARB that apply to diesel engines in off-road equipment. The "tier" of an engine depends on the model year and horsepower rating; generally, the newer a piece of equipment is, the greater the tier it is likely to have. Excluding engines greater than 750 horsepower, Tier 1 engines were manufactured generally between 1996 and 2003. Tier 2 engines were manufactured between 2001 and 2007. Tier 3 engines were manufactured between 2006 and 2011. Tier 4 engines are the newest and some incorporate hybrid electric technology and advanced exhaust gas aftertreatment. Tier 4 standards will be phased in over the period of 2008 to 2015.

CalEEMod contains an inventory of construction equipment that incorporates estimates of the number of equipment, their age, their horsepower, and equipment tier from which rates of emissions are developed. The CalEEMod default tier mix was used in this analysis for the estimation of emissions from onsite construction equipment for the unmitigated scenario.

2.2.2 - Changes to Assumptions from Original EIR

The modeling assumptions remain basically unchanged from the original EIR except to update the modeling years and to use the most recent modeling tools and emission factors that are currently available. Emissions from refrigerant leakage during installation have been added to the analysis.

2.3 - Operation

Operational emissions are those emissions that occur during operation of the project. Operational emissions were estimated for both the "Existing" Walmart and the "Proposed" Walmart. Emissions estimates for project operations are dependent on many factors, including the year of analysis, as

emission factors for vehicles, energy intensity factors, and other parameters are different, depending on the year of analysis. For the purposes of comparative analysis, emissions were estimated for the following scenarios:

- Existing Walmart: 2020 (BAU)
- Existing Walmart: 2020 (with regulations/reductions)
- Proposed Walmart: 2020 (BAU)
- Proposed Walmart: 2020 (with regulations/reductions)

The BAU emissions represent emissions if they would have occurred without regulations enacted pursuant to AB 32.

The 2020 emissions with regulations represent emissions with reductions from regulations enacted as part of AB 32, in particular the following:

- **Mobile**: Pavley and Low Carbon Fuel Standard regulation reductions are calculated by CalEEMod. The estimated reduction is 30 percent of the mobile sources GHG emissions (motor vehicle emissions).
- **Electricity**: Renewable Portfolio Standards require a 33-percent renewable portfolio by the year 2020. The estimated reduction from electricity GHG emissions is 16 percent. The California Public Utilities Commission reports that PG&E's average renewable portfolio percentage for 2009 through 2011 was 17 percent. Rates for 2009, 2010, and 2011 were reported at 14.4 percent, 15.9 percent, and 20.9 percent, respectively (CPUC 2014). Therefore, PG&E is required to achieve a 16 percent reduction by 2020 to comply with the 33 percent renewable mandate.

For the purposes of consistency, many of the activity assumptions from the prior Draft EIR were used in this emission analysis, as disclosed in detail below.

2.3.1 - Motor Vehicles

Motor vehicle emissions refer to exhaust and road dust emissions from the automobiles that would travel to and from the project site. The trip generation rates are shown in Table 3. The trip generation rates for the Proposed Walmart used were derived from the project-specific Transportation Impact Analysis Report prepared by Omni-Means (Omni-Means 2010). The trip generation rates for the Existing Walmart are the default values from CalEEMod since no traffic study was required for the existing store and the default values represent the best data available.

Table 3: Trip Generation Rates

Scenario	Quantity	Units	Trip Generation Rate (trips/unit/day)		
			Weekday	Saturday	Sunday
Existing Walmart	100.90	1,000 sf	53.13	64.04	56.12
Proposed Walmart	200.20	1,000 sf	52.71	52.71	52.71

Note:
sf = square feet
Source: CalEEMod version 2013.2.2.

The analysis accounts for pass-by trips for the Existing and Proposed stores. A pass-by trip accounts for vehicles already on the roadway network that stop at the project site as they pass-by; the pass-by trips are existing vehicle trips in the community.

Existing Walmart: The default settings for traffic were not modified. (Note that the CalEEMod default is a 17-percent pass-by trips for a Free-Standing Discount Superstore and provides separate trip generation rates for weekday, Saturday, and Sunday.)

Proposed Walmart: The CalEEMod defaults were changed to reflect the project-specific pass-by rate specified in the Omni-Means report to maintain consistency with the overall EIR prepared for this project. The traffic study used the ITE Trip Generation Handbook for Free-Standing Discount Superstore for project trip generation. In addition, trip distribution patterns, as well as the specific assignment of project trips along area roadways and intersections, were based on the City of Oroville travel demand model and refined on the basis of an understanding of existing and projected future traffic flows and travel patterns within the vicinity of the project site.[4]

The vehicle fleet mix is defined as the mix of motor vehicle classes active during the operation of the project. Emission factors are assigned to the expected vehicle mix as a function of vehicle class, speed, and fuel use (gasoline and diesel-powered vehicles). The CalEEMod default vehicle fleet mix was used for both scenarios.

2.3.2 - Refrigerants

Refrigerants would be used in the refrigerators in the portions of the Existing Walmart and Proposed Walmart that could be refrigerated. In addition, refrigerants are used in air conditioning for space cooling in the building. Refrigerants are hydrofluorocarbons, which have a high global warming potential and normally range from around 1,000 to 3,000. The emissions in the BAU scenario do not take into account reductions from the state regulation, High Global Warming Potential Stationary Source Refrigerant Management Program. Those reductions are accounted for in the 2020 with reductions scenario.

[4] Omni-Means, Ltd. Traffic Impact Analysis Report for Oroville Walmart Project, dated July 2010, p. 18.

Existing Walmart: Estimates of refrigerant emissions for heating ventilation, and air conditioning (HVAC) were based on the Existing Walmart's installation of 22 roof-mounted units obtained by reviewing aerial photos of the site. The existing store does not have a full grocery component that requires large refrigeration systems for fresh and frozen foods. The existing store was assumed to have one large refrigerator and freezer unit to reflect a relatively small area devoted to sales of items requiring refrigeration, such as beverages, ice cream, and frozen foods, in non-superstore configurations.

Proposed Walmart: The emissions inventory assumes 58 commercial heating, ventilation, and air conditioning (HVAC) units would be installed, consistent with Walmart's average HVAC installation of one roof unit per 3,700 square feet of space in new buildings. The analysis assumed that four large, commercial refrigeration units would be installed to cool refrigerator and freezer units. Some refrigerants are lost during the equipment installation process. The EPA publishes emission factors and loss rates for equipment that use refrigerants. The EPA estimates that losses during construction are three percent of the initial charge (EPA 2008). The estimated emissions of greenhouse gases from refrigerant leakage during operation of the existing and new stores are provided in Table 4.

Table 4: Air Conditioning and Refrigeration Fugitive Emissions

Type of Unit	Units	Capacity of Unit (kg)	Annual Leak Rate in percentage of capacity	Emissions (kg/year)	Emissions (tons/year)	Global Warming Potential	Metric Tons CO_2 Equiv./year
Existing Store							
Commercial Refrigeration	1	1,000	35.0%	350	0.385	1,300	500
Commercial Air Conditioning	22	100	10%	220	0.242	1,300	315
				Total	**0.627**	**—**	**815**
New Store							
Commercial Refrigeration	4	1,000	35.0%	1,400	1.540	1,300	1,816
Commercial A/C	58	100	10%	580	0.638	1,300	725
Installation of Refrigeration and A/C	**62**	**9,800**	**3%**	**294**	**0.324**	**1,300**	**421**

Note:
Emissions during installation are one time emissions. Other emissions are assumed to occur continuously during project operations.
Installation and annual leak rates are provided by the EPA Climate Leaders for commercial refrigerant uses.
Source: United States Environmental Protection Agency, Climate Leaders, May 2008.

SECTION 3: GREENHOUSE GAS IMPACT ANALYSIS

3.1 - Analysis

3.1.1 - Threshold

The following greenhouse gas significance thresholds are contained in Appendix G of the CEQA Guidelines, which were added by amendments adopted into the Guidelines on March 18, 2010, pursuant to SB 97. A significant impact would occur if the project would:

(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

(b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Section 15064.4(b) of the CEQA Guideline amendments for greenhouse gas emissions states that a lead agency may take into account the following three considerations in assessing the significance of impacts from greenhouse gas emissions.

Consideration 1: The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.

Consideration 2: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

Consideration 3: The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Neither the City of Oroville nor the Butte County Air Quality Management District (BCAQMD) has adopted a Greenhouse Gas Reduction Plan or Strategy that would apply to the proposed project. The Air District CEQA Guidelines list various publications issued by the California Air Pollution Control Officer Association (CAPCOA), which will be used as a basis for establishing a threshold of significance.

For this project, the City has determined that a 29 percent reduction from the BAU threshold of significance will be utilized in the analysis, which is consistent with the emissions reduction objective

identified in AB 32 and as described in the ARB Scoping Plan. This approach has been used by a number of Lead Agencies around the state and is recommended by several Air Districts.

3.1.2 - Construction Analysis

The project would emit GHGs from upstream emission sources and direct sources (combustion of fuels from worker vehicles and construction equipment).

An upstream emission source (also known as life cycle emissions) refers to emissions that were generated during the manufacture of products to be used for construction of the project. Upstream emission sources for the project include but are not limited to the following: emissions from the manufacture of cement; emissions from the manufacture of steel; and/or emissions from the transportation of building materials to the seller. The upstream emissions were not estimated because they are not within the control of the project and to do so would be speculative. Additionally, the California Air Pollution Control Officers Association White Paper on CEQA and Climate Change supports this conclusion by stating, "The full life-cycle of GHG [greenhouse gas] emissions from construction activities is not accounted for . . . and the information needed to characterize [life-cycle emissions] would be speculative at the CEQA analysis level" (CAPCOA 2008). Therefore, pursuant to CEQA Guidelines Sections 15144 and 15145, upstream/life cycle emissions are speculative; no further discussion is necessary.

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from onsite and offsite activities. Onsite emissions principally consist of exhaust emissions (CO_2, CH_4, and N_2O) from heavy-duty construction equipment and motor vehicle operation. Offsite emissions are caused by motor vehicle exhaust (CO_2, CH_4, and N_2O) from delivery vehicles and worker traffic.

The installation of new refrigerants may result in fugitive accidental release of refrigerants, and this possibility was assumed to occur and included in the analysis. The global warming potential for the refrigerants, which assume to use a hydrofluorocarbon called R404a, (3,750) is much greater compared with carbon dioxide (1).

Greenhouse gas emissions from project construction equipment and worker vehicles are shown in Table 5. The emissions are from all phases of construction. Construction equipment is expected to be used on the project site, and would result in exhaust emissions consisting of carbon dioxide, methane, and nitrous oxide.

Project construction emissions would occur prior to year 2020, which is the target year for the AB 32 threshold of significance for greenhouse gases. In addition, the BCAQMD's guidance does not address emissions from project construction. The total GHGs from construction would be 1,706.93 $MTCO_2e$, which is significantly less than the 25,000 $MTCO_2e$ reporting threshold in ARB's cap and trade program. Therefore, any construction-related emissions would be less than significant.

Additionally, in order to provide a conservative analysis, the short-term construction emissions have been amortized over the expected (long-term) operational life of a project. Operational life of a building can be estimated to be 25 years for conventional commercial buildings. This results in 68.28 $MTCO_2e$ per year of construction-related emissions over the life of the project. The construction emissions have been added to the project operational emissions in Table 6 for determining whether the project would exceed the 29 percent reduction from BAU threshold.

The construction analysis used a 2014 construction start date and default modeling assumptions.

Table 5: Proposed Walmart Construction Greenhouse Gas Emissions

Construction Activity	$MTCO_2e$
Grading	92.39
Building Construction	1,163.90
Paving	22.63
Architectural Coatings	6.71
Refrigerants	421.30
Total	1,706.93
Amortized over 25 years	68.28

Note:
$MTCO_2e$ = metric tons of carbon dioxide equivalents
Source: Michael Brandman Associates, Appendix D.

3.1.3 - Operational Analysis

BAU is defined in ARB's AB 32 Scoping Plan as emissions occurring in 2020 if the average baseline emissions during the 2005 period grew to 2020 levels without additional control. The reduction required of the State's 2020 BAU inventory to achieve 1990 levels is 28.4 percent, based on the 2008 Scoping Plan baseline inventory and growth projections made at the time. A target reduction of 29 percent from 2020 BAU provides a margin of safety to ensure the target is achieved or exceeded.

Operational or long-term emissions occur over the life of the project. Sources of operational emissions include:

- **Area**. Refers to consumer products, area architectural coatings, and landscaping equipment. Area emissions were estimated using CalEEMod.
- **Indirect Electricity**. Refers to the GHG emissions generated by offsite power plants to supply electricity required for the project. Electricity emissions were estimated using CalEEMod.
- **Mobile**. Refers to motor vehicle/exhaust emissions from the employee and customer vehicles and heavy-duty trucks that would access the project site. Motor vehicle and truck emissions

were calculated using CalEEMod and information contained in the project's traffic impact study.

- **Natural Gas**. Refers to exhaust from natural gas usage. Carbon dioxide emissions were estimated using CalEEMod.
- **Water**. Estimates the land uses contribution of greenhouse gas emissions from electricity use associated with supplying and treating the water and wastewater. Water emissions were estimated using CalEEMod.
- **Waste**. Refers to the greenhouse gas emissions associated with disposal of solid waste into landfills. Waste emissions were estimated using CalEEMod.
- **Refrigerants**. Refers to fugitive hydrofluorocarbons emissions from normal operation of refrigeration systems and the heating and ventilation systems. Proposed refrigerant use is estimated from similar Walmart stores. Emission estimate methodology was derived from the EPA, Climate Leaders.

3.1.4 - Proposed Project Emissions

The project would emit 16,678 $MTCO_2e$ under the 2020 BAU scenario without reductions from regulations and design features. With implementation of the proposed design features and regulatory requirements, operation of the new Walmart store would produce approximately 11,393 $MTCO_2e$ at full buildout in 2020, which represents an approximate 31.7 percent reduction from the Proposed Walmart 2020 BAU scenario without reductions (Table 6).

Table 6: Operational CO_2 Generation for Proposed Walmart

Proposed Walmart Emission Sources	$MTCO_2e$ per year		Percent Reduction
	2020 BAU Scenario	2020 Scenario (With Reductions)	
Area	0.01	0.01	0.0
Energy	805.14	580.61	27.9
Mobile (Vehicles)	12,792.56	9228.98	27.9
Waste	391.68	195.84	50.0
Water	51.11	34.16	33.2
Refrigerants	2,569.00	1,285.00	50.0
Amortized Construction	68.28	68.28	0.0
Total Emissions	16,677.78	11,392.88	31.7

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent. 2020 BAU emissions are estimated in CalEEMod by using 2005 default settings to reflect emission rates and factors prior to the implementation of state regulations.
2020 Scenario (With Reductions) represents emissions after application of adopted regulations and design features included in CalEEMod and the Refrigerant Management Regulation not included in CalEEMod.
Source: Emission Summary and Reduction Spreadsheet and CalEEMod output (Appendices C-E).

Emission Reductions Applicable to the Project

The analysis estimates the percentage reduction in the project's greenhouse gas emissions from the BAU scenario. Estimates for reductions from adopted regulations were derived from reduction estimates developed by the ARB and the California Energy Commission (CEC) to support adoption of the regulations. Estimates developed by Walmart for similar stores stated reductions of 9 percent beyond 2008 Title 24 Standards from installation of energy efficiency design features. The latest adopted update to the state energy efficiency standards is the 2013 Title 24 standards that are scheduled to go into effect in July 2014. All new construction will be required to comply with the 2013 Title 24 standards once they go into effect. The CEC estimated that implementation of 2013 Title 24 standards will result in a 21.8 percent reduction in emissions beyond the 2008 Title 24 standards. Since regulatory compliance is mandatory, it is assumed that the Project will meet the applicable regulatory standard in effect at the time of project development, and no additional reductions are claimed for the Project's energy efficiency design features that will be otherwise required by the 2013 Title 24 standards. Therefore, in order to conservatively assess the Project's energy efficiency design features, credit for the 2013 Title 24 standards was estimated in the CalEEMod energy mitigation component by applying the 21.8 percent reduction estimated by CEC for the regulation. The results are reflected in the 2020 project operational mitigated emissions.

CalEEMod does not include emission reductions for the 20 percent water savings mandated by the California Green Building Code. Therefore, the reduction from this regulation is added to the CalEEMod mitigation component. It is assumed that Walmart water saving design features will meet or exceed the code requirements.

Reductions in light duty car and truck emissions from LEV III are applied by reducing the emission factors in CalEEMod for the appropriate vehicle types by 3 percent per ARB estimates of reductions from the introduction of new 2017 through 2020 vehicles meeting the more stringent standards. Reductions for mobile sources related to the project location and design features are reflected in the CalEEMod mitigated output.

3.1.5 - Project-Specific Mitigation Measures and Design Features

Operation of the Proposed Walmart would increase local GHG emissions on the project site. The project incorporates a variety of design features and will meet or exceed current regulations. These design features help reduce the project's energy and water demand, promote waste reduction, and create opportunities for reductions in vehicle miles traveled. This will have the effect of helping reduce greenhouse gases either directly onsite, indirectly by reducing the need for electricity generation, or offsite in materials production and materials disposal. The original EIR included the following mitigation measures that were intended to ensure that proposed design features were fully implemented.

Mitigation Measures

MM AIR-8a Prior to issuance of the certificate of occupancy, the project applicant shall install paving materials with increased solar reflectivity such as light-colored aggregate in appropriate areas of the project site. This mitigation measure shall not apply in areas where paving materials must meet specific performance criteria.

MM AIR-8b Prior to issuance of the certificate of occupancy, the project applicant shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.

MM AIR-8c Prior to issuance of the certificate of occupancy, the project applicant shall do the following:

- The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Oroville.
- During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants were reused.
- A secondary closed loop system that uses glycol in place of refrigerant shall be evaluated and implemented, if found to be technically and economically feasible.

MM AIR-8d Prior to issuance of the certificate of occupancy, the applicant shall install the following energy efficiency measures:

- A daylight harvesting system that would allow lighting within the store to be dimmed when natural lighting is available.
- Occupancy sensors in non-sales areas such as restrooms, break rooms, and offices.
- Light Emitting Diode (LED) technology in exterior building signage and refrigerated food cases.
- A central energy management system that would allow for remote monitoring of systems such as lighting, temperature, and refrigeration.
- Energy efficient HVAC units that can achieve Energy Star performance standards.
- A dehumidifying system that allows the refrigeration system to operate more efficiently.
- A white membrane roof with high solar reflectivity.
- A heat reclamation that captures waste heat from the onsite refrigeration equipment to supply hot water needs for the store.

MM AIR-8e Prior to issuance of the certificate of occupancy, the applicant shall submit a landscaping plan to the City of Oroville for review and approval. The plan shall demonstrate how shade trees in the main parking field can achieve 50 percent shade coverage within 15 years of planting. The approved plan shall be incorporated into the proposed project.

The mitigation measures listed above were quantified on an individual basis where possible using available information and techniques. The results of the analysis are presented in Table 7.

Table 7: Project Mitigation Measures that Reduce Emissions[5]

Mitigation Measure/Design Feature	Reduction	Emission Reductions (MTCO2e)
Interior Lighting Measures		
MM 8d: Daylight Harvesting	20% less lighting needed during daylight hours	—
MM 8d: Occupancy Sensors	35% lighting reduction on average	—
Overall Building Lighting Reduction	265,642 kWh/yr	49.68
Exterior Lighting Measures		
MM 8d: LED Lighting	88,554 kWh/yr	16.56
Refrigeration Measures		
MM 8d: LED Case Lighting	72,231 kWh/yr	13.51
Space Cooling Measures		
MM 8d: Central Energy Management System	15-30% reduction in energy consumption per system vendor	NQ
MM 8d: Energy Star HVAC System	31,963 kWh/yr	5.98
MM 8d: Dehumidifying System	Increases comfort at higher temps, reducing HVAC use	NQ
MM 8d: White Membrane Roof	44,045 kW/yr	8.24
Space Heating Electricity Measures		
MM 8d: Central Energy Management System	15-30% reduction in energy consumption	NQ
MM 8d: Energy Star HVAC	15% more efficient than conventional models	NQ

[5] Mitigation Measure 8b is not included in this table because the mitigation measure is required by regulation and is a preventative measure that does not, in itself, reduce emission. Specifically, MM 8b requires the posting of signs to remind drivers of the applicable standards for idling times during deliveries. MM 8c requires maintenance of the existing refrigeration system and reuse, where possible, of refrigerants, which is required by ARB's Refrigerant Management Program and is already quantified in Table 6.

Table 7 (cont.): Project Mitigation Measures that Reduce Emissions

Mitigation Measure/Design Feature	Reduction	Emission Reductions (MTCO2e)
Natural Gas Reduction Measures		
MM 8d: Heat Reclamation for Hot Water	338,688 kBTU/yr	17.98
Parking Lot Measures		
MM-8a. Install high reflectance/light colored paving materials	10% increase in solar reflectivity reduces temperature 7 degrees F.	NQ
MM-8e. 50 percent Parking Lot Shade in 15 years	4-8 degrees F cooler in shaded lot	NQ
Total Emission Reduction	—	111.94
Notes: Details regarding reduction estimates provided in Appendix A NQ = Not Quantifiable		

While the CalEEMod model provides the best, overall project-specific quantification and analysis of emissions, quantification of the individual mitigation measures in the DEIR is important to illustrate the relative magnitude of the reductions and effectiveness of the design features identified for the project. The following discussion describes how the mitigation measure reductions relate to the overall reductions claimed in meeting the 29 percent reduction from 2020 BAU significance threshold shown in Table 6. Only reductions from individual measures that can be demonstrated definitively to exceed amounts required by regulations have been counted toward the overall reduction.

The individual mitigation measures listed in Table 7 are quantified on the basis of reduction estimates from a number of sources documented in Appendix A, including equipment manufacturers estimates, applicant estimates, and air district guidance documents. The reductions represent a reasonable estimate of the range of energy savings that can be achieved with these measures. The reduction estimates in Table 7 do not encompass all energy features that will be included in the building, such as insulation, and window design that will only be determined when building plans are prepared for review by the City.

The mitigation measures identified in Table 7 provide commitments for specific design features and energy systems that will contribute toward achieving or exceeding the target; but whose overall or combined reduction cannot be determined at this time. In other words, the reductions from the mitigation measures are included within the amount attributed to Title 24 compliance in the CalEEMod results. In any case, the fully verifiable reductions included in the model results (those for which accurate reductions could be determined based upon known and verifiable data) demonstrate that the overall reduction in emissions meet or exceed the AB 32 requirements of a 29 percent reduction in emissions over BAU.

For those mitigation measures in Table 7 that are not quantifiable, there is still value in presenting a qualitative discussion of the benefits of the measures. Measures such as shade trees reduce ambient temperatures adjacent to the building, but the amount of energy savings in the building is uncertain. The dehumidifying system makes buildings more comfortable for occupants at higher temperatures, but this will vary by the existing humidity and occupant preferences, making the benefits of this measure also uncertain. The Central Energy Management System has the potential to reduce energy consumption by 15 to 30 percent. However, the portion of the building or systems that would be supported by the Central Energy Management System and the system operating parameters have not been identified at this time. These factors would be determined as final construction drawings are completed and a Title 24 compliance report is prepared. Therefore, from a qualitative standpoint, there is support for the conclusion that the systems will reduce overall energy consumptions and emissions, but the extent of those reductions is uncertain. Building energy efficiency is regulated under Title 24 California Building Energy Efficiency Standards. As noted above, the most recent update, the 2013 Title 24 Standards, becomes effective on July 1, 2014 and the project is required to comply with the 2013 Title 24 Standards. Compliance with Title 24 can be achieved with a prescriptive approach in which the building designer chooses individual measures such as those listed in Table 7 to achieve the required level of efficiency, or with a whole-building performance approach using CEC-approved compliance software that summarizes the energy features for the entire building. As stated earlier, the CEC estimates that energy savings from compliance with the 2013 Title 24 will exceed the current 2008 Standards for non-residential buildings by 21.8 percent. Therefore, at a minimum, the project must achieve a 21.8 percent reduction compared with current standards, which are included in the CalEEMod assumptions. This 21.8 percent reduction is in addition to the reductions already achieved by current regulations. Current regulations are taken into consideration in the CalEEMod in determining the overall reduction.

The Title 24 compliance is generally calculated during the building permit application process when completed, detailed, engineering and architectural design drawings are available. At the time of this analysis, 2013 Title 24 compliance is not yet mandatory but will become mandatory when the law goes into effect on July 1, 2014; therefore, no Walmart buildings have been required to undergo the calculation process to comply with the 2013 Title 24 standards. While any new Walmart must achieve, at a minimum, a 21.8 percent reduction compared with current standards under the 2013 Title 24 standards, the full complement of energy features of a new Walmart under the 2013 Title 24 standards have not been calculated using an energy performance model to verify an amount by which the project would exceed the standards; nor, for the same reason, has any similar project completed the prescriptive process. As stated above, specific calculations for Title 24 compliance are made when final construction drawings are completed and the portion of the building or systems that would be supported by the Central Energy Management System and the system operating parameters have been identified. Thus, the amount of reductions achieved by the Table 7 measures *in excess* of the CEC estimated reduction of 21.8 percent would be fully determined when the project completes the Title 24 compliance process. To provide a conservative analysis, the results generated by CalEEMod

and presented herein include only reductions that can be counted toward achieving the target using available, fully verifiable information.

Additional details regarding project design features and how they reduce project emissions are provided in Table 8. The reductions from energy efficiency features included in CalEEMod are described above. Reductions in mobile source emissions from infill development and alternative transportation were quantified using the CalEEMod mitigation component and included in the modeling output. The EIR notes that the project will result in the reduction in travel times and lengths, which would generally result in reduced emissions. However, reductions in travel length were not quantified for the purpose of this analysis because a suitable quantification method has not been identified. The design features related to water conservation were also quantified in the CalEEMod mitigation component, based on achieving at a minimum the 20 percent reduction from compliance with CalGreen water conservation requirements. The reductions for solid waste design features were incorporated into the CalEEMod mitigation component, based on compliance with the state mandates for solid waste diversion. While is it not possible to determine a quantifiable reduction in emission for all of these design features, Table 8 provides explanation of how each of these features contributes to the overall reductions in emissions for the store. In conclusion, as demonstrated in Table 6, the project—accounting for all verifiable reductions—exceeds the 29 percent from BAU threshold used to determine consistency with AB 32, and its greenhouse gas impacts are considered less than significant.

Table 8: Project Design Features that Reduce Emissions

Category	Project Design Feature	Reductions in Emissions
Infill development	The project site is located within the Oroville city limits near existing commercial and industrial development. In addition, the project site is located in an area served by existing infrastructure.	This contributes to compact urban form and avoids the need to extend urban services and infrastructure into unserved areas.
Reduction in travel lengths	The Walmart store would provide grocery sales; 24-hour operations.	The Existing Walmart store on Oroville Dam Boulevard is the largest general merchandise store in southern Butte County. The new Walmart store would be expected to create significant "cross shopping" opportunities for existing store customers and, therefore, reduce the need to make additional trips for food. In addition, 24-hour operations would also increase convenience for customers going to and from work or visitors passing through Butte County.
Alternative transportation	Provision of safe and convenient bicycle parking.	This would facilitate bicycle use and contribute to a reduction in vehicle trips.
	A Butte County Transit bus stop would be installed onsite.	This would facilitate transit use and contribute to a reduction in vehicle trips.

Table 8 (cont.): Project Design Features that Reduce Emissions

Category	Project Design Feature	Reductions in Emissions
Energy efficiency	The new HVAC units would be among the most energy efficient available. The store would employ an energy management system that is monitored and controlled from corporate headquarters in Bentonville, Arkansas. This energy management system enables corporate headquarters to monitor energy usage, analyze refrigeration temperatures, and observe HVAC and lighting performance. It also allows corporate headquarters to adjust lighting, temperature, or refrigeration set points from a central location.	This feature would decrease electricity consumption associated HVAC equipment. This feature would decrease electricity consumption associated with associated with interior climate control.
	The grocery area would capture waste heat from the refrigeration equipment to heat water for the kitchen prep areas of the store.	This feature would decrease natural gas consumption associated with water heating.
	The entire building would have a white Thermoplastic polyolefin-type membrane roof. The high solar reflectivity of this membrane results in lowering the cooling load.	This feature would decrease electricity consumption associated with interior climate control.
	All internally illuminated building signage would use Light Emitting Diode (LED) lighting. With lamp life ranging up to 100,000 hours, using LEDs significantly reduces the need to manufacture and dispose of fluorescent lamps.	This feature would decrease electricity consumption associated with lighting and decrease solid waste generation.
Water conservation	Restroom sinks would use sensor-activated, low-flow faucets. The low flow faucets reduce water usage by 84 percent, while the sensors, which regulate the amount of time the faucets flow, save approximately 20 percent in water usage over similar, manually operated systems.	This feature would decrease indirect greenhouse gas emissions associated with water conveyance and treatment.
	Urinals would use 0.125 gallon per flush, and toilets would use 1.28 gallons per flush. The urinals have water savings of approximately 87.5 percent and toilets have savings of 25 percent compared with typical systems.	This feature would decrease indirect greenhouse gas emissions associated with water conveyance and treatment.
Solid waste reduction	Most of the store would be constructed using 100 percent recycled steel. Walmart structural steel suppliers use high efficient electric arc furnaces that use 50 percent less energy to manufacture recycled steel. In addition, all of the plastic baseboards and much of the plastic shelving are manufactured from recycled material.	This would reduce emissions associated with decomposition, mineral extraction, and certain aspects of production.

Table 8 (cont.): Project Design Features that Reduce Emissions

Category	Project Design Feature	Reductions in Emissions
	The store includes supplemental cementitious material (fly ash) in interior and exterior floor slabs, footing and foundations, grout, and all site concrete. All poured concrete for the store would include either fly ash (15 to 20 percent) or slag (25 to 30 percent). Fly ash is a waste product from the coal-fired electrical process and slag is a waste product of steel manufacturing.	This would reduce emissions associated with decomposition, mineral extraction, and certain aspects of production.
	Construction activities would include construction and demolition debris recycling. The goal of the construction and demolition program is to capture and recycle as much of the metals, woods, floor and ceiling tiles, concretes, asphalts and other materials generated as part of the demolition and construction process as possible.	This would reduce emissions associated with decomposition.
	Recycling facilities for aluminum, glass, plastic, and other materials would be installed for customer and employee use.	This would reduce emissions associated with decomposition, mineral extraction, and certain aspects of production.
Anti-idling measures	Walmart trucks are equipped with devices that automatically shut off idling engines after 3 minutes.	This feature would reduce onsite emissions of greenhouse gas emissions from delivery trucks.
Landscaping	The proposed project would provide landscaping and shade trees in the parking area, with the objective of achieving 50 percent shade coverage within 15 years.	Shade trees can reduce sun exposure, thereby reducing cooling demand and associated energy use.
Source: Michael Brandman Associates, 2013.		

3.1.6 - Existing Walmart Emissions

To provide a comparison between the Existing store and the Proposed store, the analysis includes a determination of the 2020 BAU scenario for the continued operation of the Existing store. In providing this comparison, however, it should be noted that the State's 2020 BAU inventory assumes the continued operation of existing sources, and the Scoping Plan strategy accounts for reductions from measures and regulations that apply to existing sources. Table 9 shows that the continued operation of the Existing Walmart located on Oroville Dam Boulevard would produce approximately 8,210 $MTCO_2e$ in the 2020 BAU scenario and approximately 5,991 $MTCO_2e$ in 2020 with regulations applied. The applicable regulations for existing development include the Renewable Portfolio Standard, Pavley motor vehicle emission standards, waste reductions through city compliance with state recycling and diversion mandates, and refrigerant management. Thus, it is anticipated that the Existing Walmart would achieve a 27.0 percent reduction from 2020 BAU

emissions through compliance with adopted regulations that apply to existing sources compared with its current operations. However, since the emissions from the continued operation of the Existing Walmart or new tenant in the existing building are already accounted for in the State's Scoping Plan emission inventory, it would not conflict with or hinder achievement of the emission reduction goal set by the ARB's Scoping Plan.

Table 9: Operational CO_2e Generation for Existing Walmart

Existing Walmart Emission Source	$MTCO_2e$ per year		Percent Reduction
	2020 BAU Scenario	2020 Scenario (CalEEMod)	
Area	0.01	0.01	0.0
Energy	429.29	353.13	17.7
Mobile (Vehicles)	6,742.19	5,109.41	24.2
Waste	197.41	98.71	50.0
Water	25.76	22.28	13.5
Refrigerants	815.00	407.00	50.0
Total Emissions	8,209.66	5,991.04	27.0

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent. 2020 BAU emissions are estimated in CalEEMod by using 2005 default settings to reflect emission rates and factors prior to the implementation of state regulations.
2020 CalEEMod Scenario represents regulations accounted for in the model.
Source: Emission Reduction Spreadsheet and CalEEMod output (Appendices A and B).

3.1.7 - Comparison of Existing Walmart and Proposed Walmart Emissions

The Existing Walmart store will be closed after the Proposed Walmart is constructed. However, the project is not taking credit for reducing the Existing or 2020 emissions at the Existing store because the Existing store will not be demolished as part of the project and therefore can be assumed to continue to operate and produce GHG emissions. Walmart has indicated it will vacate the site and sell it to a local developer who plans to re-tenant the building. The analysis and comparison of the Existing and Proposed stores assumed continued operation in a similar capacity. A future change in the use of the Existing store could require additional environmental analysis at that time by the future tenants for the change in use but is not a part of this project.

As indicated in Section 3.1.6, the Existing store will be subject to the application of regulations that will reduce the emissions at the Existing store over time. These regulations will affect other existing uses similarly. As shown in Table 9, the emissions from the smaller 100,910-square-foot Existing Walmart were estimated at 8,210 $MTCO_2e$ in the 2020 BAU scenario, and 5,991 $MTCO_2e$ per year in 2020 with regulations applied, assuming that the Existing Walmart or similar store would still be operational in 2020. In comparison, the 200,225-square-foot Proposed Walmart's emissions were estimated at 11,393 $MTCO_2e$ per year (Table 6).

The difference reflects the effect of recent building energy efficiency regulations and new project design features that do not apply to the existing store that was built prior to those regulations being in effect. Since it is probable that the existing and new buildings will both be occupied in the future, the emissions from the Proposed Walmart are in addition to the emissions from the Existing Walmart or its future tenant or tenants. The proposed project site is vacant, so no emissions are currently being produced at that location under existing conditions; thus, any development on this site would increase emissions.

The comparison of the Proposed store to the Existing store provides a demonstration of the effectiveness of the regulations that have gone into effect with the implementation of AB 32. These regulations are incorporated into the CalEEMod model to determine the overall reduction of the emissions for new projects such as the Proposed Walmart. Regulatory compliance is mandatory and thus ensures the intent of AB 32 is met.

The State's 2020 BAU inventory assumes the continued operation of existing sources and the Scoping Plan strategy accounts for reductions from measures and regulations that apply to existing sources, as described in Section 3.1.6. As a result, the Existing store's emissions are already taken into account when considering the reduction of emissions for the Proposed Walmart. The Proposed Walmart would result in new GHG emissions; however, the Project would comply with regulations that reduce emissions by more than 29 percent from the 2020 BAU inventory demonstrating consistency with the Scoping Plan targets.

Existing and Proposed Walmart Emissions in 2014

Two additional modeling runs were conducted to estimate the emissions from the Existing Walmart and the Proposed Walmart, assuming a 2014 opening day with applicable regulations incorporated. The 2014 analysis was prepared for informational purposes only, since the relevant analysis year is 2020 to determine project significance based on percent reduction from BAU as provided in Table 6 for the Proposed Walmart. The results of the 2014 analysis presented in Table 10 show that emissions from both the Existing Walmart—which is expected to be re-tenanted in the future—and the Proposed Walmart decline from the uncontrolled BAU rates by substantial amounts by 2014 (see Table 6 and Table 9) reflecting regulations adopted by the State since 2005 to implement AB 32. A comparison of the 2014 Existing Walmart with 2020 Existing Walmart shows that additional emissions reductions will accrue by 2020 as the State continues to implement additional regulations on existing sources of greenhouse gas emissions. The Proposed Walmart would produce lower emissions on a per-square-foot basis in 2014 compared to the Existing Walmart due to compliance with building energy and water efficiency standards that only apply to new construction.

Table 10: Operational CO_2 Generation for Proposed Walmart and Existing Walmart in 2014

Proposed Walmart Emission Sources	$MTCO_2e$ per year	
	2014 Existing Store	2014 Proposed Store
Area	0.01	0.01
Energy	412.15	474.87
Mobile (Vehicles)	6,085.98	10,992.87
Waste	197.41	195.84
Water	19.89	30.54
Refrigerants	407.00	1,285.00
Amortized Construction	—	68.28
Total Emissions	7,122.43	13,047.41

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent. 2014 emissions are estimated in CalEEMod using 2014 settings and energy intensity factors. Refrigerants reflect the State's Refrigerant Management Program, which will be fully implemented in 2014.
Source: CalEEMod output (Appendix F).

3.1.8 - Cumulative Analysis

Climate change is an inherently cumulative effect. An individual project cannot generate enough greenhouse gas emissions to effect a discernible change in global climate. However, the proposed project may participate in this potential impact by its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases, which when taken together constitute potential influences on global climate change.

CEQA Guidelines Section 15130(b)(1)(B) lists two approaches for assessing cumulative impacts. These are the list approach and the summary of projections approach. For this project, the summary of projections approach from the Guidelines was selected as the most appropriate for addressing greenhouse gas impacts. An extract of this Guidelines section is provided below:

> A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

There is no comprehensive international strategy or agreement to reduce global greenhouse gas emissions and no set amount of reductions that would be required of the United States as its

contribution to addressing this problem. In the absence of comprehensive national and international action, the State of California has set its own reduction targets to do its part in limiting global warming and set a positive example, speed the transition to a low carbon economy, and be a clean technology leader. As discussed earlier, AB 32 includes a target for the State to reduce emissions to 1990 levels by 2020. The ARB adopted a Scoping Plan that identified strategies for achieving the 2020 target through regulations, market mechanisms, and other actions. The ARB determined that achieving the emission target in 2020 accounting for growth in population and employment predicted for the State would require a reduction of 29 percent if no new regulatory actions were taken to reduce emissions. This is referred to as the Business as Usual scenario. The Scoping Plan inventories and strategy constitute a statewide plan for achieving the AB 32 target. It is a summary of projections at the State level that is used in this cumulative analysis.

BAU scenarios are commonly used in air quality planning to ensure that control measures are adequate to overcome the effects of cumulative growth in emissions by an attainment year. The Scoping Plan constitutes a summary of projections of all emissions sources in the state and includes the control strategy to ensure that the AB 32 target will be achieved. The question for cumulative impacts for projects under CEQA then becomes does the project hinder or obstruct the Scoping Plan? This is answered quantitatively by determining if the project's emissions in 2020 would be at least 29 percent less than emissions under BAU conditions thereby demonstrating consistency with the overall state reduction. As shown in Table 6, the reduction percentage from regulations and standard measures results in a 31.7 percent reduction in greenhouse gas emissions from BAU, which exceeds the 29 percent reduction threshold. The 31.7 percent reduction accounts for regulations that the project must comply with and design features and mitigation measures that further assist the State in achieving its target. No aspect of the project was identified that hinders or obstructs achievement of the State's targets; therefore, this assessment finds GHG emissions less than cumulatively significant.

3.1.9 - Conclusion

The analysis quantified the greenhouse gas emissions from the Proposed Walmart under two scenarios. First, the analysis estimated emissions in 2020 under a BAU scenario to reflect emissions without State regulations and design features. Second, the analysis estimated emissions in a 2020 scenario with the benefits of regulations and design features. The purpose of the two scenarios is to demonstrate consistency with the State target set in AB 32 to achieve 1990 emission levels by 2020 and detailed in the ARB Scoping Plan, which requires a 29 percent reduction in greenhouse gas emissions from the BAU inventory in 2020 to achieve the target. Application of the regulations and design features applicable to the Proposed Walmart resulted in a 31.7 percent reduction from the 2020 BAU inventory, demonstrating consistency with the Scoping Plan reduction percentage, allowing for a finding of less than significant for this impact. The 31.7 percent reduction was determined by utilizing CalEEMod, taking into account Title 24 and other related applicable regulations. Additional features of the project, such as those identified in Table 8, would further reduce emissions, as would certain mitigation measures identified in Table 7 but which are not quantifiable at this time. These

additional design features and mitigation measures were not separately taken into account in determining the 31.7 percent reduction but would reduce emissions.

The DEIR included mitigation measures to reduce Project greenhouse gas emissions. Since the DEIR was released, the State has adopted additional regulations that will be in effect prior to project construction that make the mitigation measures redundant. In particular, 2013 Title 24 Energy Efficiency regulations require efficiency improvements that achieve reductions at least as great as the project mitigation measures. Therefore, the analysis credits only the percentage reduction from the regulation that is mandatory and will be verified as part of the City's project review process. Reduction estimates for the mitigation measures were provided in the analysis for information only.

The analysis quantified emissions from the Existing Walmart for comparison with emissions from the Proposed Walmart. The Existing Walmart was assumed to be re-tenanted after the Proposed Walmart is constructed, and the emissions from the Existing Walmart/new tenant would continue into the future. To provide a valid comparison with the Proposed Project, emissions from the Existing Project were estimated in a 2020 BAU scenario and a 2020 with regulations scenario. The Proposed Project would produce less emissions from energy use than the Existing Walmart because it will be required to meet the latest energy efficiency regulations and will include the latest building energy efficiency features. The regulations applicable to existing sources will reduce emissions from motor vehicles used by customers and employees of both the Existing and Proposed Walmart. Regulations applicable to the electric utility will result in fewer emissions from energy use for both stores. The Existing Walmart was in operation at the time the ARB developed the Scoping Plan baseline inventory and future year projections. Therefore, the emissions were accounted for in the state targets, and they would be considered consistent with AB 32 and the Scoping Plan and would result in a less than significant impact.

Although development of the project will result in additional GHG emissions when compared to existing baseline conditions, the additional GHG emissions are not a potential significant impact, because the project will comply with ARB Scoping Plan reduction requirements of 29 percent from BAU. The Scoping Plan assumes that new growth and development will continue, and therefore set the threshold benchmark at 29 percent to account for such additional growth, while still meeting the overall statewide GHG reduction goals of AB 32.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

SECTION 4: REFERENCES

The following references were used in the preparation of this analysis and are referenced in the text and/or were used to provide the author with background information necessary for the preparation of thresholds and content.

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Appendix A:
CalEEMod Output Existing Walmart 2020 BAU

Oroville Walmart Existing Store 2020 BAU

Butte County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	306.10	1000sqft	7.03	306,100.00	0
Free-Standing Discount Superstore	100.90	1000sqft	2.32	100,910.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	71
Climate Zone	3			**Operational Year**	2005
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	641.35	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - 2005 used to represent emissions in 2020 without regulations.

Land Use - Existing Walmart store covers 100,910 sq ft

Vehicle Trips - Used default values.

Vechicle Emission Factors - Default fleet mix

Vechicle Emission Factors -

Vechicle Emission Factors -

Energy Use - Historical data used for 2020 BAU

Mobile Land Use Mitigation -

Energy Mitigation -

Table Name	Column Name	Default Value	New Value
tblLandUse	LandUseSquareFeet	100,900.00	100,910.00
tblProjectCharacteristics	OperationalYear	2014	2005

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014								0.1441			0.0000	715.6485	715.6485	0.1040	0.0000	717.8326
2015								6.5300e-003			0.0000	83.2604	83.2604	0.0138	0.0000	83.5508
Total								**0.1506**			**0.0000**	**798.9090**	**798.9090**	**0.1178**	**0.0000**	**801.3835**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014								0.1441			0.0000	715.6481	715.6481	0.1040	0.0000	717.8322
2015								6.5300e-003			0.0000	83.2604	83.2604	0.0138	0.0000	83.5508
Total								**0.1506**			**0.0000**	**798.9085**	**798.9085**	**0.1178**	**0.0000**	**801.3830**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	7.2700e-003	7.2700e-003	3.0000e-005	0.0000	7.9800e-003
Energy											0.0000	427.4904	427.4904	0.0176	4.6000e-003	429.2867
Mobile								1.1944			0.0000	6,723.7286	6,723.7286	0.8790	0.0000	6,742.1874
Waste											88.0859	0.0000	88.0859	5.2057	0.0000	197.4062
Water											2.3711	16.4290	18.8001	0.2443	5.9000e-003	25.7603
Total								**1.1944**			**90.4570**	**7,167.6553**	**7,258.1123**	**6.3466**	**0.0105**	**7,394.6485**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	7.2700e-003	7.2700e-003	3.0000e-005	0.0000	7.9800e-003
Energy											0.0000	427.4904	427.4904	0.0176	4.6000e-003	429.2867
Mobile								1.1944			0.0000	6,723.7286	6,723.7286	0.8790	0.0000	6,742.1874
Waste											88.0859	0.0000	88.0859	5.2057	0.0000	197.4062
Water											2.3711	16.4290	18.8001	0.2442	5.8900e-003	25.7565
Total								**1.1944**			**90.4570**	**7,167.6553**	**7,258.1123**	**6.3466**	**0.0105**	**7,394.6447**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.10**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2014	1/28/2014	5	20	
2	Site Preparation	Site Preparation	1/29/2014	2/11/2014	5	10	
3	Grading	Grading	2/12/2014	3/11/2014	5	20	
4	Building Construction	Building Construction	3/12/2014	1/27/2015	5	230	
5	Paving	Paving	1/28/2015	2/24/2015	5	20	
6	Architectural Coating	Architectural Coating	2/25/2015	3/24/2015	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 10

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 165,140; Non-Residential Outdoor: 55,047 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Excavators	3	8.00	162	0.38
Demolition	Rubber Tired Dozers	2	8.00	255	0.40
Site Preparation	Rubber Tired Dozers	3	8.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading	Excavators	1	8.00	162	0.38
Grading	Graders	1	8.00	174	0.41
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	125	0.42
Paving	Paving Equipment	2	8.00	130	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	161.00	67.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	32.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	37.7760	37.7760	0.0102	0.0000	37.9903
Total											**0.0000**	**37.7760**	**37.7760**	**0.0102**	**0.0000**	**37.9903**

3.2 Demolition - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								3.6000e-004			0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total								**3.6000e-004**			**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	37.7759	37.7759	0.0102	0.0000	37.9903
Total											**0.0000**	**37.7759**	**37.7759**	**0.0102**	**0.0000**	**37.9903**

3.2 Demolition - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								3.6000e-004			0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total								**3.6000e-004**			**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

3.3 Site Preparation - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust								0.0497			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	18.8508	18.8508	5.5700e-003	0.0000	18.9678
Total								**0.0497**			**0.0000**	**18.8508**	**18.8508**	**5.5700e-003**	**0.0000**	**18.9678**

3.3 Site Preparation - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								2.2000e-004			0.0000	0.7901	0.7901	6.0000e-005	0.0000	0.7913
Total								**2.2000e-004**			**0.0000**	**0.7901**	**0.7901**	**6.0000e-005**	**0.0000**	**0.7913**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust								0.0497			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	18.8508	18.8508	5.5700e-003	0.0000	18.9678
Total								**0.0497**			**0.0000**	**18.8508**	**18.8508**	**5.5700e-003**	**0.0000**	**18.9678**

3.3 Site Preparation - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								2.2000e-004			0.0000	0.7901	0.7901	6.0000e-005	0.0000	0.7913
Total								**2.2000e-004**			**0.0000**	**0.7901**	**0.7901**	**6.0000e-005**	**0.0000**	**0.7913**

3.4 Grading - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust								0.0337			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	28.6891	28.6891	8.4800e-003	0.0000	28.8671
Total								**0.0337**			**0.0000**	**28.6891**	**28.6891**	**8.4800e-003**	**0.0000**	**28.8671**

3.4 Grading - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								3.6000e-004			0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total								**3.6000e-004**			**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust								0.0337			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	28.6890	28.6890	8.4800e-003	0.0000	28.8671
Total								**0.0337**			**0.0000**	**28.6890**	**28.6890**	**8.4800e-003**	**0.0000**	**28.8671**

3.4 Grading - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								3.6000e-004			0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total								**3.6000e-004**			**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

3.5 Building Construction - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	259.2918	259.2918	0.0659	0.0000	260.6763
Total											**0.0000**	**259.2918**	**259.2918**	**0.0659**	**0.0000**	**260.6763**

3.5 Building Construction - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0185			0.0000	218.5110	218.5110	2.0800e-003	0.0000	218.5546
Worker								0.0413			0.0000	149.1063	149.1063	0.0115	0.0000	149.3474
Total								**0.0598**			**0.0000**	**367.6173**	**367.6173**	**0.0136**	**0.0000**	**367.9020**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	259.2915	259.2915	0.0659	0.0000	260.6760
Total											**0.0000**	**259.2915**	**259.2915**	**0.0659**	**0.0000**	**260.6760**

3.5 Building Construction - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0185			0.0000	218.5110	218.5110	2.0800e-003	0.0000	218.5546
Worker								0.0413			0.0000	149.1063	149.1063	0.0115	0.0000	149.3474
Total								**0.0598**			**0.0000**	**367.6173**	**367.6173**	**0.0136**	**0.0000**	**367.9020**

3.5 Building Construction - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	23.1795	23.1795	5.8200e-003	0.0000	23.3016
Total											**0.0000**	**23.1795**	**23.1795**	**5.8200e-003**	**0.0000**	**23.3016**

3.5 Building Construction - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								1.6700e-003			0.0000	19.3932	19.3932	1.6000e-004	0.0000	19.3966
Worker								3.7200e-003			0.0000	12.9331	12.9331	9.0000e-004	0.0000	12.9521
Total								**5.3900e-003**			**0.0000**	**32.3263**	**32.3263**	**1.0600e-003**	**0.0000**	**32.3487**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	23.1794	23.1794	5.8200e-003	0.0000	23.3016
Total											**0.0000**	**23.1794**	**23.1794**	**5.8200e-003**	**0.0000**	**23.3016**

3.5 Building Construction - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								1.6700e-003			0.0000	19.3932	19.3932	1.6000e-004	0.0000	19.3966
Worker								3.7200e-003			0.0000	12.9331	12.9331	9.0000e-004	0.0000	12.9521
Total								**5.3900e-003**			**0.0000**	**32.3263**	**32.3263**	**1.0600e-003**	**0.0000**	**32.3487**

3.6 Paving - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

3.6 Paving - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								3.6000e-004			0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total								**3.6000e-004**			**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

3.6 Paving - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								3.6000e-004			0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total								**3.6000e-004**			**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.7 Architectural Coating - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

3.7 Architectural Coating - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								7.8000e-004			0.0000	2.7059	2.7059	1.9000e-004	0.0000	2.7098
Total								**7.8000e-004**			**0.0000**	**2.7059**	**2.7059**	**1.9000e-004**	**0.0000**	**2.7098**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

3.7 Architectural Coating - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor								0.0000			0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker								7.8000e-004			0.0000	2.7059	2.7059	1.9000e-004	0.0000	2.7098
Total								**7.8000e-004**			**0.0000**	**2.7059**	**2.7059**	**1.9000e-004**	**0.0000**	**2.7098**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated								1.1944			0.0000	6,723.7286	6,723.7286	0.8790	0.0000	6,742.1874
Unmitigated								1.1944			0.0000	6,723.7286	6,723.7286	0.8790	0.0000	6,742.1874

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Free-Standing Discount Superstore	5,360.82	6,464.66	5662.51	12,040,573	12,040,573
Parking Lot	0.00	0.00	0.00		
Total	5,360.82	6,464.66	5,662.51	12,040,573	12,040,573

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Free-Standing Discount	10.52	10.52	10.52	13.20	67.80	19.00	47.5	35.5	17
Parking Lot	10.52	10.52	10.52	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.380268	0.206018	0.196710	0.087609	0.028188	0.009760	0.013181	0.060209	0.001153	0.000831	0.009390	0.001328	0.005355

4.4 Fleet Mix

5.0 Energy Detail

Historical Energy Use: Y

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated											0.0000	360.1787	360.1787	0.0163	3.3700e-003	361.5652
Electricity Unmitigated											0.0000	360.1787	360.1787	0.0163	3.3700e-003	361.5652
NaturalGas Mitigated											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214
NaturalGas Unmitigated											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Free-Standing Discount Superstore	1.26138e+006											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total												**0.0000**	**67.3118**	**67.3118**	**1.2900e-003**	**1.2300e-003**	**67.7214**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Free-Standing Discount Superstore	1.26138e+006											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214
Total												**0.0000**	**67.3118**	**67.3118**	**1.2900e-003**	**1.2300e-003**	**67.7214**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	968736	281.8164	0.0127	2.6400e-003	282.9013
Parking Lot	269368	78.3622	3.5400e-003	7.3000e-004	78.6639
Total		**360.1787**	**0.0163**	**3.3700e-003**	**361.5652**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	968736	281.8164	0.0127	2.6400e-003	282.9013
Parking Lot	269368	78.3622	3.5400e-003	7.3000e-004	78.6639
Total		**360.1787**	**0.0163**	**3.3700e-003**	**361.5652**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	7.2700e-003	7.2700e-003	3.0000e-005	0.0000	7.9800e-003
Unmitigated											0.0000	7.2700e-003	7.2700e-003	3.0000e-005	0.0000	7.9800e-003

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	7.2700e-003	7.2700e-003	3.0000e-005	0.0000	7.9800e-003
Total											**0.0000**	**7.2700e-003**	**7.2700e-003**	**3.0000e-005**	**0.0000**	**7.9800e-003**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	7.2700e-003	7.2700e-003	3.0000e-005	0.0000	7.9800e-003
Total											**0.0000**	**7.2700e-003**	**7.2700e-003**	**3.0000e-005**	**0.0000**	**7.9800e-003**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	18.8001	0.2442	5.8900e-003	25.7565
Unmitigated	18.8001	0.2443	5.9000e-003	25.7603

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	7.47392 / 4.58079	18.8001	0.2443	5.9000e-003	25.7603
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**18.8001**	**0.2443**	**5.9000e-003**	**25.7603**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	7.47392 / 4.58079	18.8001	0.2442	5.8900e-003	25.7565
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**18.8001**	**0.2442**	**5.8900e-003**	**25.7565**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	88.0859	5.2057	0.0000	197.4062
Unmitigated	88.0859	5.2057	0.0000	197.4062

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	433.94	88.0859	5.2057	0.0000	197.4062
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**88.0859**	**5.2057**	**0.0000**	**197.4062**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	433.94	88.0859	5.2057	0.0000	197.4062
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**88.0859**	**5.2057**	**0.0000**	**197.4062**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Appendix B:
CalEEMod Output Existing Walmart 2020

Existing Walmart 2020 with Regulations

Butte County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	306.10	1000sqft	7.03	306,100.00	0
Free-Standing Discount Superstore	100.90	1000sqft	2.32	100,910.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	71
Climate Zone	1			**Operational Year**	2020
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	506.17	**CH4 Intensity (lb/MWhr)**	0.023	**N2O Intensity (lb/MWhr)**	0.005

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity Factors reflect PG&E compliance with RPS 33% mandate

Land Use - Existing Walmart store covers 100,910 sq ft

Vehicle Trips -

Vechicle Emission Factors - Revised GHG to reflect LEV III reduction of 2.8 percent for light duty cars and trucks.

Vechicle Emission Factors -

Vechicle Emission Factors -

Energy Use - Existing store complied with regulations in place at time of construction, so no benefit from new Title 24.

Table Name	Column Name	Default Value	New Value
tblEnergyUse	LightingElect	6.86	4.53
tblEnergyUse	NT24E	2.81	2.30
tblEnergyUse	NT24NG	0.00	2.08
tblEnergyUse	T24E	6.81	2.77
tblEnergyUse	T24NG	9.02	10.42
tblLandUse	LandUseSquareFeet	100,900.00	100,910.00
tblProjectCharacteristics	CH4IntensityFactor	0.029	0.023
tblProjectCharacteristics	CO2IntensityFactor	641.35	506.17
tblProjectCharacteristics	N2OIntensityFactor	0.006	0.005
tblProjectCharacteristics	OperationalYear	2014	2020
tblVehicleEF	LDA	0.01	9.8658e-003
tblVehicleEF	LDA	7.1130e-003	6.9140e-003
tblVehicleEF	LDA	231.66	225.17
tblVehicleEF	LDA	51.13	49.70
tblVehicleEF	LDT1	0.02	0.02
tblVehicleEF	LDT1	0.02	0.02
tblVehicleEF	LDT1	279.13	271.32
tblVehicleEF	LDT1	62.09	60.35
tblVehicleEF	LDT2	0.01	0.01
tblVehicleEF	LDT2	0.01	0.01
tblVehicleEF	LDT2	344.82	335.16
tblVehicleEF	LDT2	76.04	73.91

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014											0.0000	715.6485	715.6485	0.1040	0.0000	717.8326
2015											0.0000	83.2604	83.2604	0.0138	0.0000	83.5508
Total											**0.0000**	**798.9090**	**798.9090**	**0.1178**	**0.0000**	**801.3835**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014											0.0000	715.6481	715.6481	0.1040	0.0000	717.8322
2015											0.0000	83.2604	83.2604	0.0138	0.0000	83.5508
Total											**0.0000**	**798.9085**	**798.9085**	**0.1178**	**0.0000**	**801.3830**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.6800e-003
Energy											0.0000	351.5741	351.5741	0.0142	4.0400e-003	353.1255
Mobile											0.0000	5,105.3888	5,105.3888	0.1915	0.0000	5,109.4106
Waste											88.0859	0.0000	88.0859	5.2057	0.0000	197.4062
Water											2.3711	12.9662	15.3373	0.2441	5.8800e-003	22.2863
Total											**90.4570**	**5,469.9364**	**5,560.3934**	**5.6556**	**9.9200e-003**	**5,682.2362**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.6800e-003
Energy											0.0000	351.5741	351.5741	0.0142	4.0400e-003	353.1255
Mobile											0.0000	5,105.3888	5,105.3888	0.1915	0.0000	5,109.4106
Waste											88.0859	0.0000	88.0859	5.2057	0.0000	197.4062
Water											2.3711	12.9662	15.3373	0.2441	5.8700e-003	22.2832
Total											**90.4570**	**5,469.9364**	**5,560.3934**	**5.6556**	**9.9100e-003**	**5,682.2331**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.10**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2014	1/28/2014	5	20	
2	Site Preparation	Site Preparation	1/29/2014	2/11/2014	5	10	
3	Grading	Grading	2/12/2014	3/11/2014	5	20	
4	Building Construction	Building Construction	3/12/2014	1/27/2015	5	230	
5	Paving	Paving	1/28/2015	2/24/2015	5	20	
6	Architectural Coating	Architectural Coating	2/25/2015	3/24/2015	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 10

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 165,140; Non-Residential Outdoor: 55,047 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Excavators	3	8.00	162	0.38
Demolition	Rubber Tired Dozers	2	8.00	255	0.40
Site Preparation	Rubber Tired Dozers	3	8.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading	Excavators	1	8.00	162	0.38
Grading	Graders	1	8.00	174	0.41
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	125	0.42
Paving	Paving Equipment	2	8.00	130	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	161.00	67.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	32.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	37.7760	37.7760	0.0102	0.0000	37.9903
Total											**0.0000**	**37.7760**	**37.7760**	**0.0102**	**0.0000**	**37.9903**

3.2 Demolition - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total											**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	37.7759	37.7759	0.0102	0.0000	37.9903
Total											**0.0000**	**37.7759**	**37.7759**	**0.0102**	**0.0000**	**37.9903**

3.2 Demolition - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total											**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

3.3 Site Preparation - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	18.8508	18.8508	5.5700e-003	0.0000	18.9678
Total											**0.0000**	**18.8508**	**18.8508**	**5.5700e-003**	**0.0000**	**18.9678**

3.3 Site Preparation - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.7901	0.7901	6.0000e-005	0.0000	0.7913
Total											**0.0000**	**0.7901**	**0.7901**	**6.0000e-005**	**0.0000**	**0.7913**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	18.8508	18.8508	5.5700e-003	0.0000	18.9678
Total											**0.0000**	**18.8508**	**18.8508**	**5.5700e-003**	**0.0000**	**18.9678**

3.3 Site Preparation - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.7901	0.7901	6.0000e-005	0.0000	0.7913
Total											**0.0000**	**0.7901**	**0.7901**	**6.0000e-005**	**0.0000**	**0.7913**

3.4 Grading - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	28.6891	28.6891	8.4800e-003	0.0000	28.8671
Total											**0.0000**	**28.6891**	**28.6891**	**8.4800e-003**	**0.0000**	**28.8671**

3.4 Grading - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total											**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	28.6890	28.6890	8.4800e-003	0.0000	28.8671
Total											**0.0000**	**28.6890**	**28.6890**	**8.4800e-003**	**0.0000**	**28.8671**

3.4 Grading - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.3168	1.3168	1.0000e-004	0.0000	1.3189
Total											**0.0000**	**1.3168**	**1.3168**	**1.0000e-004**	**0.0000**	**1.3189**

3.5 Building Construction - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	259.2918	259.2918	0.0659	0.0000	260.6763
Total											**0.0000**	**259.2918**	**259.2918**	**0.0659**	**0.0000**	**260.6763**

3.5 Building Construction - 2014

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	218.5110	218.5110	2.0800e-003	0.0000	218.5546
Worker											0.0000	149.1063	149.1063	0.0115	0.0000	149.3474
Total											**0.0000**	**367.6173**	**367.6173**	**0.0136**	**0.0000**	**367.9020**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	259.2915	259.2915	0.0659	0.0000	260.6760
Total											**0.0000**	**259.2915**	**259.2915**	**0.0659**	**0.0000**	**260.6760**

3.5 Building Construction - 2014

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	218.5110	218.5110	2.0800e-003	0.0000	218.5546
Worker											0.0000	149.1063	149.1063	0.0115	0.0000	149.3474
Total											**0.0000**	**367.6173**	**367.6173**	**0.0136**	**0.0000**	**367.9020**

3.5 Building Construction - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	23.1795	23.1795	5.8200e-003	0.0000	23.3016
Total											**0.0000**	**23.1795**	**23.1795**	**5.8200e-003**	**0.0000**	**23.3016**

3.5 Building Construction - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	19.3932	19.3932	1.6000e-004	0.0000	19.3966
Worker											0.0000	12.9331	12.9331	9.0000e-004	0.0000	12.9521
Total											**0.0000**	**32.3263**	**32.3263**	**1.0600e-003**	**0.0000**	**32.3487**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	23.1794	23.1794	5.8200e-003	0.0000	23.3016
Total											**0.0000**	**23.1794**	**23.1794**	**5.8200e-003**	**0.0000**	**23.3016**

3.5 Building Construction - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	19.3932	19.3932	1.6000e-004	0.0000	19.3966
Worker											0.0000	12.9331	12.9331	9.0000e-004	0.0000	12.9521
Total											**0.0000**	**32.3263**	**32.3263**	**1.0600e-003**	**0.0000**	**32.3487**

3.6 Paving - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

3.6 Paving - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

3.6 Paving - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.7 Architectural Coating - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

3.7 Architectural Coating - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.7059	2.7059	1.9000e-004	0.0000	2.7098
Total											**0.0000**	**2.7059**	**2.7059**	**1.9000e-004**	**0.0000**	**2.7098**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

3.7 Architectural Coating - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.7059	2.7059	1.9000e-004	0.0000	2.7098
Total											**0.0000**	**2.7059**	**2.7059**	**1.9000e-004**	**0.0000**	**2.7098**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	5,105.3888	5,105.3888	0.1915	0.0000	5,109.4106
Unmitigated											0.0000	5,105.3888	5,105.3888	0.1915	0.0000	5,109.4106

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Free-Standing Discount Superstore	5,360.82	6,464.66	5662.51	12,040,573	12,040,573
Parking Lot	0.00	0.00	0.00		
Total	5,360.82	6,464.66	5,662.51	12,040,573	12,040,573

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Free-Standing Discount	10.52	10.52	10.52	13.20	67.80	19.00	47.5	35.5	17
Parking Lot	10.52	10.52	10.52	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.400149	0.057426	0.217405	0.160280	0.074113	0.007843	0.015043	0.051947	0.001739	0.001144	0.007744	0.000808	0.004360

4.4 Fleet Mix

5.0 Energy Detail

Historical Energy Use: Y

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated											0.0000	284.2623	284.2623	0.0129	2.8100e-003	285.4040
Electricity Unmitigated											0.0000	284.2623	284.2623	0.0129	2.8100e-003	285.4040
NaturalGas Mitigated											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214
NaturalGas Unmitigated											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Free-Standing Discount Superstore	1.26138e+006											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total												**0.0000**	**67.3118**	**67.3118**	**1.2900e-003**	**1.2300e-003**	**67.7214**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Free-Standing Discount Superstore	1.26138e+006											0.0000	67.3118	67.3118	1.2900e-003	1.2300e-003	67.7214
Total												**0.0000**	**67.3118**	**67.3118**	**1.2900e-003**	**1.2300e-003**	**67.7214**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	968736	222.4168	0.0101	2.2000e-003	223.3101
Parking Lot	269368	61.8455	2.8100e-003	6.1000e-004	62.0939
Total		**284.2623**	**0.0129**	**2.8100e-003**	**285.4040**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	968736	222.4168	0.0101	2.2000e-003	223.3101
Parking Lot	269368	61.8455	2.8100e-003	6.1000e-004	62.0939
Total		**284.2623**	**0.0129**	**2.8100e-003**	**285.4040**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.6800e-003
Unmitigated											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.6800e-003

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.6800e-003
Total											**0.0000**	**7.2700e-003**	**7.2700e-003**	**2.0000e-005**	**0.0000**	**7.6800e-003**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.6800e-003
Total											**0.0000**	**7.2700e-003**	**7.2700e-003**	**2.0000e-005**	**0.0000**	**7.6800e-003**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	15.3373	0.2441	5.8700e-003	22.2832
Unmitigated	15.3373	0.2441	5.8800e-003	22.2863

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	7.47392 / 4.58079	15.3373	0.2441	5.8800e-003	22.2863
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**15.3373**	**0.2441**	**5.8800e-003**	**22.2863**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	7.47392 / 4.58079	15.3373	0.2441	5.8700e-003	22.2832
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**15.3373**	**0.2441**	**5.8700e-003**	**22.2832**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	88.0859	5.2057	0.0000	197.4062
Unmitigated	88.0859	5.2057	0.0000	197.4062

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	433.94	88.0859	5.2057	0.0000	197.4062
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**88.0859**	**5.2057**	**0.0000**	**197.4062**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	433.94	88.0859	5.2057	0.0000	197.4062
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**88.0859**	**5.2057**	**0.0000**	**197.4062**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Appendix C:
CalEEMod Output Proposed Walmart 2020 BAU

Oroville Walmart New Store 2020 BAU

Butte County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	426.20	1000sqft	9.78	426,200.00	0
Free-Standing Discount Superstore	200.20	1000sqft	4.60	200,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	71
Climate Zone	3			**Operational Year**	2005
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	641.35	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - 2005 Used to represent 2020 BAU

Land Use - Walmart Superstore is 200,200 sq ft

Construction Phase - Project Construction Schedule

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Vehicle Trips - Daily trip rate from traffic study - 52.71 trips/ksf

Vechicle Emission Factors -

Vechicle Emission Factors -

Vechicle Emission Factors -

Energy Use -

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	OperationalYear	2014	2005
tblVehicleTrips	ST_TR	64.07	52.71
tblVehicleTrips	SU_TR	56.12	52.71
tblVehicleTrips	WD_TR	53.13	52.71

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014											0.0000	989.8404	989.8404	0.1212	0.0000	992.3856
2015											0.0000	292.5290	292.5290	0.0340	0.0000	293.2435
Total											**0.0000**	**1,282.3694**	**1,282.3694**	**0.1552**	**0.0000**	**1,285.6291**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014											0.0000	989.8400	989.8400	0.1212	0.0000	992.3852
2015											0.0000	292.5289	292.5289	0.0340	0.0000	293.2434
Total											**0.0000**	**1,282.3688**	**1,282.3688**	**0.1552**	**0.0000**	**1,285.6285**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	0.0112	0.0112	5.0000e-005	0.0000	0.0123
Energy											0.0000	801.7596	801.7596	0.0328	8.7000e-003	805.1447
Mobile											0.0000	12,757.5386	12,757.5386	1.6678	0.0000	12,792.5621
Waste											174.7752	0.0000	174.7752	10.3289	0.0000	391.6825
Water											4.7047	32.5974	37.3021	0.4847	0.0117	51.1121
Total											**179.4799**	**13,591.9068**	**13,771.3867**	**12.5142**	**0.0204**	**14,040.5137**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	0.0112	0.0112	5.0000e-005	0.0000	0.0123
Energy											0.0000	801.7596	801.7596	0.0328	8.7000e-003	805.1447
Mobile											0.0000	12,757.5386	12,757.5386	1.6678	0.0000	12,792.5621
Waste											174.7752	0.0000	174.7752	10.3289	0.0000	391.6825
Water											4.7047	32.5974	37.3021	0.4846	0.0117	51.1046
Total											**179.4799**	**13,591.9068**	**13,771.3867**	**12.5141**	**0.0204**	**14,040.5062**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.05**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Grading	Grading	1/1/2014	2/11/2014	5	30	
2	Building Construction	Building Construction	2/12/2014	4/7/2015	5	300	
3	Paving	Paving	4/8/2015	5/5/2015	5	20	
4	Architectural Coating	Architectural Coating	5/6/2015	6/2/2015	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 75

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 319,479; Non-Residential Outdoor: 106,493 (Architectural Coating – sqft)

<u>OffRoad Equipment</u>

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Grading	Excavators	2	8.00	162	0.38
Grading	Graders	1	8.00	174	0.41
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Grading	Scrapers	2	8.00	361	0.48
Grading	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	125	0.42
Paving	Paving Equipment	2	8.00	130	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Grading	8	20.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	243.00	103.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	49.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Grading - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	89.1967	89.1967	0.0264	0.0000	89.7502
Total											**0.0000**	**89.1967**	**89.1967**	**0.0264**	**0.0000**	**89.7502**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.6335	2.6335	2.0000e-004	0.0000	2.6378
Total											**0.0000**	**2.6335**	**2.6335**	**2.0000e-004**	**0.0000**	**2.6378**

3.2 Grading - 2014

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	89.1966	89.1966	0.0264	0.0000	89.7501
Total											**0.0000**	**89.1966**	**89.1966**	**0.0264**	**0.0000**	**89.7501**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.6335	2.6335	2.0000e-004	0.0000	2.6378
Total											**0.0000**	**2.6335**	**2.6335**	**2.0000e-004**	**0.0000**	**2.6378**

3.3 Building Construction - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	283.8692	283.8692	0.0722	0.0000	285.3850
Total											**0.0000**	**283.8692**	**283.8692**	**0.0722**	**0.0000**	**285.3850**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	367.7607	367.7607	3.4900e-003	0.0000	367.8340
Worker											0.0000	246.3803	246.3803	0.0190	0.0000	246.7786
Total											**0.0000**	**614.1410**	**614.1410**	**0.0225**	**0.0000**	**614.6126**

3.3 Building Construction - 2014

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	283.8689	283.8689	0.0722	0.0000	285.3846
Total											**0.0000**	**283.8689**	**283.8689**	**0.0722**	**0.0000**	**285.3846**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	367.7607	367.7607	3.4900e-003	0.0000	367.8340
Worker											0.0000	246.3803	246.3803	0.0190	0.0000	246.7786
Total											**0.0000**	**614.1410**	**614.1410**	**0.0225**	**0.0000**	**614.6126**

3.3 Building Construction - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	84.1780	84.1780	0.0211	0.0000	84.6216
Total											**0.0000**	**84.1780**	**84.1780**	**0.0211**	**0.0000**	**84.6216**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	108.2698	108.2698	9.0000e-004	0.0000	108.2886
Worker											0.0000	70.8890	70.8890	4.9600e-003	0.0000	70.9931
Total											**0.0000**	**179.1588**	**179.1588**	**5.8600e-003**	**0.0000**	**179.2817**

3.3 Building Construction - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	84.1779	84.1779	0.0211	0.0000	84.6215
Total											**0.0000**	**84.1779**	**84.1779**	**0.0211**	**0.0000**	**84.6215**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	108.2698	108.2698	9.0000e-004	0.0000	108.2886
Worker											0.0000	70.8890	70.8890	4.9600e-003	0.0000	70.9931
Total											**0.0000**	**179.1588**	**179.1588**	**5.8600e-003**	**0.0000**	**179.2817**

3.4 Paving - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.4 Paving - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.5 Architectural Coating - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	4.1433	4.1433	2.9000e-004	0.0000	4.1494
Total											**0.0000**	**4.1433**	**4.1433**	**2.9000e-004**	**0.0000**	**4.1494**

3.5 Architectural Coating - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	4.1433	4.1433	2.9000e-004	0.0000	4.1494
Total											**0.0000**	**4.1433**	**4.1433**	**2.9000e-004**	**0.0000**	**4.1494**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	12,757.5386	12,757.5386	1.6678	0.0000	12,792.5621
Unmitigated											0.0000	12,757.5386	12,757.5386	1.6678	0.0000	12,792.5621

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Free-Standing Discount Superstore	10,552.54	10,552.54	10552.54	22,845,669	22,845,669
Parking Lot	0.00	0.00	0.00		
Total	10,552.54	10,552.54	10,552.54	22,845,669	22,845,669

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Free-Standing Discount	10.52	10.52	10.52	13.20	67.80	19.00	47.5	35.5	17
Parking Lot	10.52	10.52	10.52	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.380268	0.206018	0.196710	0.087609	0.028188	0.009760	0.013181	0.060209	0.001153	0.000831	0.009390	0.001328	0.005355

5.0 Energy Detail

Historical Energy Use: Y

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated											0.0000	668.2167	668.2167	0.0302	6.2500e-003	670.7891
Electricity Unmitigated											0.0000	668.2167	668.2167	0.0302	6.2500e-003	670.7891
NaturalGas Mitigated											0.0000	133.5429	133.5429	2.5600e-003	2.4500e-003	134.3557
NaturalGas Unmitigated											0.0000	133.5429	133.5429	2.5600e-003	2.4500e-003	134.3557

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Free-Standing Discount Superstore	2.5025e+006											0.0000	133.5429	133.5429	2.5600e-003	2.4500e-003	134.3557
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total												**0.0000**	**133.5429**	**133.5429**	**2.5600e-003**	**2.4500e-003**	**134.3557**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Free-Standing Discount Superstore	2.5025e+006											0.0000	133.5429	133.5429	2.5600e-003	2.4500e-003	134.3557
Total												**0.0000**	**133.5429**	**133.5429**	**2.5600e-003**	**2.4500e-003**	**134.3557**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.92192e+006	559.1086	0.0253	5.2300e-003	561.2610
Parking Lot	375056	109.1081	4.9300e-003	1.0200e-003	109.5281
Total		**668.2167**	**0.0302**	**6.2500e-003**	**670.7891**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.92192e+006	559.1086	0.0253	5.2300e-003	561.2610
Parking Lot	375056	109.1081	4.9300e-003	1.0200e-003	109.5281
Total		**668.2167**	**0.0302**	**6.2500e-003**	**670.7891**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	0.0112	0.0112	5.0000e-005	0.0000	0.0123
Unmitigated											0.0000	0.0112	0.0112	5.0000e-005	0.0000	0.0123

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	0.0112	0.0112	5.0000e-005	0.0000	0.0123
Total											**0.0000**	**0.0112**	**0.0112**	**5.0000e-005**	**0.0000**	**0.0123**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	0.0112	0.0112	5.0000e-005	0.0000	0.0123
Total											**0.0000**	**0.0112**	**0.0112**	**5.0000e-005**	**0.0000**	**0.0123**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	37.3021	0.4846	0.0117	51.1046
Unmitigated	37.3021	0.4847	0.0117	51.1121

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	14.8293 / 9.08894	37.3021	0.4847	0.0117	51.1121
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**37.3021**	**0.4847**	**0.0117**	**51.1121**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	14.8293 / 9.08894	37.3021	0.4846	0.0117	51.1046
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**37.3021**	**0.4846**	**0.0117**	**51.1046**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	174.7752	10.3289	0.0000	391.6825
Unmitigated	174.7752	10.3289	0.0000	391.6825

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	861	174.7752	10.3289	0.0000	391.6825
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**174.7752**	**10.3289**	**0.0000**	**391.6825**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	861	174.7752	10.3289	0.0000	391.6825
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**174.7752**	**10.3289**	**0.0000**	**391.6825**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Appendix D:
CalEEMod Output Proposed Walmart 2020

Oroville Walmart New Store 2020

Butte County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	426.20	1000sqft	9.78	426,200.00	0
Free-Standing Discount Superstore	200.20	1000sqft	4.60	200,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	71
Climate Zone	3			**Operational Year**	2020
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	506.67	**CH4 Intensity (lb/MWhr)**	0.023	**N2O Intensity (lb/MWhr)**	0.005

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity Factors revised to reflect utility emissions with compliance with 33 percent Renewable Portfolio requirements in 2020.

Land Use - Walmart Superstore Latest Site Plan

Construction Phase -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Vehicle Trips - Daily trip rate from traffic study - 52.71 trips/ksf

Vechicle Emission Factors - LEV III reduction of 2.8% for 2016 to 2020 vehicles

Vechicle Emission Factors -

Vechicle Emission Factors -

Energy Use - Title 24

Mobile Land Use Mitigation - Project site is approximately two miles from downtown using Google Earth tool. Transit stop planned for site.

Energy Mitigation - 2013 Title 24 will be in effect in 2014. CEC Estimates reductions of 21.8% beyond 2008 Title 24 for non-residential development

Water Mitigation - Mandatory water conservation requirement from California Green Building Code.

Waste Mitigation - Walmart's waste reduction strategy

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CH4IntensityFactor	0.029	0.023
tblProjectCharacteristics	CO2IntensityFactor	641.35	506.67
tblProjectCharacteristics	N2OIntensityFactor	0.006	0.005
tblProjectCharacteristics	OperationalYear	2014	2020
tblVehicleEF	LDA	0.01	9.8660e-003
tblVehicleEF	LDA	7.1130e-003	6.9140e-003
tblVehicleEF	LDA	231.66	225.17
tblVehicleEF	LDA	51.13	49.70
tblVehicleEF	LDT1	0.02	0.02
tblVehicleEF	LDT1	0.02	0.02
tblVehicleEF	LDT1	279.13	271.32
tblVehicleEF	LDT1	62.09	60.35
tblVehicleEF	LDT2	0.01	0.01
tblVehicleEF	LDT2	0.01	0.01
tblVehicleEF	LDT2	344.82	335.16
tblVehicleEF	LDT2	76.04	73.91
tblVehicleTrips	ST_TR	64.07	52.71
tblVehicleTrips	SU_TR	56.12	52.71
tblVehicleTrips	WD_TR	53.13	52.71

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014											0.0000	989.8404	989.8404	0.1212	0.0000	992.3856
2015											0.0000	292.5290	292.5290	0.0340	0.0000	293.2435
Total											**0.0000**	**1,282.3694**	**1,282.3694**	**0.1552**	**0.0000**	**1,285.6291**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2014											0.0000	989.8400	989.8400	0.1212	0.0000	992.3852
2015											0.0000	292.5289	292.5289	0.0340	0.0000	293.2434
Total											**0.0000**	**1,282.3688**	**1,282.3688**	**0.1552**	**0.0000**	**1,285.6285**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0118
Energy											0.0000	625.3903	625.3903	0.0253	7.1800e-003	628.1466
Mobile											0.0000	9,686.9161	9,686.9161	0.3634	0.0000	9,694.5469
Waste											174.7752	0.0000	174.7752	10.3289	0.0000	391.6825
Water											4.7047	25.7521	30.4568	0.4844	0.0117	44.2446
Total											**179.4799**	**10,338.0697**	**10,517.5496**	**11.2020**	**0.0188**	**10,758.6325**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0118
Energy											0.0000	578.0874	578.0874	0.0237	6.5300e-003	580.6101
Mobile											0.0000	9,221.6748	9,221.6748	0.3477	0.0000	9,228.9770
Waste											87.3876	0.0000	87.3876	5.1645	0.0000	195.8413
Water											3.7637	19.3695	23.1332	0.3875	9.3200e-003	34.1586
Total											**91.1513**	**9,819.1429**	**9,910.2943**	**5.9233**	**0.0159**	**10,039.5988**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**49.21**	**5.02**	**5.77**	**47.12**	**15.87**	**6.68**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Grading	Grading	1/1/2014	2/11/2014	5	30	
2	Building Construction	Building Construction	2/12/2014	4/7/2015	5	300	
3	Paving	Paving	4/8/2015	5/5/2015	5	20	
4	Architectural Coating	Architectural Coating	5/6/2015	6/2/2015	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 75

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 319,479; Non-Residential Outdoor: 106,493 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Grading	Excavators	2	8.00	162	0.38
Grading	Graders	1	8.00	174	0.41
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Grading	Scrapers	2	8.00	361	0.48
Grading	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	125	0.42
Paving	Paving Equipment	2	8.00	130	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Grading	8	20.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	243.00	103.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	49.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Grading - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	89.1967	89.1967	0.0264	0.0000	89.7502
Total											**0.0000**	**89.1967**	**89.1967**	**0.0264**	**0.0000**	**89.7502**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.6335	2.6335	2.0000e-004	0.0000	2.6378
Total											**0.0000**	**2.6335**	**2.6335**	**2.0000e-004**	**0.0000**	**2.6378**

3.2 Grading - 2014

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	89.1966	89.1966	0.0264	0.0000	89.7501
Total											**0.0000**	**89.1966**	**89.1966**	**0.0264**	**0.0000**	**89.7501**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.6335	2.6335	2.0000e-004	0.0000	2.6378
Total											**0.0000**	**2.6335**	**2.6335**	**2.0000e-004**	**0.0000**	**2.6378**

3.3 Building Construction - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	283.8692	283.8692	0.0722	0.0000	285.3850
Total											**0.0000**	**283.8692**	**283.8692**	**0.0722**	**0.0000**	**285.3850**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	367.7607	367.7607	3.4900e-003	0.0000	367.8340
Worker											0.0000	246.3803	246.3803	0.0190	0.0000	246.7786
Total											**0.0000**	**614.1410**	**614.1410**	**0.0225**	**0.0000**	**614.6126**

3.3 Building Construction - 2014

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	283.8689	283.8689	0.0722	0.0000	285.3846
Total											**0.0000**	**283.8689**	**283.8689**	**0.0722**	**0.0000**	**285.3846**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	367.7607	367.7607	3.4900e-003	0.0000	367.8340
Worker											0.0000	246.3803	246.3803	0.0190	0.0000	246.7786
Total											**0.0000**	**614.1410**	**614.1410**	**0.0225**	**0.0000**	**614.6126**

3.3 Building Construction - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	84.1780	84.1780	0.0211	0.0000	84.6216
Total											**0.0000**	**84.1780**	**84.1780**	**0.0211**	**0.0000**	**84.6216**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	108.2698	108.2698	9.0000e-004	0.0000	108.2886
Worker											0.0000	70.8890	70.8890	4.9600e-003	0.0000	70.9931
Total											**0.0000**	**179.1588**	**179.1588**	**5.8600e-003**	**0.0000**	**179.2817**

3.3 Building Construction - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	84.1779	84.1779	0.0211	0.0000	84.6215
Total											**0.0000**	**84.1779**	**84.1779**	**0.0211**	**0.0000**	**84.6215**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	108.2698	108.2698	9.0000e-004	0.0000	108.2886
Worker											0.0000	70.8890	70.8890	4.9600e-003	0.0000	70.9931
Total											**0.0000**	**179.1588**	**179.1588**	**5.8600e-003**	**0.0000**	**179.2817**

3.4 Paving - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.4 Paving - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.2272	21.2272	6.3400e-003	0.0000	21.3603
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.2272**	**21.2272**	**6.3400e-003**	**0.0000**	**21.3603**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.5 Architectural Coating - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	4.1433	4.1433	2.9000e-004	0.0000	4.1494
Total											**0.0000**	**4.1433**	**4.1433**	**2.9000e-004**	**0.0000**	**4.1494**

3.5 Architectural Coating - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.3000e-004	0.0000	2.5602
Total											**0.0000**	**2.5533**	**2.5533**	**3.3000e-004**	**0.0000**	**2.5602**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	4.1433	4.1433	2.9000e-004	0.0000	4.1494
Total											**0.0000**	**4.1433**	**4.1433**	**2.9000e-004**	**0.0000**	**4.1494**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Improve Destination Accessibility

Increase Transit Accessibility

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	9,221.6748	9,221.6748	0.3477	0.0000	9,228.9770
Unmitigated											0.0000	9,686.9161	9,686.9161	0.3634	0.0000	9,694.5469

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Free-Standing Discount Superstore	10,552.54	10,552.54	10552.54	22,845,669	21,703,385
Parking Lot	0.00	0.00	0.00		
Total	10,552.54	10,552.54	10,552.54	22,845,669	21,703,385

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Free-Standing Discount	10.52	10.52	10.52	13.20	67.80	19.00	47.5	35.5	17
Parking Lot	10.52	10.52	10.52	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.400149	0.057426	0.217405	0.160280	0.074113	0.007843	0.015043	0.051947	0.001739	0.001144	0.007744	0.000808	0.004360

5.0 Energy Detail

4.4 Fleet Mix

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated											0.0000	480.0910	480.0910	0.0218	4.7400e-003	482.0174
Electricity Unmitigated											0.0000	506.2700	506.2700	0.0230	5.0000e-003	508.3014
NaturalGas Mitigated											0.0000	97.9964	97.9964	1.8800e-003	1.8000e-003	98.5928
NaturalGas Unmitigated											0.0000	119.1203	119.1203	2.2800e-003	2.1800e-003	119.8452

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Free-Standing Discount Superstore	2.23223e+006											0.0000	119.1203	119.1203	2.2800e-003	2.1800e-003	119.8452
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total												**0.0000**	**119.1203**	**119.1203**	**2.2800e-003**	**2.1800e-003**	**119.8452**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Free-Standing Discount Superstore	1.83638e+006											0.0000	97.9964	97.9964	1.8800e-003	1.8000e-003	98.5928
Total												**0.0000**	**97.9964**	**97.9964**	**1.8800e-003**	**1.8000e-003**	**98.5928**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.82783e+006	420.0740	0.0191	4.1500e-003	421.7595
Parking Lot	375056	86.1960	3.9100e-003	8.5000e-004	86.5419
Total		**506.2700**	**0.0230**	**5.0000e-003**	**508.3014**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.71392e+006	393.8950	0.0179	3.8900e-003	395.4755
Parking Lot	375056	86.1960	3.9100e-003	8.5000e-004	86.5419
Total		**480.0910**	**0.0218**	**4.7400e-003**	**482.0174**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0118
Unmitigated											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0118

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0118
Total											**0.0000**	**0.0112**	**0.0112**	**3.0000e-005**	**0.0000**	**0.0118**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0118
Total											**0.0000**	**0.0112**	**0.0112**	**3.0000e-005**	**0.0000**	**0.0118**

7.0 Water Detail

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	23.1332	0.3875	9.3200e-003	34.1586
Unmitigated	30.4568	0.4844	0.0117	44.2446

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	14.8293 / 9.08894	30.4568	0.4844	0.0117	44.2446
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**30.4568**	**0.4844**	**0.0117**	**44.2446**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	11.8635 / 7.27115	23.1332	0.3875	9.3200e-003	34.1586
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**23.1332**	**0.3875**	**9.3200e-003**	**34.1586**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	87.3876	5.1645	0.0000	195.8413
Unmitigated	174.7752	10.3289	0.0000	391.6825

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	861	174.7752	10.3289	0.0000	391.6825
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**174.7752**	**10.3289**	**0.0000**	**391.6825**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	430.5	87.3876	5.1645	0.0000	195.8413
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**87.3876**	**5.1645**	**0.0000**	**195.8413**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Appendix E:
Emission Summary and Reduction Spreadsheet

Emission Reduction Analysis

2020 CalEEMod/EMFAC 2011 Emission Factors

	PC	LDT1	LDT2
CH4_RUNEX	0.01015	0.017597	0.014451
CH4_STREX	0.007113	0.016683	0.012343
CO2_NBIO_RUNEX	231.656351	279.132928	344.81692
CO2_NBIO_STREX	51.133175	62.091322	76.038716

Emissions from CalEEMod for 2020

2020 CalEEMod/EMFAC 2011 Emission Factors Adjusted for LEV III GHG Reductions

	PC	LDT1	LDT2
CH4_RUNEX	0.0098658	0.01710428	0.014046372
CH4_STREX	0.006913836	0.01621588	0.011997396
CO2_NBIO_RUNEX	225.1699732	271.317206	335.1620462
CO2_NBIO_STREX	49.7014461	60.352765	73.90963195

Emission factors reflect a 2.8% reduction from LEV III by 2020 per ARB ISOR LEV III Staff Report

2013 Title 24 Update Reduction Estimates over 2008 Title 24

Overall Reduction for Non Residential	21.8

Savings Estimate from CEC Title 24 2013 Standards Impact Analysis Report

California Green Building Code

	Percent
Mandatory Water Savings	20

Source: California Building Standards Commission. California 2010 Green Building Standards Code, CCR Title 24, Part 11, effective Jan. 1, 2011

Proposed Walmart Emissions and Reductions

	MTCO2e per year			
Proposed Walmart Emission Sourc	**2020 BAU Scenario**	**2020 Scenario (CalEEMod)**	**2020 Scenario (Other Reductions)**	**Percent Reduction**
Area	0.01	0.01	0.01	0.000
Energy	805.14	628.15	580.61	0.279
Mobile (Vehicles)	12,792.56	9,694.55	9228.977	0.279
Waste	391.68	391.68	195.84	0.500
Water	51.11	44.24	34.16	0.332
Total Emissions from CalEEMod	14,040.50	10,758.63	10,039.60	0.285
Refrigerants	2,569	2,569	1,285	0.500
Total Emissions	16,609.50	13,327.63	11,324.60	0.318
Amortized Construction	68.28	68.28	68.28	
Total With Construction	16,677.78	13,395.91	11,392.88	0.317

Refrigerants estimates and reductions from ARB Emission Factors Refrigerant Management Program

Existing Walmart Emissions and Reductions

	MTCO2e per Year		
Existing Walmart Emission Source	**2020 BAU Scenario**	**2020 Scenario (CalEEMod)**	**Percent Reduction**
Area	0.01	0.01	0.00
Energy	429.29	353.13	0.177
Mobile (Vehicles)	6,742.19	5,028.77	0.254
Waste	197.41	98.71	0.500
Water	25.76	22.28	0.135
Total Emissions from CalEEMod	7,394.66	5,502.89	0.256
Refrigerants	815	407.5	0.500
Total Emissions	8,209.66	5,910.39	0.280

Refrigerants estimates and reductions from ARB Emission Factors Refrigerant Management Program
Mobile results from CalEEMod reduced by 2.8% to reflect LEVIII 2020 benefits

Existing and Proposed Walmart Emissions Per Square Feet

	Square Feet	Emissions (MTCO2e)	MTCO2e/SF
Existing Store	100,910	5910	0.059
Proposed Store	200,225	11,393	0.057
Difference			0.002
Percent			2.845

Construction Greenhouse Gas Emissions

Activity	MTCO2e
Grading	92.39
Bulding Construction	1,163.90
Paving	22.63
Architectural Coatings	6.71
Refrigerants	421.30
	1,706.93
Amortized 25 years	68.28

Construction from CalEEMod

Activity	MTCO2e
Grading Onsite	89.75
Grading Off-site	2.64
Subtotal	92.39
Building Const Onsite 2014	614.61
Building Const Offsite 2014	285.38
Building Const Onsite 2015	84.62
Building Const Offsite 2015	179.28
Subtotal	1,163.90
Paving Onsite	21.36
Paving Offsite	1.27
Subtotal	22.63
Architectural Coatings Onsite	2.56
Architectural Coatings Offsite	4.15
Subtotal	6.71
Total Construction	1,285.63
Refrigeration Installation	421.30
Total with Refrigerants	1,706.93
Amortized 25 years	68.28

Oroville Walmart Energy Feature Reduction Estimates

Building Type	Retail Electricity Usage (kWh/f2/yr)														
	Total	Heat	Cool	Vent.	Refrig.	WH	Cook	Int. Ltg	Ext. Ltg.	Office Equip	Misc	Air Comp.	Motors	Proc.	Total kWh/y
Energy Intensity	12.19	0.11	1.57	1.63	0.97	0.11	0.21	5.33	0.62	0.49	0.78	0.03	0.27	0.07	
Percent		0.01	0.11	0.12	0.07	0.01	0.01	0.38	0.04	0.03	0.06	0.00	0.02	0.00	
Project Retail SF and Use	160,400	17,644	251,828	261,452	155,588	17,644	33,684	854,932	99,448	78,596	125,112	4,812	43,308	11,228	1,955,276

Building Type	Food Store Electricity Usage (kWh/ft2/yr)														
	Total	Heat	Cool	Vent.	Refrig.	WH	Cook	Int. Ltg	Ext. Ltg.	Office Equip	Misc	Air Comp.	Motors	Proc.	Total kWh/y
Energy Intensity	40.54	0.03	2.18	2.41	23.00	0.14	2.21	8.10	0.87	0.36	1.09	0.01	0.10	0.06	
Percent		0.001	0.053	0.059	0.561	0.003	0.054	0.198	0.021	0.009	0.027	0.000	0.002	0.001	
Project Grocery SF and Use	31,100	933	67,798	74,951	715,300	4,354	68,731	251,910	27,057	11,196	33,899	311	3,110	1,866	1,261,416

Source: CEUS Energy Intensity Report Table 9-3 PG&E Results

Total Usage	3,216,692
Reductions	502,435
Percent Reduction	15.619606

Oroville Walmart Building Use Breakdown

	SF
Retail	160,400
Grocery	31,100
Garden Center	8,725
Total SF	200,225

Source: SF from EIR Project Description

Interior Lighting Measures	Energy Use (kWh/year)	Percent Reduction from Ref Bldg	Reduction (kWh/year)	Emission Reduction (MTCO2e)
Daylight Harvesting				
Occupancy Sensors				
Overall Building	1,106,842	24	265,642	49.68

Source: www.walmartfacts.com Lighting compared to Title 24

Exterior Lighting Measures	Energy Use (kWh/year)	Percent Reduction from Ref Bldg	Reduction (kWh/year)	Emission Reduction (MTCO2e)
LED Lighting	126,505	70	88,554	16.56

Ext Lighting compared to Flourescent
Source: www.walmartfacts.com Lighting compared to Title 24

Refrigeration Measures	Case Lighting Energy Use (kWh/year)	Percent Reduction from Ref Bldg	Reduction (kWh/year)	Emission Reduction (MTCO2e)
LED Case Lighting	124,537	58	72,231	13.51

Compared to flourescent Case lighting consumes approx 14.3% of electricity used in refrigeration.

Space Cooling	Energy Use (kWh/year)	Percent Reduction from Ref Bldg	Reduction (kWh/year)	Emission Reduction (MTCO2e)
Central Energy Management System				
Energy Star HVAC System	319,626	10	31,963	5.98
Dehumidfying System				
White Membrane Roof	319,626	13.8	44,045	8.24
Total Space Cooling				14.21

	Savings/SF	Bldg SF	Savings in kWh/yr
CEC Title 24 reductions for Cool Roof is 0.23 kWh/sf	0.23	191,500	44045

Source: CEC. 2011. Nonresidential Cool Roofs 2013 California Building Energy Efficiency Standards

Space Heating Electric	Energy Use (kWh/year)	Percent Reduction from Ref Bldg	Reduction (kWh/year)
Central Energy Management System	18,577		NQ
Energy Star HVAC System			

	kWh/year	MTCO2e/kWh	Emission Reduction (MTCO2e)
Total Electricity Reductions	502,435	0.000187	93.96

Natural Gas Reductions

	Retail Natural Gas Usage (kBTU/ft2/yr)						
Building Type	Total	Heat	Cool	WH	Cook	Misc.	Proc.
Energy Intensity	7.31	5.40	0.00	1.00	0.20	0.60	0.00
Percent of Total		0.38	0.00	0.07	0.01	0.04	0.00
Project Retail SF and Use	160,400	866,160	0	160,400	32,080	96,240	0

	Food Store Natural Gas Usage (kBtu/ft2/yr)						
Building Type	Total	Heat	Cool	WH	Cook	Misc.	Proc.
Energy Intensity	34.46	14.50	0.00	10.40	9.50	0.00	0.00
Percent of Total		0.000	0.000	0.254	0.232	0.000	0.000
Project Grocery SF and Use	31,100	450,950	0	323,440	295,450	0	0

Source: CEUS Energy Intensity Report Table 9-5 PG&E Results

Reclaimed Hot Water Measure	Energy Use k	Percent Reduction from Ref Bldg	Reduction (kBtu/year)	Reduction (MTCO2)
Heat Reclamation	483,840	70	338,688	17.98

Source: National Renewable Energy Laboratory. 2010. Walmart Experimental Store Performance Stories Conference Paper August 2010.

Appendix F:
CalEEMod Output Existing and Proposed Walmart 2014

Existing Walmart 2014 with Regulations

Butte County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	306.10	1000sqft	7.03	306,100.00	0
Free-Standing Discount Superstore	100.90	1000sqft	2.32	100,910.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	71
Climate Zone	1			**Operational Year**	2014
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	412	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity Factors reflect PG&E RPS in 2014

Land Use - Existing Walmart store covers 100,910 sq ft

Vehicle Trips -

Vechicle Emission Factors - Revised GHG to reflect LEV III reduction of 2.8 percent for light duty cars and trucks.

Vechicle Emission Factors -

Vechicle Emission Factors -

Energy Use - Existing store complied with regulations in place at time of construction, so no benefit from new Title 24.

Table Name	Column Name	Default Value	New Value
tblLandUse	LandUseSquareFeet	100,900.00	100,910.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	412

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2015											0.0000	704.1817	704.1817	0.1008	0.0000	706.2993
2016											0.0000	82.0620	82.0620	0.0135	0.0000	82.3464
Total											**0.0000**	**786.2437**	**786.2437**	**0.1144**	**0.0000**	**788.6456**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2015											0.0000	704.1813	704.1813	0.1008	0.0000	706.2989
2016											0.0000	82.0619	82.0619	0.0135	0.0000	82.3463
Total											**0.0000**	**786.2432**	**786.2432**	**0.1144**	**0.0000**	**788.6452**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.7300e-003
Energy											0.0000	409.6926	409.6926	0.0264	6.1500e-003	412.1523
Mobile											0.0000	6,078.7343	6,078.7343	0.3450	0.0000	6,085.9801
Waste											88.0859	0.0000	88.0859	5.2057	0.0000	197.4062
Water											2.3711	10.5539	12.9250	0.2443	5.9000e-003	19.8852
Total											**90.4570**	**6,498.9881**	**6,589.4451**	**5.8214**	**0.0121**	**6,715.4315**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.7300e-003
Energy											0.0000	409.6926	409.6926	0.0264	6.1500e-003	412.1523
Mobile											0.0000	6,078.7343	6,078.7343	0.3450	0.0000	6,085.9801
Waste											88.0859	0.0000	88.0859	5.2057	0.0000	197.4062
Water											2.3711	10.5539	12.9250	0.2442	5.8900e-003	19.8814
Total											**90.4570**	**6,498.9881**	**6,589.4451**	**5.8214**	**0.0120**	**6,715.4278**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.08**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2015	1/28/2015	5	20	
2	Site Preparation	Site Preparation	1/29/2015	2/11/2015	5	10	
3	Grading	Grading	2/12/2015	3/11/2015	5	20	
4	Building Construction	Building Construction	3/12/2015	1/27/2016	5	230	
5	Paving	Paving	1/28/2016	2/24/2016	5	20	
6	Architectural Coating	Architectural Coating	2/25/2016	3/23/2016	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 10

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 165,140; Non-Residential Outdoor: 55,047 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Excavators	3	8.00	162	0.38
Demolition	Rubber Tired Dozers	2	8.00	255	0.40
Site Preparation	Rubber Tired Dozers	3	8.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading	Excavators	1	8.00	162	0.38
Grading	Graders	1	8.00	174	0.41
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	125	0.42
Paving	Paving Equipment	2	8.00	130	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	161.00	67.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	32.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	37.4413	37.4413	0.0102	0.0000	37.6544
Total											**0.0000**	**37.4413**	**37.4413**	**0.0102**	**0.0000**	**37.6544**

3.2 Demolition - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	37.4412	37.4412	0.0102	0.0000	37.6544
Total											**0.0000**	**37.4412**	**37.4412**	**0.0102**	**0.0000**	**37.6544**

3.2 Demolition - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.3 Site Preparation - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	18.6506	18.6506	5.5700e-003	0.0000	18.7675
Total											**0.0000**	**18.6506**	**18.6506**	**5.5700e-003**	**0.0000**	**18.7675**

3.3 Site Preparation - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.7610	0.7610	5.0000e-005	0.0000	0.7621
Total											**0.0000**	**0.7610**	**0.7610**	**5.0000e-005**	**0.0000**	**0.7621**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	18.6505	18.6505	5.5700e-003	0.0000	18.7675
Total											**0.0000**	**18.6505**	**18.6505**	**5.5700e-003**	**0.0000**	**18.7675**

3.3 Site Preparation - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.7610	0.7610	5.0000e-005	0.0000	0.7621
Total											**0.0000**	**0.7610**	**0.7610**	**5.0000e-005**	**0.0000**	**0.7621**

3.4 Grading - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	28.3860	28.3860	8.4700e-003	0.0000	28.5639
Total											**0.0000**	**28.3860**	**28.3860**	**8.4700e-003**	**0.0000**	**28.5639**

3.4 Grading - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	28.3859	28.3859	8.4700e-003	0.0000	28.5639
Total											**0.0000**	**28.3859**	**28.3859**	**8.4700e-003**	**0.0000**	**28.5639**

3.4 Grading - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2684	1.2684	9.0000e-005	0.0000	1.2702
Total											**0.0000**	**1.2684**	**1.2684**	**9.0000e-005**	**0.0000**	**1.2702**

3.5 Building Construction - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	257.4140	257.4140	0.0646	0.0000	258.7703
Total											**0.0000**	**257.4140**	**257.4140**	**0.0646**	**0.0000**	**258.7703**

3.5 Building Construction - 2015

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	215.3665	215.3665	1.7800e-003	0.0000	215.4040
Worker											0.0000	143.6256	143.6256	0.0101	0.0000	143.8366
Total											**0.0000**	**358.9921**	**358.9921**	**0.0118**	**0.0000**	**359.2405**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	257.4137	257.4137	0.0646	0.0000	258.7700
Total											**0.0000**	**257.4137**	**257.4137**	**0.0646**	**0.0000**	**258.7700**

3.5 Building Construction - 2015

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	215.3665	215.3665	1.7800e-003	0.0000	215.4040
Worker											0.0000	143.6256	143.6256	0.0101	0.0000	143.8366
Total											**0.0000**	**358.9921**	**358.9921**	**0.0118**	**0.0000**	**359.2405**

3.5 Building Construction - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	23.0046	23.0046	5.7100e-003	0.0000	23.1244
Total											**0.0000**	**23.0046**	**23.0046**	**5.7100e-003**	**0.0000**	**23.1244**

3.5 Building Construction - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	19.1416	19.1416	1.4000e-004	0.0000	19.1447
Worker											0.0000	12.5058	12.5058	8.1000e-004	0.0000	12.5227
Total											**0.0000**	**31.6474**	**31.6474**	**9.5000e-004**	**0.0000**	**31.6673**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	23.0046	23.0046	5.7100e-003	0.0000	23.1244
Total											**0.0000**	**23.0046**	**23.0046**	**5.7100e-003**	**0.0000**	**23.1244**

3.5 Building Construction - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	19.1416	19.1416	1.4000e-004	0.0000	19.1447
Worker											0.0000	12.5058	12.5058	8.1000e-004	0.0000	12.5227
Total											**0.0000**	**31.6474**	**31.6474**	**9.5000e-004**	**0.0000**	**31.6673**

3.6 Paving - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.0138	21.0138	6.3400e-003	0.0000	21.1469
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.0138**	**21.0138**	**6.3400e-003**	**0.0000**	**21.1469**

3.6 Paving - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2265	1.2265	8.0000e-005	0.0000	1.2281
Total											**0.0000**	**1.2265**	**1.2265**	**8.0000e-005**	**0.0000**	**1.2281**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.0138	21.0138	6.3400e-003	0.0000	21.1469
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.0138**	**21.0138**	**6.3400e-003**	**0.0000**	**21.1469**

3.6 Paving - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2265	1.2265	8.0000e-005	0.0000	1.2281
Total											**0.0000**	**1.2265**	**1.2265**	**8.0000e-005**	**0.0000**	**1.2281**

3.7 Architectural Coating - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.0000e-004	0.0000	2.5596
Total											**0.0000**	**2.5533**	**2.5533**	**3.0000e-004**	**0.0000**	**2.5596**

3.7 Architectural Coating - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.6164	2.6164	1.7000e-004	0.0000	2.6200
Total											**0.0000**	**2.6164**	**2.6164**	**1.7000e-004**	**0.0000**	**2.6200**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.0000e-004	0.0000	2.5596
Total											**0.0000**	**2.5533**	**2.5533**	**3.0000e-004**	**0.0000**	**2.5596**

3.7 Architectural Coating - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.6164	2.6164	1.7000e-004	0.0000	2.6200
Total											**0.0000**	**2.6164**	**2.6164**	**1.7000e-004**	**0.0000**	**2.6200**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	6,078.7343	6,078.7343	0.3450	0.0000	6,085.9801
Unmitigated											0.0000	6,078.7343	6,078.7343	0.3450	0.0000	6,085.9801

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Free-Standing Discount Superstore	5,360.82	6,464.66	5662.51	12,040,573	12,040,573
Parking Lot	0.00	0.00	0.00		
Total	5,360.82	6,464.66	5,662.51	12,040,573	12,040,573

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Free-Standing Discount	10.52	10.52	10.52	13.20	67.80	19.00	47.5	35.5	17
Parking Lot	10.52	10.52	10.52	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.402862	0.057107	0.217609	0.161158	0.074558	0.008017	0.014257	0.048971	0.001734	0.001180	0.007420	0.000886	0.004242

5.0 Energy Detail

4.4 Fleet Mix

Historical Energy Use: Y

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated											0.0000	361.1204	361.1204	0.0254	5.2600e-003	363.2845
Electricity Unmitigated											0.0000	361.1204	361.1204	0.0254	5.2600e-003	363.2845
NaturalGas Mitigated											0.0000	48.5722	48.5722	9.3000e-004	8.9000e-004	48.8678
NaturalGas Unmitigated											0.0000	48.5722	48.5722	9.3000e-004	8.9000e-004	48.8678

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Free-Standing Discount Superstore	910208											0.0000	48.5722	48.5722	9.3000e-004	8.9000e-004	48.8678
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total												**0.0000**	**48.5722**	**48.5722**	**9.3000e-004**	**8.9000e-004**	**48.8678**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Free-Standing Discount Superstore	910208											0.0000	48.5722	48.5722	9.3000e-004	8.9000e-004	48.8678
Total												**0.0000**	**48.5722**	**48.5722**	**9.3000e-004**	**8.9000e-004**	**48.8678**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.663e+006	310.7809	0.0219	4.5300e-003	312.6434
Parking Lot	269368	50.3395	3.5400e-003	7.3000e-004	50.6412
Total		**361.1205**	**0.0254**	**5.2600e-003**	**363.2845**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.663e+006	310.7809	0.0219	4.5300e-003	312.6434
Parking Lot	269368	50.3395	3.5400e-003	7.3000e-004	50.6412
Total		**361.1205**	**0.0254**	**5.2600e-003**	**363.2845**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.7300e-003
Unmitigated											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.7300e-003

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.7300e-003
Total											**0.0000**	**7.2700e-003**	**7.2700e-003**	**2.0000e-005**	**0.0000**	**7.7300e-003**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	7.2700e-003	7.2700e-003	2.0000e-005	0.0000	7.7300e-003
Total											**0.0000**	**7.2700e-003**	**7.2700e-003**	**2.0000e-005**	**0.0000**	**7.7300e-003**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	12.9250	0.2442	5.8900e-003	19.8814
Unmitigated	12.9250	0.2443	5.9000e-003	19.8852

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	7.47392 / 4.58079	12.9250	0.2443	5.9000e-003	19.8852
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**12.9250**	**0.2443**	**5.9000e-003**	**19.8852**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	7.47392 / 4.58079	12.9250	0.2442	5.8900e-003	19.8814
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**12.9250**	**0.2442**	**5.8900e-003**	**19.8814**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	88.0859	5.2057	0.0000	197.4062
Unmitigated	88.0859	5.2057	0.0000	197.4062

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	433.94	88.0859	5.2057	0.0000	197.4062
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**88.0859**	**5.2057**	**0.0000**	**197.4062**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	433.94	88.0859	5.2057	0.0000	197.4062
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**88.0859**	**5.2057**	**0.0000**	**197.4062**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

Oroville Walmart New Store 2014

Butte County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Parking Lot	426.20	1000sqft	9.78	426,200.00	0
Free-Standing Discount Superstore	200.20	1000sqft	4.60	200,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	71
Climate Zone	3			**Operational Year**	2014
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	412	**CH4 Intensity (lb/MWhr)**	0.023	**N2O Intensity (lb/MWhr)**	0.005

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity Factors revised to reflect utility emissions with progress toward meeting the 33 percent Renewable Portfolio requirements in 2014.

Land Use - Walmart Superstore Latest Site Plan

Construction Phase -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Vehicle Trips - Daily trip rate from the traffic study - 52.71

Vechicle Emission Factors -

Vechicle Emission Factors -

Vechicle Emission Factors -

Energy Use - Title 24

Mobile Land Use Mitigation - Project site is approximately two miles from downtown using Google Earth tool. Transit stop planned for site.

Energy Mitigation - 2013 Title 24 will be in effect in 2014. CEC Estimates reductions of 30% beyond 2008 Title 24

Water Mitigation - Mandatory water conservation requirement from California Green Building Code.

Waste Mitigation - Walmart's waste reduction strategy

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CH4IntensityFactor	0.029	0.023
tblProjectCharacteristics	CO2IntensityFactor	641.35	412
tblProjectCharacteristics	N2OIntensityFactor	0.006	0.005
tblVehicleTrips	ST_TR	64.07	52.71
tblVehicleTrips	SU_TR	56.12	52.71
tblVehicleTrips	WD_TR	53.13	52.71

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2015											0.0000	972.4060	972.4060	0.1168	0.0000	974.8595
2016											0.0000	287.7549	287.7549	0.0329	0.0000	288.4462
Total											**0.0000**	**1,260.1609**	**1,260.1609**	**0.1498**	**0.0000**	**1,263.3057**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2015											0.0000	972.4056	972.4056	0.1168	0.0000	974.8591
2016											0.0000	287.7548	287.7548	0.0329	0.0000	288.4461
Total											**0.0000**	**1,260.1603**	**1,260.1603**	**0.1498**	**0.0000**	**1,263.3052**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0119
Energy											0.0000	530.7950	530.7950	0.0253	7.1800e-003	533.5514
Mobile											0.0000	11,533.7325	11,533.7325	0.6547	0.0000	11,547.4807
Waste											174.7752	0.0000	174.7752	10.3289	0.0000	391.6825
Water											4.7047	20.9404	25.6451	0.4844	0.0117	39.4329
Total											**179.4799**	**12,085.4791**	**12,264.9590**	**11.4933**	**0.0188**	**12,512.1593**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0119
Energy											0.0000	472.4307	472.4307	0.0231	6.2900e-003	474.8656
Mobile											0.0000	10,979.7014	10,979.7014	0.6272	0.0000	10,992.8730
Waste											87.3876	0.0000	87.3876	5.1645	0.0000	195.8413
Water											3.7637	15.7504	19.5141	0.3875	9.3200e-003	30.5394
Total											**91.1513**	**11,467.8937**	**11,559.0450**	**6.2022**	**0.0156**	**11,694.1312**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**49.21**	**5.11**	**5.76**	**46.04**	**17.14**	**6.54**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Grading	Grading	1/1/2015	2/11/2015	5	30	
2	Building Construction	Building Construction	2/12/2015	4/6/2016	5	300	
3	Paving	Paving	4/7/2016	5/4/2016	5	20	
4	Architectural Coating	Architectural Coating	5/5/2016	6/1/2016	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 75

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 319,479; Non-Residential Outdoor: 106,493 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Grading	Excavators	2	8.00	162	0.38
Grading	Graders	1	8.00	174	0.41
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Grading	Scrapers	2	8.00	361	0.48
Grading	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	125	0.42
Paving	Paving Equipment	2	8.00	130	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Grading	8	20.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	243.00	103.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	49.00	0.00	0.00	12.54	10.52	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Grading - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	88.2633	88.2633	0.0264	0.0000	88.8167
Total											**0.0000**	**88.2633**	**88.2633**	**0.0264**	**0.0000**	**88.8167**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.5367	2.5367	1.8000e-004	0.0000	2.5405
Total											**0.0000**	**2.5367**	**2.5367**	**1.8000e-004**	**0.0000**	**2.5405**

3.2 Grading - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	88.2632	88.2632	0.0264	0.0000	88.8166
Total											**0.0000**	**88.2632**	**88.2632**	**0.0264**	**0.0000**	**88.8166**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	2.5367	2.5367	1.8000e-004	0.0000	2.5405
Total											**0.0000**	**2.5367**	**2.5367**	**1.8000e-004**	**0.0000**	**2.5405**

3.3 Building Construction - 2015

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	281.8135	281.8135	0.0707	0.0000	283.2983
Total											**0.0000**	**281.8135**	**281.8135**	**0.0707**	**0.0000**	**283.2983**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	362.4684	362.4684	3.0000e-003	0.0000	362.5314
Worker											0.0000	237.3241	237.3241	0.0166	0.0000	237.6727
Total											**0.0000**	**599.7925**	**599.7925**	**0.0196**	**0.0000**	**600.2041**

3.3 Building Construction - 2015

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	281.8131	281.8131	0.0707	0.0000	283.2980
Total											**0.0000**	**281.8131**	**281.8131**	**0.0707**	**0.0000**	**283.2980**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	362.4684	362.4684	3.0000e-003	0.0000	362.5314
Worker											0.0000	237.3241	237.3241	0.0166	0.0000	237.6727
Total											**0.0000**	**599.7925**	**599.7925**	**0.0196**	**0.0000**	**600.2041**

3.3 Building Construction - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	83.5430	83.5430	0.0207	0.0000	83.9781
Total											**0.0000**	**83.5430**	**83.5430**	**0.0207**	**0.0000**	**83.9781**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	106.8653	106.8653	8.1000e-004	0.0000	106.8823
Worker											0.0000	68.5467	68.5467	4.4200e-003	0.0000	68.6394
Total											**0.0000**	**175.4120**	**175.4120**	**5.2300e-003**	**0.0000**	**175.5216**

3.3 Building Construction - 2016

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	83.5429	83.5429	0.0207	0.0000	83.9780
Total											**0.0000**	**83.5429**	**83.5429**	**0.0207**	**0.0000**	**83.9780**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	106.8653	106.8653	8.1000e-004	0.0000	106.8823
Worker											0.0000	68.5467	68.5467	4.4200e-003	0.0000	68.6394
Total											**0.0000**	**175.4120**	**175.4120**	**5.2300e-003**	**0.0000**	**175.5216**

3.4 Paving - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.0138	21.0138	6.3400e-003	0.0000	21.1469
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.0138**	**21.0138**	**6.3400e-003**	**0.0000**	**21.1469**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2265	1.2265	8.0000e-005	0.0000	1.2281
Total											**0.0000**	**1.2265**	**1.2265**	**8.0000e-005**	**0.0000**	**1.2281**

3.4 Paving - 2016

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road											0.0000	21.0138	21.0138	6.3400e-003	0.0000	21.1469
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											**0.0000**	**21.0138**	**21.0138**	**6.3400e-003**	**0.0000**	**21.1469**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.2265	1.2265	8.0000e-005	0.0000	1.2281
Total											**0.0000**	**1.2265**	**1.2265**	**8.0000e-005**	**0.0000**	**1.2281**

3.5 Architectural Coating - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.0000e-004	0.0000	2.5596
Total											**0.0000**	**2.5533**	**2.5533**	**3.0000e-004**	**0.0000**	**2.5596**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	4.0064	4.0064	2.6000e-004	0.0000	4.0118
Total											**0.0000**	**4.0064**	**4.0064**	**2.6000e-004**	**0.0000**	**4.0118**

3.5 Architectural Coating - 2016

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.5533	2.5533	3.0000e-004	0.0000	2.5596
Total											**0.0000**	**2.5533**	**2.5533**	**3.0000e-004**	**0.0000**	**2.5596**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	4.0064	4.0064	2.6000e-004	0.0000	4.0118
Total											**0.0000**	**4.0064**	**4.0064**	**2.6000e-004**	**0.0000**	**4.0118**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Improve Destination Accessibility

Increase Transit Accessibility

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	10,979.7014	10,979.7014	0.6272	0.0000	10,992.8730
Unmitigated											0.0000	11,533.7325	11,533.7325	0.6547	0.0000	11,547.4807

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Free-Standing Discount Superstore	10,552.54	10,552.54	10552.54	22,845,669	21,703,385
Parking Lot	0.00	0.00	0.00		
Total	10,552.54	10,552.54	10,552.54	22,845,669	21,703,385

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Free-Standing Discount	10.52	10.52	10.52	13.20	67.80	19.00	47.5	35.5	17
Parking Lot	10.52	10.52	10.52	0.00	0.00	0.00	0	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.402862	0.057107	0.217609	0.161158	0.074558	0.008017	0.014257	0.048971	0.001734	0.001180	0.007420	0.000886	0.004242

5.0 Energy Detail

4.4 Fleet Mix

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated											0.0000	382.3800	382.3800	0.0214	4.6400e-003	384.2669
Electricity Unmitigated											0.0000	411.6747	411.6747	0.0230	5.0000e-003	413.7061
NaturalGas Mitigated											0.0000	90.0507	90.0507	1.7300e-003	1.6500e-003	90.5987
NaturalGas Unmitigated											0.0000	119.1203	119.1203	2.2800e-003	2.1800e-003	119.8452

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Free-Standing Discount Superstore	2.23223e+006											0.0000	119.1203	119.1203	2.2800e-003	2.1800e-003	119.8452
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total												**0.0000**	**119.1203**	**119.1203**	**2.2800e-003**	**2.1800e-003**	**119.8452**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Parking Lot	0											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Free-Standing Discount Superstore	1.68749e+006											0.0000	90.0507	90.0507	1.7300e-003	1.6500e-003	90.5987
Total												**0.0000**	**90.0507**	**90.0507**	**1.7300e-003**	**1.6500e-003**	**90.5987**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.82783e+006	341.5842	0.0191	4.1500e-003	343.2698
Parking Lot	375056	70.0905	3.9100e-003	8.5000e-004	70.4364
Total		**411.6747**	**0.0230**	**5.0000e-003**	**413.7061**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Free-Standing Discount Superstore	1.67107e+006	312.2895	0.0174	3.7900e-003	313.8305
Parking Lot	375056	70.0905	3.9100e-003	8.5000e-004	70.4364
Total		**382.3800**	**0.0213**	**4.6400e-003**	**384.2669**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0119
Unmitigated											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0119

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0119
Total											**0.0000**	**0.0112**	**0.0112**	**3.0000e-005**	**0.0000**	**0.0119**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	0.0112	0.0112	3.0000e-005	0.0000	0.0119
Total											**0.0000**	**0.0112**	**0.0112**	**3.0000e-005**	**0.0000**	**0.0119**

7.0 Water Detail

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	19.5141	0.3875	9.3200e-003	30.5394
Unmitigated	25.6451	0.4844	0.0117	39.4329

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	14.8293 / 9.08894	25.6451	0.4844	0.0117	39.4329
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**25.6451**	**0.4844**	**0.0117**	**39.4329**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Free-Standing Discount Superstore	11.8635 / 7.27115	19.5141	0.3875	9.3200e-003	30.5394
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**19.5141**	**0.3875**	**9.3200e-003**	**30.5394**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	87.3876	5.1645	0.0000	195.8413
Unmitigated	174.7752	10.3289	0.0000	391.6825

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	861	174.7752	10.3289	0.0000	391.6825
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**174.7752**	**10.3289**	**0.0000**	**391.6825**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Free-Standing Discount Superstore	430.5	87.3876	5.1645	0.0000	195.8413
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**87.3876**	**5.1645**	**0.0000**	**195.8413**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Vegetation

ATTACHMENT - E

30 May 2014

Mr. Don Rust
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

COMMENTS ON THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED OROVILLE WALMART PROJECT, ASSESSORS PARCEL NUMBER 035-360-019, OROVILLE, 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 23 May 2014, we received your request for comments on the Recirculated Draft Environmental Impact Report for the Oroville Walmart Project.

The proposed project consists of the development of a 200,225 square foot Walmart store on 20.75 acres in the City of Oroville. The Walmart store would operate 24 hours a day, 7 days a week, and would retail general merchandise and groceries. The project would provide 794 spaces for off-street parking. Following completion of the proposed project, the existing Walmart store at 355 Oroville Dam Boulevard would be vacated and sold to another party.

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

Isolated wetlands and other waters not covered by the Federal Clean Water Act 1
Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at:
http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf

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 Oroville 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:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml

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 Oroville 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 Oroville in compliance with their Phase II Municipal Storm Water Permit. 1 CONT

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

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

SAZ:wrb:lmw

cc: Ms. Krystel Bell, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
State Clearing House Number (2008052081)

Public Agencies

Central Valley Regional Water Quality Control Board (RWQCB)

Response to RWQCB-1

The agency provided standard language about impacts to isolated wetlands and waters not covered by the Federal Clean Water Act, permitting requirements for storm water discharges, and post-construction storm water requirements. No project-specific comments were provided.

Hydrology and water quality impacts were evaluated in the Draft EIR issued in 2010. As indicated in SPRDEIR Section 1.7.A, the scope of the document is limited to the two items the Appellate Court ruling deemed to be inadequate (the greenhouse gas emissions analysis and Mitigation Measure TRANS-2a). The comment does not note any new or more significant impacts that would result from the Project that have not already been assessed in the 2010 EIR and does not identify any project specific concerns. Mitigation established in the 2010 EIR related to water quality is still in effect. The Draft EIR's evaluation of hydrology and water quality impacts was not affected by the Appellate Court ruling and, therefore, is outside the scope of the SPRDEIR.

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-5452
FAX (530) 741-5346
TTY 711

Flex your power!
Be energy efficient!

July 2, 2014

FMP # 032014-BUT-0030
03-BUT-162/PM 16.015
SCH# 2008052081

Mr. Donald Rust
Community Development Department
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Oroville Super Wal-Mart

Dear Mr. Rust:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Oroville Super Wal-Mart project (SCH# 2008052081). This project proposes the construction of a 200,255 square foot Wal-Mart store and parking area on a 20.75-acre parcel and will include general merchandise and grocery sales areas in addition to a fast food restaurant, bank, medical clinic, vision center, photo lab, and a nail and hair salon. The project site is located just south of State Route (SR) 162 and just east of SR 70 at the intersection of Feather River Boulevard and Cal Oak Drive in Oroville. The following comments are based on the Second Partially Recirculated Draft Environmental Impact Report (DEIR). 1

Mitigation Measures

Revised Mitigation Measure (MM) TRANS-2A requires the applicant provide payments to the City of Oroville to contribute toward the cost of specific improvements needed as a result of this development; however, the City's recently updated traffic impact mitigation fee program no longer includes SR 162. The absence of SR 162 in this fee program leaves us without a mechanism to bank fair share or pro rata fees collected to offset impacts to the State highway system, such as the improvements identified in the 2010 Traffic Impact Study (TIS) for this project. We encourage the City to consider adding SR 162 into the fee program during the next program revision or update. 2

In light of this change to the City's fee program, we request that MM TRANS-2A be modified to require the applicant provide direct mitigation to address the project's direct and immediate impacts to SR 162 between the SR 70 northbound ramp intersection and the SR 162/Feather River Boulevard intersection. We would also like to meet with the City at your earliest convenience to discuss the best method for accomplishing this.

The recommended direct mitigation should consist of providing a 300 foot long right-turn lane (eastbound to southbound) and construction of new curb, gutter, and sidewalk adjacent to the westbound lanes. This improvement can be constructed within Caltrans right of way (ROW) with 3

the exception of a small sliver of landscaped area fronting the Wendy's fast food restaurant. In addition, the traffic signal at the intersection of Feather River Boulevard and SR 162 will require modification to include (1) a right-turn overlap for the eastbound-to-southbound turning movement and (2) conversion of the existing northbound turn lane to an optional left-through lane with associated signal retiming, striping, and pavement markings on the south leg of Feather River Boulevard. No work is expected to be required on SR 162 east or north of the SR 162/Feather River Boulevard intersection. 3 CONT

The conceptual design of the requested improvements is attached for reference. Basic geometric design assumptions include 12-foot lanes, 5-foot shoulders, a 2-foot buffer strip with raised curb, 5-foot sidewalks, and minimum curve radii as depicted on the attachment to minimize superelevation rates.

Encroachment Permit

Please be advised that any work or traffic control that would encroach onto the State ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to the address below:

Bruce Capaul, Chief
Office of Permits
Caltrans - District 3
703 B Street
Marysville, CA 95901 4

Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. Please visit the following URL for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

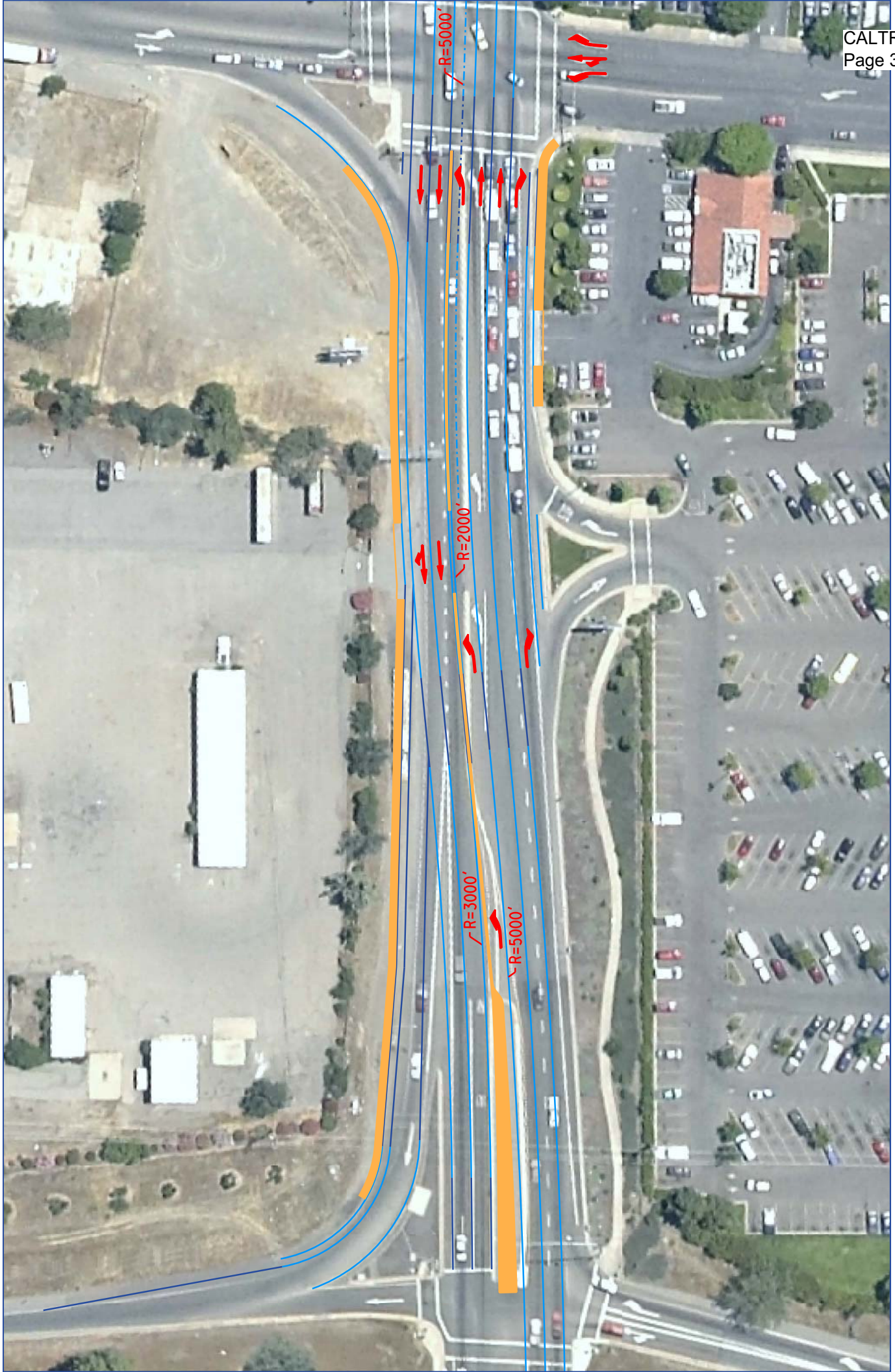
If you have any questions regarding these comments or require additional information, please contact Shannon Culbertson, Intergovernmental Review Coordinator for Butte County, at (530) 741-5435 or by email at shannon.culbertson@dot.ca.gov. 5

Sincerely,

Shannon Culbertson

for SUSAN ZANCHI, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse



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7

California Department of Transportation, District 3 (CALTRANS)

Response to CALTRANS-1
The agency provided introductory remarks to open the letter and provides an adequate project location. No additional response is necessary.

Response to CALTRANS-2
The agency referenced Mitigation Measure TRANS-2A and noted that the City's recently updated traffic impact mitigation fee program no longer includes State Route 162 (SR-162) (also known as Oroville Dam Boulevard). The agency stated that the absence of SR-162 from the fee program leaves no mechanism to bank fair share or *pro rata* fees collected to offset impacts to the State highway system. The agency urged the City to consider adding SR-162 into the fee program during next revision or update.

As indicated in SPRDEIR Section 1.7.A, the scope of the document is limited to the two items the Appellate Court ruling deemed to be inadequate (the greenhouse gas emissions analysis and Mitigation Measure TRANS-2A). The SPRDEIR revised the text only of the original Mitigation Measure TRANS-2A to address the court's concern that:

> "Given that the transportation-related fee schedule is being updated along with the Traffic Program update, we think it necessary to confirm that the issuance of building permits is a provision which ensures that Wal-Mart, as required by MM TRANS-2a, pays "all transportation-related fees to [the City] in accordance with the latest adopted fee schedule," and not a provision that excuses such payment depending on when building permits are issued."

To be clear, the revision still requires the applicant to pay the required transportation-related fees in accordance with the latest adopted fee schedule, which is what the original Mitigation Measure TRANS-2A required.

Regarding the City's action to remove SR-162 from the traffic impact mitigation fee program, this does not have any bearing on Mitigation Measure TRANS-2A, as the applicant will still be required to pay all transportation-related fees in accordance with the latest adopted fee schedule and contribute its fair share in accordance with the mitigation.

Moreover, the 2010 Partially Recirculated Draft EIR analyzed the roadway sections in question and concluded that intersection and arterial corridor operations along SR-162 would operate at unacceptable levels with or without the project and that no feasible improvements were available. As such, impacts were found to be significant and unavoidable. There have been no changes to the proposed project, and the text change to the mitigation measure did not impact or affect the underlying analysis in the traffic study. The text change of TRANS-2A simply clarified the mitigation measure at the Court's request. Further, the removal of SR-162 from the traffic impact mitigation fee program does not alter these previous conclusions.

Response to CALTRANS-3

The agency requested that Mitigation Measure TRANS-2a be modified to require the applicant to provide direct mitigation to address the project's direct and immediate impacts to SR-162 between the SR-70 northbound ramp intersection and Feather River Boulevard. The improvements would consist of a 300-foot long right-turn lane on eastbound SR-162, modifying the signal operation at Feather River Boulevard allow right turn overlap phasing for eastbound-to-southbound turning movements, and converting the existing Feather River Boulevard northbound turn lane to an optional left-through lane. The agency provided plans depicting the attached improvements, which are provided as Comments CALTRANS-6 and CALTRANS-7. The agency did not submit the proposed improvements at the time the 2010 EIR was originally circulated for public comment and does not provide any analysis to support the proposed roadway improvements, noting the design is "conceptual."

The 2010 Partially Recirculated Draft EIR disclosed that the intersections of Oroville Dam Boulevard/SR-70 Northbound Ramps and Oroville Dam Boulevard/Feather River Boulevard, and the Oroville Dam Boulevard arterial corridor between SR-70 and Washington Avenue (Olive Highway) would operate at unacceptable levels under both "without project" and "with project" conditions. Potential improvements were discussed including widening Oroville Dam Boulevard to three lanes in each direction; however, it was determined that this was not feasible due to right-of-way constraints, the need to acquire a significant amount of right-of-way from businesses along the roadway, the need to reconstruct a railroad bridge, and the lack of planning or funding for such a major improvement. As such, the impact was found to be significant and unavoidable.

In the case of Caltrans' proposed improvement to eastbound Oroville Dam Boulevard between SR-70 Northbound Ramps and Feather River Boulevard, it should be emphasized that these two intersections and roadway segment are projected to operate at unacceptable levels under "without project conditions." Caltrans further notes that some right-of-way constraints still exist under the proposed design. Thus, under equitable share methodology, the proposed project would only be required to contribute its proportionate share to this improvement. However, as Caltrans has noted in Comment CALTRANS-2, the City has removed SR-162 from the traffic impact mitigation fee program and, therefore, no mechanism currently exists to allow the City to collect a fair share contribution from the project applicant. Should the City elect to add SR-162 back into the traffic impact mitigation fee program, such a mechanism would be reestablished. The 2010 EIR determined that impacts related to this roadway section were significant and unavoidable. The requested modification TRANS-2A does not alter this conclusion. Refer to Response to CALTRANS-2 for further discussion.

For the reasons described previously, the City respectfully declines Caltrans request to modify Mitigation Measure TRANS-2A to require the applicant to directly contribute to the proposed improvement.

Response to CALTRANS-4

The agency provided standard language about requirements for issuance of encroachment permits. No response is necessary.

Response to CALTRANS-5
The agency provided closing remarks to conclude the letter. No response is necessary.

Response to CALTRANS-6
The agency provided a plan depicting the improvements discussed in Comment CALTRANS-3. Refer to Response to CALTRANS-3.

Response to CALTRANS-7
The agency provided a plan depicting the improvements discussed in Comment CALTRANS-3. Refer to Response to CALTRANS-3.

Oroville Area
CHAMBER of COMMERCE

June 18, 2014

To the Honorable Mayor, City Council and Planning Commission:

Four years ago the Oroville Area Chamber of Commerce wrote a letter in support of the WalMart Superstore project in Oroville. Although many things have come and gone in the ensuing time one thing has not changed. The Chamber's Board of Directors wish to express their unanimous support of the project for the same reasons as in 2010.

- The store will provide Oroville's citizens with additional options for shopping and will most certainly decrease the amount of retail leakage to other communities, thereby increasing sales tax revenues to local government agencies for use within the community.
- Local merchants will benefit because when shoppers are able to find more of what they want locally, they are less likely to leave town to shop. 1
- It is projected that the Super WalMart store will create an additional eighty five jobs, most of which will be filled by local candidates. Oroville needs jobs and this project is will help fulfill that need.

We have all been anxiously awaiting some progress on this matter and, as before the Chamber's Board of Directors would like to see this project completed as quickly as possible so the community can begin to reap the benefits it will bring.

We all sincerely hope that 2014 will be the year that the actual building of the project commences!

Sincerely,

Claudia Knaus

Claudia Knaus

President and CEO
Oroville Area Chamber of Commerce

Oroville Area Chamber of Commerce, 1789 Montgomery Street, Oroville, California 95965
530.538.2542 www.orovillechamber.net

Private Organizations and Individuals

Oroville Area Chamber of Commerce (CHAMBER)

Response to CHAMBER-1

The organization expressed support for the proposed project, citing anticipated economic benefits. No response is necessary.

Luis A.Topete

From: Lynndee Caput <lynndeecaput@yahoo.com>
Sent: Tuesday, May 27, 2014 11:17 AM
To: Luis A.Topete

RE: Super Wal-Mart
Dear Mr. Topete,
The City of Oroville is anticipating a very large future increase in sales taxes from the Super Wal-Mart. This was probably the main rationale for approving this mega store. It's all about the money and the type of customers who shop there.

As a local resident of 19 years, I choose to do very little business and shop at Wal-Mart. The existing store is much too large, customer service practically non-existent and employees not very knowledgeable as to where merchandise is located. It has become just a glorified clearance center with most merchandise made in China and of poor quality. I have had to return many items for their poor performance and quality. The chair pads I purchased there nearly ruined my oak dining chairs.

1

If this is what future holds for shopping in our community, then an as savvy consumer concerned with quality, presentation and price, I choose other alternatives with smaller stores that are customer oriented and prices lower than Wal.Mart's.

I do shop in Chico because of friendly, knowledgeable customer service, quality, selection and lower prices. I do not shop for groceries in a mega-store. With the population aging, it is very difficult for older shoppers to navigate mega stores. With virtually no one on the floor to offer customer navigation and service, this adds to the frustrating experiences I have had when I have tried to shop there.

I am also concerned about the traffic debacle that will result from this mega-store as well as the new store(s) that will locate in the vacated building. This will create a huge traffic concentration and back-up in the intersections at Feather River Blvd as well as 5th Avenue.

You have my permission to share my concerns and comments with Wal-Mart executives and anyone else associated with this project.

Thank you, Respectfully, Lynndee Caput 530-533-0780

Lyndee Caput (CAPUT)

Response to CAPUT-1

The author expressed her preference to shop at businesses other than Walmart and concern about traffic congestion around the proposed Walmart store and the existing Walmart store at 355 Oroville Dam Boulevard.

Traffic impacts at intersections in the project vicinity (including those on Oroville Dam Boulevard and Feather River Boulevard) were evaluated in the Draft EIR and Partially Recirculated Draft EIR issued in 2010. As indicated in SPRDEIR Section 1.7.A, the scope of the document is limited to the two items the Appellate Court ruling deemed to be inadequate (the greenhouse gas emissions analysis and Mitigation Measure TRANS-2a). The Draft EIR's and Partially Recirculated Draft EIR's evaluation of traffic impacts on the local roadway system was not affected by the Appellate Court ruling and, therefore, is outside the scope of the SPRDEIR.

Law Office of William D. Kopper

417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

William D. Kopper*
Preston L. Morgan

June 26, 2014

VIA FEDERAL EXPRESS

Planning Staff
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

RE: *Comments on Second Partially Recirculated Draft Environmental Impact Report Oroville Wal-Mart Project*

Dear Staff:

Please find attached comments on the Second Partially Recirculated Draft Environmental Impact Report for the Oroville Wal-Mart Project prepared by Mr. Greg Gilbert. These are the comments of Friends of Oroville, John Clough, and Debra Woodcock. We incorporate into these comments the comments of all other individuals and entities making comments on the Second Partially Recirculated Draft Environmental Impact Report. My clients oppose the Oroville Wal-Mart Project. 1

Sincerely,

WILLIAM D. KOPPER

WDK:kgr
enclosure

RECEIVED
JUN 27 2014
CITY OF OROVILLE
PLANNING DEPT.

*Certified Family Law Specialist; and Estate Planning, Trust and Probate Law Specialist
The State Bar of California Board of Legal Specialization

I. Introduction

Autumn Wind Associates provides to William Kopper, Esq. the following comments regarding Greenhouse gas-related (GHG) air quality impact analysis contained within the Oroville Wal-Mart Second Partially Recirculated Draft EIR (SCH# 2008052081) prepared for the City of Oroville. 2

II. WalMart Supercenter 2nd Partially Recirculated DEIR GHG Baseline Analysis Approach Is Inappropriate

In the proposed Oroville WalMart Superstore Project, the EIR draws inaccurate conclusions regarding the impact of the GHG emissions estimated for the project. This is the result of using an inappropriate baseline and failure to compare new emissions against emissions from a realistic "Business-As-Usual" (BAU) future scenario.

Courts have held that the BAU scenario used to estimate and evaluate GHGs must be able to withstand scrutiny. In Communities for a Better Environment versus South Coast Air Quality Management District, the court upheld that a BAU scenario must be credible. Furthermore, in Friends of the Northern San Jacinto Valley, et al. v. County of Riverside, the Court found that a hypothetical "worst case scenario" was improperly used to establish the proposed project's BAU. Use of an inappropriately devised BAU will skew a determination of the significance of new project emission estimates, since comparison to a higher-than-appropriate BAU will automatically under-represent new, total GHG project emissions that will impact the airshed, while tending to over-represent the relative value of mitigations. The current approach in the EIR focuses on reducing about 30% of GHGs estimated for a store twice the size of the existing WalMart, with the total increment of GHGs exceeding existing emissions by around 50%. The net GHG effect of establishing a new, higher BAU baseline for the proposed store, in combination with retention of GHGs from the existing store, is to greatly increase the aggregated GHG impact. 3

Here the use of an unrealistic BAU creates a situation where GHG emissions from the project are much lower in comparison to the hypothetical scenario, than if GHG emissions were compared using a more realistic BAU scenario. With use of a hypothetical BAU developed for a new, larger Superstore, rather than developed with use of the BAU established by the existing WalMart, greater absolute amounts of GHGs will result from the new Superstore and can be expected to combine with GHGs that will result from continued use of the existing store building by a new tenant.

The major legislation governing climate protection efforts in California is AB 32, which requires California to reduce GHG emissions to 1990 levels by 2020. The California Air Resources Board has been delegated responsibility for the implementation of AB 32, and has created a "Scoping Plan" that

contains methods and measures for meeting the 2020 goal. As noted in the WalMart EIR, the Scoping Plan prepared by the California Air Resources Board (CARB) estimates that GHG must be reduced by approximately 29% by 2020 in order to achieve the AB 32 goal. The EIR asserts that this goal equates to a de facto threshold of significance, whereby if the project's emissions are 29% below a 2020 BAU scenario it should then be considered consistent with the ARB's Scoping Plan and, hence, with the goals of AB 32. As noted above, however, the courts have consistently found that in order for such an analysis to be acceptable, the BAU scenario must be realistic.

The project description in the EIR states that the new WalMart will be constructed in a new location within the City of Oroville. At Appendix B, pg. 25, the Greenhouse Gas Analysis Report states that the existing store will not be demolished as part of the project, and it assumes that that land use will continue in operation. WalMart has indicated it will vacate the site and sell it to a local developer for re-tenanting. Consequently, the proposed Super WalMart will create a situation in which a project comparable to the existing WalMart will continue to emit GHGs, while at the same time the new and larger entity (the project) is to be added to the existing baseline. 3 CONT

As such, the appropriate BAU scenario should have been predicated on emissions estimated for continued operations at the current site, or, possibly, with emissions estimated for a new project more reasonably consistent for the zoned land use. Rather than using a GHG average baseline derived from businesses and storefronts typical for the new project area, the EIR has created a much higher-than-average baseline (BAU) that presumes automatic acceptance of the higher net complement of GHGs to occur with the Superstore land use. Rather than comparing to an average GHG BAU for the project area or utilizing the BAU established from the existing WalMart, the EIR has inappropriately chose to evaluate only for whether the new Superstore's greater absolute emissions would be reduced by 29 percent in compliance with State regulatory requirements. This is not an acceptable BAU scenario since it will result in a greater net GHG impact, and because it conflicts with the criteria set forth in both Communities for a Better Environment versus South Coast Air Quality Management District, and Friends of the Northern San Jacinto Valley, et al. v. County of Riverside.

In Section 3.1.7 of Appendix B, the EIR estimates that emissions from the existing WalMart are 8,210 MTCO2e in the 2020 BAU scenario, and 5,991 MTCO2e per year in2020 with regulations applied, assuming that the existing WalMart or similar store would still be operational in 2020. In comparison, the 200,225-square-foot proposed WalMart's GHGs are estimated at 11,393 MTCO2e per year (Table 6). The EIR does fails to draw any conclusions about whether this additional 5,402 MTCO2e per year constitutes a significant impact; instead, as noted above, choosing to conclude that because the new WalMart will be subject to new State regulations governing GHG, it will obtain a 29% reduction in the emissions that would occur without these regulations. On the same page, the conclusion states that new emissions should not be considered significant because "The Scoping Plan assumes that new growth and 4

development will continue, and therefore set the threshold benchmark at 29 percent to account for such additional growth, while still meeting the overall statewide GHG reduction goals of AB 32."

In order to ensure that AB 32 goals are met, the California Air Resources Board (CARB) has recognized that actions must be taken to limit GHG emissions from transportation emissions associated with new growth and development in California. As a result, the State legislature, subsequent to AB 32, passed into law the Sustainable Communities Act (SB 375), requiring CARB to set regional targets for GHG emission reductions from passenger vehicle use. SB 375 is specifically designed to ensure that growth in vehicle use, particularly from new land use growth including the proposed WalMart Superstore, does not compromise AB 32 goals. Yet the EIR fails to acknowledge any regional targets for vehicle use or compare the emissions from the project to the appropriate SB 375 target. Consequently, there is no way of determining whether the additional GHG that will be produced by the project is consistent with SB 375's requirements. 4 CONT

III. WalMart Supercenter 2nd Partially Recirculated DEIR Fails to Show Consistency With SB 375

The Air Resources Board has clearly identified that SB 375 compliance is an important part of its overall Scoping Plan strategy. In the First Update to the Climate Change Scoping Plan, CARB has included a "Summary of Recommended Actions by Sector". For the Transportation sector, one of the recommended actions is "Evaluate Updating the SB 375 Regional Targets Established in 2010" (page 95). Under SB 375, each of California's Metropolitan Planning Organizations (MPOs) must prepare a "sustainable communities strategy" (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets.

5

Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. CARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. The Oroville WalMart Superstore EIR should, at the very least, compare its estimated emissions to the appropriate regional GHG targets to determine if the project is consistent with the regional SCS. Failure to demonstrate consistency should automatically indicate that project GHG impacts are significant because of their jeopardizing the goals of AB 32.

The BAU used in the EIR is clearly inadequate to accurately estimate the significance of the proposed Superstore's GHG impacts and the quantified tons of emissions to be reduced by proposed mitigation measures. The GHG analysis should be revisited using an appropriate BAU in order to be consistent with the case law as described above, and to ensure that percentage reductions of GHGs under AB 32 are

reflected from a more realistic baseline since a higher-than-appropriate baseline will result in a greater-than-appropriate net amount of GHG emissions.

The EIR must also recognize that because the site of the existing WalMart will be maintained in similar use, those existing emissions do not simply "disappear". Instead, they will remain a part of the inventory, and a much larger source of GHG emissions will be added in the form of the new project. The Lead Agency must, then, demonstrate how the AB 32-required 29 percent net reduction in GHG emissions will be accomplished for year 2020. The SCS adopted for the region includes targets for transportation emissions in future years that are consistent with the goals of AB 32, yet with no realistic BAU scenario used in the analysis, and no discussion of whether the project is consistent with the regional SCS targets, the EIR cannot draw a conclusion of less-than-significant impact that will satisfy the requirements of CEQA. 5 CONT

Greg Gilbert
Autumn Wind Associates, Inc.
P.O. Box 1030
Newcastle, CA 95658
(916) 663-2222
ggilbert@autumnwind.us

STATEMENT OF QUALIFICATIONS

Education
University of California, Santa Barbara; B.A., Env. Studies, 1982
Graduate and Professional Studies in Law, Planning, Emissions Modeling

Professional History
Greg Gilbert has consulted on air quality land use planning and mobile source issues and projects to private and public clients since forming Autumn Wind Associates in 2001. Previously, he was marketing director for a specialty emissions catalyst manufacturer. Between 1990 and 2000 Mr. Gilbert worked in two California air agencies, most recently as project manager in the Mobile Source Division of the Sacramento Metropolitan Air Quality Management District. While at the SMAQMD, Mr. Gilbert was responsible for implementing the District's heavy-duty vehicle low-emission incentive program that would later serve as a model for creation of the statewide Moyer Program. Air agency experience included evaluating land use-related air quality emission impacts and control strategies, developing CEQA mitigations and updating CEQA guidance, and creation of the first in-lieu air quality CEQA mitigation fee program.

Since leaving the SMAQMD he has provided consulting expertise to air agencies, provided input for revisions to the URBEMIS model, conducted research on construction practices and equipment emissions, and assisted with development of air district CEQA land use guidance documents and mitigation strategies. Mr. Gilbert reviews CEQA project-specific environmental documentation and provides written comments for a wide range of public-, private-, and environmental-sector clients.

William Kopper (KOPPER)

Response to KOPPER-1
The author provided introductory remarks and referenced comments prepared by Greg Gilbert (Comments KOPPER-2 through KOPPER-5). The author stated that his clients oppose the proposed project.

Mr. Gilbert's comments are addressed in Response to KOPPER-2 through Response to KOPPER-5.

Response to KOPPER-2
Mr. Gilbert provided introductory remarks to preface his comments. No response is necessary.

Response to KOPPER-3
Mr. Gilbert stated that the SPRDEIR draws inaccurate conclusions regarding the impact of greenhouse gas emissions because it uses an inappropriate baseline and fails to compare new emissions against emissions from a realistic "Business-As-Usual" scenario. He claimed that the SPRDEIR focuses on reducing approximately 30 percent of greenhouse gas emissions estimated for a new store twice the size of the existing Walmart store, with the total increment of greenhouse gas emissions exceeding existing emissions by approximately 50 percent. Mr. Gilbert contended that this serves to greatly increase the aggregated greenhouse gas emissions impact by retaining emissions from the existing store and establishing a new higher Business As Usual baseline for the proposed store. He asserted that an appropriate Business As Usual scenario would have been predicated on emissions estimated for continued operations at the currently site or with emissions estimated for a new project more reasonably consistent for the zoned land use as opposed to the much higher-than-average baseline used in the SPRDEIR. Mr. Gilbert asserted that the Business As Usual scenario used in the SPRDEIR is not acceptable because it will result in a greater net greenhouse gas emissions impact and conflicts with recent court rulings from Southern California that pertain to the subject.

The SPRDEIR goes to great lengths to fully describe the baseline conditions and the Business as Usual approach. The 2020 Business as Usual scenario is a realistic depiction of the impacts in relation to the Assembly Bill (AB 32) 2020 target year. This approach is provided as one of the "non-zero" threshold options for determining significance by the California Air Pollution Control Officers Association (CAPCOA) in its CEQA and Climate Change (2008) document and has been used by numerous projects around the state. The Butte County Air Quality Management District (BCAQMD) CEQA Guidelines recommend that Lead Agencies follow CAPCOA greenhouse gas guidance. The percent reduction from 2020 Business as Usual approach has survived legal challenge in several appellate courts and was recommended for use on this project by the Third District Court of Appeal in its ruling. On page 17 of the ruling the Court states:

> The City properly adopted Assembly Bill 32's reduction targets for GHG emissions as the threshold-of-significance standard in determining whether the Project's GHG emissions constituted a significant environmental impact.

Mr. Gilbert's claim that the Business as Usual scenario is higher than appropriate and will overstate the value of mitigation is incorrect. The Business as Usual scenario used in the analysis is structured to provide a consistent approach that can be used by all projects and accurately discloses the impact

in relation to AB 32 targets. The ARB Scoping Plan based its Business as Usual inventory on emissions and regulations that were in effect during 2002 to 2004 to determine the amount of reductions that would be required by 2020 accounting for growth to achieve the AB 32 target of 1990 emission levels by 2020. The Scoping Plan showed that a reduction of 28.2 percent from the 2020 Business as Usual inventory would be required to achieve the State's target. For the project analysis, the 29 percent reduction from 2020 Business as Usual analysis reflects the emissions that would occur if no regulations were implemented since the Scoping Plan inventory was prepared. This allows the required percent reduction to stay constant regardless of the year that the project begins operation. Otherwise the required reduction would need to be revised every year to reflect the lower amount required to reach the target with the implementation of regulations. The approach provides consistency in analysis and in no way overstates the benefits of the regulatory program, nor does it understate project impacts.

The ARB has only prepared one update to the emission inventory and projections since the Scoping Plan was adopted in 2008. As stated in the SPRDEIR on page 4.2.A-6, the ARB revised the inventory projections for 2020 to reflect slower growth in emissions experienced during the recession and recovery, which resulted in a reduction in the amount required to achieve AB 32 targets from 28 percent to 21.7 percent from Business as Usual. It is impractical to adopt a new threshold for each year and the 29 percent reduction has become an increasingly conservative threshold based on actual progress in reducing emissions, not an overstatement of reductions. The SPRDEIR retains the 29 percent reduction threshold to be conservative.

Mr. Gilbert's comments imply that the growth in emissions from the project would prevent or conflict with the State from achieving reductions in emissions needed to achieve AB 32 targets of 1990 emission levels by 2020. The ARB Scoping Plan accounts for growth in emissions based on population and economic growth forecasts for the State. The Scoping Plan includes the cumulative growth from all sources. Retail stores are built to accommodate the needs of the population that lives in the store's market area and are not considered growth inducing. It is widely understood in the land use planning and development industry that retail follows residential development, as a population base is needed to generate sales. Additional retail development in Oroville would not result in the State revising its growth forecasts. In fact, as stated above, the State has revised growth forecasts downward to reflect slower growth. The analysis included in the SPRDEIR demonstrates that the project itself does not hinder the State's progress toward AB 32 targets because the project will emit at a rate that is 31.7 percent below 2020 Business as Usual emissions, which is substantially more than the rate required by the State from all sources of emissions to achieve its target.

Moreover, Mr. Gilbert's assertion that emissions from the existing store and the proposed new store should be added together to create a combined baseline is inappropriate and would provide no meaningful insight into project impacts. The proposed project consists of relocating the existing Walmart store from 355 Oroville Dam Boulevard East to the southeast quadrant of the intersection of Feather River Boulevard and Cal Oak Road—a distance of approximately 0.25 mile. The existing Walmart store is approximately 110,910 square feet, while the new Walmart store would be approximately 200,225 square feet. By virtue of the new store being 180 percent of the size of the existing store, it would capture all of the greenhouse gas emissions associated with the existing location on Oroville Dam Boulevard (e.g., customers, employees, deliveries, etc.), plus additional

emissions associated with the new store. Thus, accounting for the emissions associated with the 355 Oroville Dam Boulevard East location in the baseline would effectively serve to "double count" greenhouse gas emissions.

Further, Mr. Gilbert's claim that the effect of establishing a new, higher Business as Usual baseline for the proposed store, in combination with retention of GHGs from the existing store, is to greatly increase the aggregated GHG impact is incorrect. Adding the emissions from existing and new stores would not result in greatly increased impacts when using the reduction from Business as Usual threshold approach. The SPRDEIR Table 4.2.A-2 and Table 4.2.A-5 provide 2020 Business as Usual and 2020 with controls modeling results for the proposed store and the existing store. Table 2-1 shows the effect of combining the emissions and assessing the impact as a single project. The combined project still achieves more than the 29 percent required and would have a less than significant impact.

Table 2-1: Operational CO_2e Generation for Proposed and Existing Walmart

Existing Walmart Emissions Source	Metric Tons of Carbon Dioxide Equivalents ($MTCO_2e$)		Percent Reduction
	2020 Business As Usual	2020 Scenario (CalEEMod)	
Proposed Store	16,677.78	11,392.88	31.7
Existing Store	8,209.66	5,991.04	27.0
Combined Emissions (Proposed and Existing)	**24,887.44**	**17,383.92**	**30.1**
Source: FirstCarbon Solutions, 2014.			

Regarding Mr. Gilbert's statement the Business as Usual scenario used in the analysis is not realistic; this claim is based on faulty logic. It is not realistic to add emissions already accounted for in the baseline to a project's emissions. The Scoping Plan's 29 percent reduction from Business as Usual in 2020 accounts for emissions that existed at the time the baseline emission inventory was prepared. Adding it again would result in double counting the emissions, which is certainly not a realistic scenario. All emission factors and modeling assumptions are described in the technical report attached as Appendix B to the SPRDEIR, which provides full disclosure of the potential greenhouse gas emissions impact.

Finally, Mr. Gilbert claims that the analysis should have used different assumptions for the land uses in the project area predicated on continued operations at the current site or consistent with the zoned land use. To the contrary, his proposed methodologies would result in an incorrect baseline for a Business as Usual analysis. Baseline is predicated on the conditions in the existing environment. The project that must be analyzed for consistency with AB 32 targets is the use proposed, not a previously approved project that is part of the existing conditions. The threshold is based on a percentage reduction from Business as Usual of the project. Using another baseline would not provide a result that describes the effect of regulations and mitigation measures on the project. Using a contrived project to determine Business as Usual as suggested by Mr. Gilbert would provide a

false comparison. Applying Mr. Gilbert's theory to zoning would mean that the baseline would be an artificial amount that is allowed by some average amount of development that could occur onsite as opposed to the actual project proposed for the site. For the proposed project, the analysis is based on the full development of 200,225 square feet because the project site is vacant and has not been previously entitled for development. Comparing the project to what may be hypothetically allowed by a land use plan or zoning does not disclose the impact of the project on the environment and would be speculative.

In summary, the baseline used in the SPRDEIR was appropriate and consistent with adopted guidance.

Response to KOPPER-4

Mr. Gilbert stated that the SPRDEIR Appendix B discloses that the existing Walmart would emit 8,210 metric tons of carbon dioxide equivalents ($MTCO_2e$) in the 2020 Businesses as Usual Scenario and 5,991 $MTCO_2e$ with regulations applied. He noted that the SPRDEIR discloses that the proposed Walmart store would emit 11,393 $MTCO_2e$ per and fails to draw any conclusions about whether the additional 5,402 $MTCO_2e$ constitutes a significant impact. Mr. Gilbert stated that the SPRDEIR instead concludes that because the new Walmart store would be subject to state regulations governing greenhouse gas emissions, it will obtain a 29 percent reduction in the emissions, thereby meeting the overall statewide greenhouse gas reduction goals of Assembly Bill (AB) 32. He stated that the California Air Resources Board (ARB) has recognized that actions must be taken to limit transportation emissions and the State Legislature passed Senate Bill (SB) 375, the Sustainable Communities Act, requiring ARB to set regional targets for passenger vehicle use, with an emphasis on ensuring that growth in vehicle use from projects such as the new Walmart store does not compromise AB 32's goals. Mr. Gilbert claimed that the SPRDEIR failed to acknowledge any regional targets for vehicle use, and that it does not compare project emissions to the appropriate SB 375 target.

The significance finding is based on the project's impact on the environment as discussed above. The SPRDEIR assesses the full impact of the proposed 200,225-square-foot store, and also assesses the emissions generated by the existing 100,910-square-foot existing store for the purposes of comparison, in order to comply with the Appellate Court ruling. As shown in Table 2-1 in Response to KOPPER-3, the combined impact of the existing store and the project would provide emission reductions from Business as Usual that are over 29 percent and is therefore consistent with the ARB Scoping Plan even under an artificial, worst-case scenario.

Mr. Gilbert appears to confuse the discussion in section 3.1.7 of Appendix B of the SPREIR regarding the comparison of the project emissions to the 29 percent significance threshold and subsequent discussion in the same paragraph regarding the inclusion of growth in the 29 percent reduction amount in the Scoping Plan. The project achieves the requisite 29 percent threshold, as indicated throughout the SPREIR. The discussion regarding the Scoping Plan Business as Usual approach regarding accounting for growth is also correct. The purpose of the Scoping Plan Business as Usual analysis is to ensure that the State identifies sufficient reductions to achieve its goal, while accounting for growth that will occur by the 2020 target year.

Finally, as will be discussed in greater detail in Response to KOPPER-5, SB 375 applies to Metropolitan Planning Organizations and not local governments such as the City of Oroville. Moreover, attempting to compare a single land development project's vehicular emissions to the regional targets set forth would be an inappropriate comparison, and would not provide any meaningful insight into the significance of project emissions. Refer to Response to KOPPER-5

Response to KOPPER-5
Mr. Gilbert provided background information on SB 375 and stated that the SPRDEIR should have compared the Walmart project's emissions to the appropriate greenhouse gas emissions targets to determine if it is consistent with the regional Sustainable Communities Strategy. He stated that the failure to provide this analysis should "automatically" indicate that project greenhouse gas emissions impacts are significant because it jeopardizes the goals of AB 32. Mr. Gilbert reiterated his prior comments about the "Business as Usual" scenario used in the SPRDEIR and asserted that the inventory must account for the existing emissions from the Walmart store. He stated that the City of Oroville must demonstrate how the AB-32 required 29-percent net reduction in greenhouse gas emissions would be accomplished for Year 2020. Mr. Gilbert reiterated his previous remarks about evaluating project emissions against the regional greenhouse gas emissions targets set forth in the Sustainable Communities Strategy.

Senate Bill (SB) 375 Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) establishes that Sustainable Communities Strategy targets are not intended to be applied to local land development projects:

> GC Section 65080(2)(J) Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, nor, except as provided by subparagraph (I), shall either one be subject to any state approval. Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region. Nothing in this section shall be interpreted to limit the state board's authority under any other provision of law. Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy.

Moreover, a more appropriate comparison is to evaluate the assumptions contained in the Butte County Association of Governments (BCAG), Sustainable Communities Strategy for the project site. The BCAG Metropolitan Transportation Plan/Sustainable Communities Strategy designates the area containing the project site as an "Established Growth Area". Established growth areas are within the currently built environment. They represented areas where infill and redevelopment opportunities are present.

The ARB evaluated and approved the BCAG Metropolitan Transportation Plan/Sustainable Communities Strategy. According to the ARB, future growth within Butte County's "Established Areas" typically utilizes locations of currently planned developments or vacant infill parcels. Local

plans generally seek to maintain the existing character of these areas. The proposed project site is currently designated for commercial development in the General Plan and is consistent with the character of the area; therefore, the proposed project is consistent with the BCAG Metropolitan Transportation Plan/Sustainable Communities Strategy. The Metropolitan Transportation Plan/Sustainable Communities Strategy bases the reductions required to meet ARB targets on planned land uses. Projects that are consistent with the General Plan are automatically consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy.

Finally, Mr. Gilbert's concluding statement reiterates his previous comments about baseline and the Sustainable Communities Strategy. Refer to Response to KOPPER-3 through Response to KOPPER-5.

Response to KOPPER-6
The comment consists of Greg Gilbert's Statement of Qualifications. No response is necessary.

ATTACHMENT - F

SECOND PARTIALLY RECIRCULATED FINAL
Environmental Impact Report
Oroville Walmart Project
City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

Prepared for:

City of Oroville
1735 Montgomery Street
Oroville, CA 95965
530.538.2401

Contact: Donald Rust, Director of Community Development

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

July 17, 2014

SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Oroville, as the lead agency, has evaluated the comments received on the Oroville Walmart Project Second Partially Recirculated Draft Environmental Impact Report (SPRDEIR), State Clearinghouse Number 2008052081.

This Second Partially Recirculated Final Environmental Impact Report (SPRFEIR) is organized into these sections:

- **Section 1 – Introduction.**
- **Section 2 – Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals who commented on the SPRDEIR. Copies of all of the letters received regarding the SPRDEIR and responses thereto are included in this section.
- **Section 3 – Errata:** Includes an addendum listing refinements and clarifications on the SPRDEIR, which have been incorporated.

Because of its length, the text of the SPRDEIR is not included with these written responses; however, it is included by reference in this SPRFEIR. None of the corrections or clarifications to the SPRDEIR identified in this document constitutes "significant new information" pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the SPRDEIR is not required.

SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Oroville, as the lead agency, evaluated the comments received on the Second Partially Recirculated Draft Environmental Impact Report (SPRDEIR) for the Oroville Walmart Project and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Second Partially Recirculated Final Environmental Impact Report (SPRFEIR) for the project in accordance with CEQA Guidelines Section 15132.

2.2 - Responses to Comments

2.2.1 - List of Authors

A list of public agencies, organizations, and individuals who provided comments on the SPRDEIR is presented below. Each comment author has been assigned a code. The text of the author's communication is reprinted and followed by the corresponding response. Individual comments within each communication have been numbered so comments can be cross-referenced with responses.

Author **Author Code**

Public Agencies

Central Valley Regional Water Quality Control Board .....RWQCB
California Department of Transportation, District 3 ..... CALTRANS

Private Organizations and Individuals

Oroville Area Chamber of Commerce.....CHAMBER
Lyndee Caput ..... CAPUT
William Kopper ..... KOPPER

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

30 May 2014

Mr. Don Rust
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

COMMENTS ON THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED OROVILLE WALMART PROJECT, ASSESSORS PARCEL NUMBER 035-360-019, OROVILLE, 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 23 May 2014, we received your request for comments on the Recirculated Draft Environmental Impact Report for the Oroville Walmart Project.

The proposed project consists of the development of a 200,225 square foot Walmart store on 20.75 acres in the City of Oroville. The Walmart store would operate 24 hours a day, 7 days a week, and would retail general merchandise and groceries. The project would provide 794 spaces for off-street parking. Following completion of the proposed project, the existing Walmart store at 355 Oroville Dam Boulevard would be vacated and sold to another party.

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

Isolated wetlands and other waters not covered by the Federal Clean Water Act 1
Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at:
http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf

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 Oroville 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:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml

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 Oroville 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 Oroville in compliance with their Phase II Municipal Storm Water Permit. 1 CONT

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

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

SAZ:wrb:lmw

cc: Ms. Krystel Bell, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
State Clearing House Number (2008052081)

Public Agencies

Central Valley Regional Water Quality Control Board (RWQCB)

Response to RWQCB-1

The agency provided standard language about impacts to isolated wetlands and waters not covered by the Federal Clean Water Act, permitting requirements for storm water discharges, and post-construction storm water requirements. No project-specific comments were provided.

Hydrology and water quality impacts were evaluated in the Draft EIR issued in 2010. As indicated in SPRDEIR Section 1.7.A, the scope of the document is limited to the two items the Appellate Court ruling deemed to be inadequate (the greenhouse gas emissions analysis and Mitigation Measure TRANS-2a). The comment does not note any new or more significant impacts that would result from the Project that have not already been assessed in the 2010 EIR and does not identify any project specific concerns. Mitigation established in the 2010 EIR related to water quality is still in effect. The Draft EIR's evaluation of hydrology and water quality impacts was not affected by the Appellate Court ruling and, therefore, is outside the scope of the SPRDEIR.

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-5452
FAX (530) 741-5346
TTY 711

Flex your power!
Be energy efficient!

July 2, 2014

FMP # 032014-BUT-0030
03-BUT-162/PM 16.015
SCH# 2008052081

Mr. Donald Rust
Community Development Department
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Oroville Super Wal-Mart

Dear Mr. Rust:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Oroville Super Wal-Mart project (SCH# 2008052081). This project proposes the construction of a 200,255 square foot Wal-Mart store and parking area on a 20.75-acre parcel and will include general merchandise and grocery sales areas in addition to a fast food restaurant, bank, medical clinic, vision center, photo lab, and a nail and hair salon. The project site is located just south of State Route (SR) 162 and just east of SR 70 at the intersection of Feather River Boulevard and Cal Oak Drive in Oroville. The following comments are based on the Second Partially Recirculated Draft Environmental Impact Report (DEIR). 1

Mitigation Measures

Revised Mitigation Measure (MM) TRANS-2A requires the applicant provide payments to the City of Oroville to contribute toward the cost of specific improvements needed as a result of this development; however, the City's recently updated traffic impact mitigation fee program no longer includes SR 162. The absence of SR 162 in this fee program leaves us without a mechanism to bank fair share or pro rata fees collected to offset impacts to the State highway system, such as the improvements identified in the 2010 Traffic Impact Study (TIS) for this project. We encourage the City to consider adding SR 162 into the fee program during the next program revision or update. 2

In light of this change to the City's fee program, we request that MM TRANS-2A be modified to require the applicant provide direct mitigation to address the project's direct and immediate impacts to SR 162 between the SR 70 northbound ramp intersection and the SR 162/Feather River Boulevard intersection. We would also like to meet with the City at your earliest convenience to discuss the best method for accomplishing this.

The recommended direct mitigation should consist of providing a 300 foot long right-turn lane (eastbound to southbound) and construction of new curb, gutter, and sidewalk adjacent to the westbound lanes. This improvement can be constructed within Caltrans right of way (ROW) with 3

the exception of a small sliver of landscaped area fronting the Wendy's fast food restaurant. In addition, the traffic signal at the intersection of Feather River Boulevard and SR 162 will require modification to include (1) a right-turn overlap for the eastbound-to-southbound turning movement and (2) conversion of the existing northbound turn lane to an optional left-through lane with associated signal retiming, striping, and pavement markings on the south leg of Feather River Boulevard. No work is expected to be required on SR 162 east or north of the SR 162/Feather River Boulevard intersection. 3 CONT

The conceptual design of the requested improvements is attached for reference. Basic geometric design assumptions include 12-foot lanes, 5-foot shoulders, a 2-foot buffer strip with raised curb, 5-foot sidewalks, and minimum curve radii as depicted on the attachment to minimize superelevation rates.

Encroachment Permit

Please be advised that any work or traffic control that would encroach onto the State ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to the address below:

Bruce Capaul, Chief
Office of Permits
Caltrans - District 3
703 B Street
Marysville, CA 95901 4

Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. Please visit the following URL for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

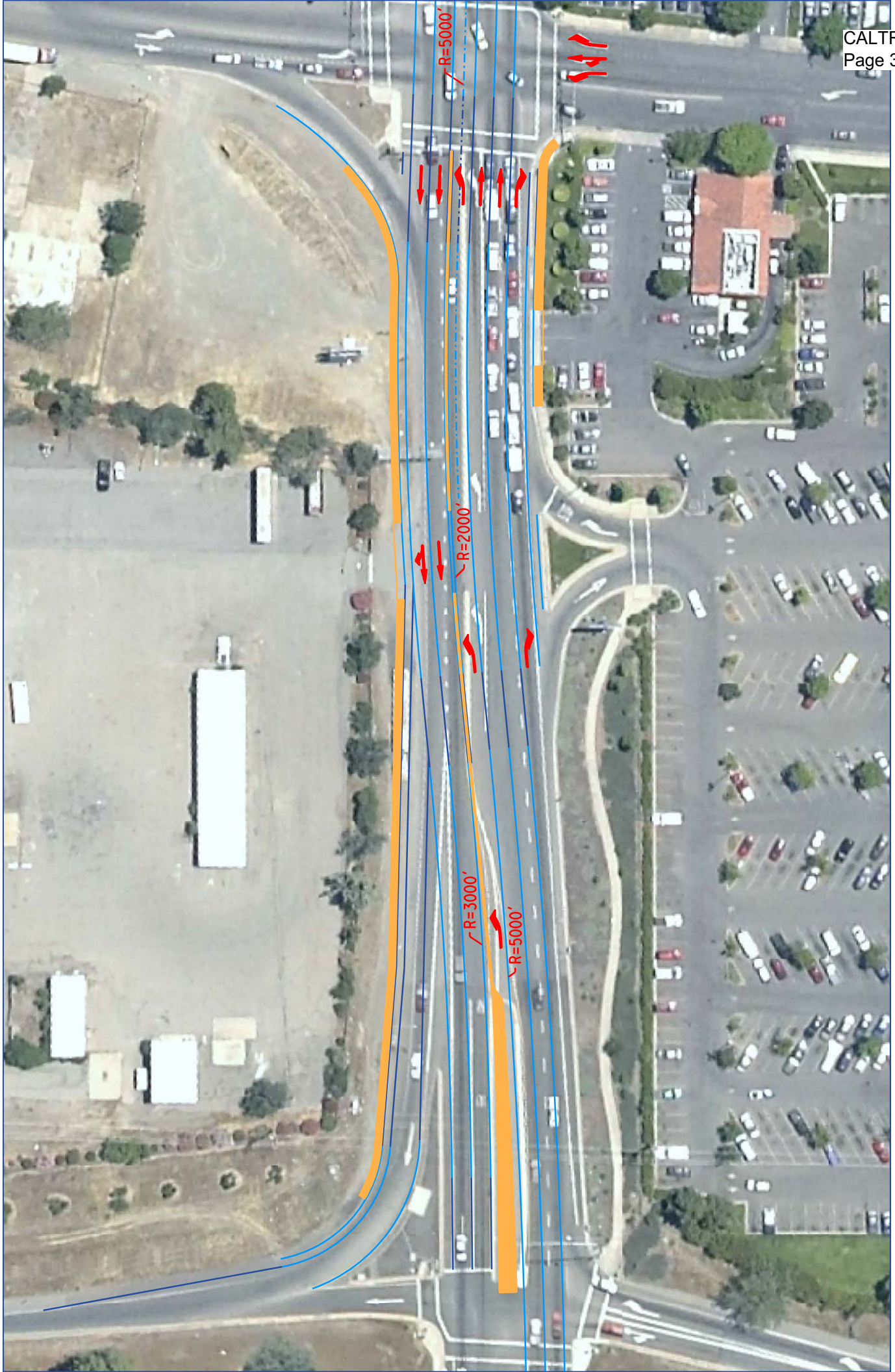
If you have any questions regarding these comments or require additional information, please contact Shannon Culbertson, Intergovernmental Review Coordinator for Butte County, at (530) 741-5435 or by email at shannon.culbertson@dot.ca.gov. 5

Sincerely,

Shannon Culbertson

for SUSAN ZANCHI, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse



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California Department of Transportation, District 3 (CALTRANS)

Response to CALTRANS-1
The agency provided introductory remarks to open the letter and provides an adequate project location. No additional response is necessary.

Response to CALTRANS-2
The agency referenced Mitigation Measure TRANS-2A and noted that the City's recently updated traffic impact mitigation fee program no longer includes State Route 162 (SR-162) (also known as Oroville Dam Boulevard). The agency stated that the absence of SR-162 from the fee program leaves no mechanism to bank fair share or *pro rata* fees collected to offset impacts to the State highway system. The agency urged the City to consider adding SR-162 into the fee program during next revision or update.

As indicated in SPRDEIR Section 1.7.A, the scope of the document is limited to the two items the Appellate Court ruling deemed to be inadequate (the greenhouse gas emissions analysis and Mitigation Measure TRANS-2A). The SPRDEIR revised the text only of the original Mitigation Measure TRANS-2A to address the court's concern that:

> "Given that the transportation-related fee schedule is being updated along with the Traffic Program update, we think it necessary to confirm that the issuance of building permits is a provision which ensures that Wal-Mart, as required by MM TRANS-2a, pays "all transportation-related fees to [the City] in accordance with the latest adopted fee schedule," and not a provision that excuses such payment depending on when building permits are issued."

To be clear, the revision still requires the applicant to pay the required transportation-related fees in accordance with the latest adopted fee schedule, which is what the original Mitigation Measure TRANS-2A required.

Regarding the City's action to remove SR-162 from the traffic impact mitigation fee program, this does not have any bearing on Mitigation Measure TRANS-2A, as the applicant will still be required to pay all transportation-related fees in accordance with the latest adopted fee schedule and contribute its fair share in accordance with the mitigation.

Moreover, the 2010 Partially Recirculated Draft EIR analyzed the roadway sections in question and concluded that intersection and arterial corridor operations along SR-162 would operate at unacceptable levels with or without the project and that no feasible improvements were available. As such, impacts were found to be significant and unavoidable. There have been no changes to the proposed project, and the text change to the mitigation measure did not impact or affect the underlying analysis in the traffic study. The text change of TRANS-2A simply clarified the mitigation measure at the Court's request. Further, the removal of SR-162 from the traffic impact mitigation fee program does not alter these previous conclusions.

Response to CALTRANS-3

The agency requested that Mitigation Measure TRANS-2a be modified to require the applicant to provide direct mitigation to address the project's direct and immediate impacts to SR-162 between the SR-70 northbound ramp intersection and Feather River Boulevard. The improvements would consist of a 300-foot long right-turn lane on eastbound SR-162, modifying the signal operation at Feather River Boulevard allow right turn overlap phasing for eastbound-to-southbound turning movements, and converting the existing Feather River Boulevard northbound turn lane to an optional left-through lane. The agency provided plans depicting the attached improvements, which are provided as Comments CALTRANS-6 and CALTRANS-7. The agency did not submit the proposed improvements at the time the 2010 EIR was originally circulated for public comment and does not provide any analysis to support the proposed roadway improvements, noting the design is "conceptual."

The 2010 Partially Recirculated Draft EIR disclosed that the intersections of Oroville Dam Boulevard/SR-70 Northbound Ramps and Oroville Dam Boulevard/Feather River Boulevard, and the Oroville Dam Boulevard arterial corridor between SR-70 and Washington Avenue (Olive Highway) would operate at unacceptable levels under both "without project" and "with project" conditions. Potential improvements were discussed including widening Oroville Dam Boulevard to three lanes in each direction; however, it was determined that this was not feasible due to right-of-way constraints, the need to acquire a significant amount of right-of-way from businesses along the roadway, the need to reconstruct a railroad bridge, and the lack of planning or funding for such a major improvement. As such, the impact was found to be significant and unavoidable.

In the case of Caltrans' proposed improvement to eastbound Oroville Dam Boulevard between SR-70 Northbound Ramps and Feather River Boulevard, it should be emphasized that these two intersections and roadway segment are projected to operate at unacceptable levels under "without project conditions." Caltrans further notes that some right-of-way constraints still exist under the proposed design. Thus, under equitable share methodology, the proposed project would only be required to contribute its proportionate share to this improvement. However, as Caltrans has noted in Comment CALTRANS-2, the City has removed SR-162 from the traffic impact mitigation fee program and, therefore, no mechanism currently exists to allow the City to collect a fair share contribution from the project applicant. Should the City elect to add SR-162 back into the traffic impact mitigation fee program, such a mechanism would be reestablished. The 2010 EIR determined that impacts related to this roadway section were significant and unavoidable. The requested modification TRANS-2A does not alter this conclusion. Refer to Response to CALTRANS-2 for further discussion.

For the reasons described previously, the City respectfully declines Caltrans request to modify Mitigation Measure TRANS-2A to require the applicant to directly contribute to the proposed improvement.

Response to CALTRANS-4

The agency provided standard language about requirements for issuance of encroachment permits. No response is necessary.

Response to CALTRANS-5
The agency provided closing remarks to conclude the letter. No response is necessary.

Response to CALTRANS-6
The agency provided a plan depicting the improvements discussed in Comment CALTRANS-3. Refer to Response to CALTRANS-3.

Response to CALTRANS-7
The agency provided a plan depicting the improvements discussed in Comment CALTRANS-3. Refer to Response to CALTRANS-3.

Oroville Area
CHAMBER of COMMERCE

June 18, 2014

To the Honorable Mayor, City Council and Planning Commission:

Four years ago the Oroville Area Chamber of Commerce wrote a letter in support of the WalMart Superstore project in Oroville. Although many things have come and gone in the ensuing time one thing has not changed. The Chamber's Board of Directors wish to express their unanimous support of the project for the same reasons as in 2010.

- The store will provide Oroville's citizens with additional options for shopping and will most certainly decrease the amount of retail leakage to other communities, thereby increasing sales tax revenues to local government agencies for use within the community.
- Local merchants will benefit because when shoppers are able to find more of what they want locally, they are less likely to leave town to shop. 1
- It is projected that the Super WalMart store will create an additional eighty five jobs, most of which will be filled by local candidates. Oroville needs jobs and this project is will help fulfill that need.

We have all been anxiously awaiting some progress on this matter and, as before the Chamber's Board of Directors would like to see this project completed as quickly as possible so the community can begin to reap the benefits it will bring.

We all sincerely hope that 2014 will be the year that the actual building of the project commences!

Sincerely,

Claudia Knaus

Claudia Knaus

President and CEO
Oroville Area Chamber of Commerce

Oroville Area Chamber of Commerce, 1789 Montgomery Street, Oroville, California 95965
530.538.2542 www.orovillechamber.net

Private Organizations and Individuals

Oroville Area Chamber of Commerce (CHAMBER)

Response to CHAMBER-1

The organization expressed support for the proposed project, citing anticipated economic benefits. No response is necessary.

Luis A.Topete

From: Lynndee Caput <lynndeecaput@yahoo.com>
Sent: Tuesday, May 27, 2014 11:17 AM
To: Luis A.Topete

RE: Super Wal-Mart
Dear Mr. Topete,
The City of Oroville is anticipating a very large future increase in sales taxes from the Super Wal-Mart. This was probably the main rationale for approving this mega store. It's all about the money and the type of customers who shop there.

As a local resident of 19 years, I choose to do very little business and shop at Wal-Mart. The existing store is much too large, customer service practically non-existent and employees not very knowledgeable as to where merchandise is located. It has become just a glorified clearance center with most merchandise made in China and of poor quality. I have had to return many items for their poor performance and quality. The chair pads I purchased there nearly ruined my oak dining chairs.

1

If this is what future holds for shopping in our community, then an as savvy consumer concerned with quality, presentation and price, I choose other alternatives with smaller stores that are customer oriented and prices lower than Wal.Mart's.

I do shop in Chico because of friendly, knowledgeable customer service, quality, selection and lower prices. I do not shop for groceries in a mega-store. With the population aging, it is very difficult for older shoppers to navigate mega stores. With virtually no one on the floor to offer customer navigation and service, this adds to the frustrating experiences I have had when I have tried to shop there.

I am also concerned about the traffic debacle that will result from this mega-store as well as the new store(s) that will locate in the vacated building. This will create a huge traffic concentration and back-up in the intersections at Feather River Blvd as well as 5th Avenue.

You have my permission to share my concerns and comments with Wal-Mart executives and anyone else associated with this project.

Thank you, Respectfully, Lynndee Caput 530-533-0780

Lyndee Caput (CAPUT)

Response to CAPUT-1

The author expressed her preference to shop at businesses other than Walmart and concern about traffic congestion around the proposed Walmart store and the existing Walmart store at 355 Oroville Dam Boulevard.

Traffic impacts at intersections in the project vicinity (including those on Oroville Dam Boulevard and Feather River Boulevard) were evaluated in the Draft EIR and Partially Recirculated Draft EIR issued in 2010. As indicated in SPRDEIR Section 1.7.A, the scope of the document is limited to the two items the Appellate Court ruling deemed to be inadequate (the greenhouse gas emissions analysis and Mitigation Measure TRANS-2a). The Draft EIR's and Partially Recirculated Draft EIR's evaluation of traffic impacts on the local roadway system was not affected by the Appellate Court ruling and, therefore, is outside the scope of the SPRDEIR.

Law Office of William D. Kopper

417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

William D. Kopper*
Preston L. Morgan

June 26, 2014

VIA FEDERAL EXPRESS

Planning Staff
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

RE: *Comments on Second Partially Recirculated Draft Environmental Impact Report Oroville Wal-Mart Project*

Dear Staff:

Please find attached comments on the Second Partially Recirculated Draft Environmental Impact Report for the Oroville Wal-Mart Project prepared by Mr. Greg Gilbert. These are the comments of Friends of Oroville, John Clough, and Debra Woodcock. We incorporate into these comments the comments of all other individuals and entities making comments on the Second Partially Recirculated Draft Environmental Impact Report. My clients oppose the Oroville Wal-Mart Project. 1

Sincerely,

WILLIAM D. KOPPER

WDK:kgr
enclosure

RECEIVED
JUN 27 2014
CITY OF OROVILLE
PLANNING DEPT.

*Certified Family Law Specialist; and Estate Planning, Trust and Probate Law Specialist
The State Bar of California Board of Legal Specialization

I. Introduction

Autumn Wind Associates provides to William Kopper, Esq. the following comments regarding Greenhouse gas-related (GHG) air quality impact analysis contained within the Oroville Wal-Mart Second Partially Recirculated Draft EIR (SCH# 2008052081) prepared for the City of Oroville. 2

II. WalMart Supercenter 2nd Partially Recirculated DEIR GHG Baseline Analysis Approach Is Inappropriate

In the proposed Oroville WalMart Superstore Project, the EIR draws inaccurate conclusions regarding the impact of the GHG emissions estimated for the project. This is the result of using an inappropriate baseline and failure to compare new emissions against emissions from a realistic "Business-As-Usual" (BAU) future scenario.

Courts have held that the BAU scenario used to estimate and evaluate GHGs must be able to withstand scrutiny. In Communities for a Better Environment versus South Coast Air Quality Management District, the court upheld that a BAU scenario must be credible. Furthermore, in Friends of the Northern San Jacinto Valley, et al. v. County of Riverside, the Court found that a hypothetical "worst case scenario" was improperly used to establish the proposed project's BAU. Use of an inappropriately devised BAU will skew a determination of the significance of new project emission estimates, since comparison to a higher-than-appropriate BAU will automatically under-represent new, total GHG project emissions that will impact the airshed, while tending to over-represent the relative value of mitigations. The current approach in the EIR focuses on reducing about 30% of GHGs estimated for a store twice the size of the existing WalMart, with the total increment of GHGs exceeding existing emissions by around 50%. The net GHG effect of establishing a new, higher BAU baseline for the proposed store, in combination with retention of GHGs from the existing store, is to greatly increase the aggregated GHG impact. 3

Here the use of an unrealistic BAU creates a situation where GHG emissions from the project are much lower in comparison to the hypothetical scenario, than if GHG emissions were compared using a more realistic BAU scenario. With use of a hypothetical BAU developed for a new, larger Superstore, rather than developed with use of the BAU established by the existing WalMart, greater absolute amounts of GHGs will result from the new Superstore and can be expected to combine with GHGs that will result from continued use of the existing store building by a new tenant.

The major legislation governing climate protection efforts in California is AB 32, which requires California to reduce GHG emissions to 1990 levels by 2020. The California Air Resources Board has been delegated responsibility for the implementation of AB 32, and has created a "Scoping Plan" that

contains methods and measures for meeting the 2020 goal. As noted in the WalMart EIR, the Scoping Plan prepared by the California Air Resources Board (CARB) estimates that GHG must be reduced by approximately 29% by 2020 in order to achieve the AB 32 goal. The EIR asserts that this goal equates to a de facto threshold of significance, whereby if the project's emissions are 29% below a 2020 BAU scenario it should then be considered consistent with the ARB's Scoping Plan and, hence, with the goals of AB 32. As noted above, however, the courts have consistently found that in order for such an analysis to be acceptable, the BAU scenario must be realistic.

The project description in the EIR states that the new WalMart will be constructed in a new location within the City of Oroville. At Appendix B, pg. 25, the Greenhouse Gas Analysis Report states that the existing store will not be demolished as part of the project, and it assumes that that land use will continue in operation. WalMart has indicated it will vacate the site and sell it to a local developer for re-tenanting. Consequently, the proposed Super WalMart will create a situation in which a project comparable to the existing WalMart will continue to emit GHGs, while at the same time the new and larger entity (the project) is to be added to the existing baseline. 3 CONT

As such, the appropriate BAU scenario should have been predicated on emissions estimated for continued operations at the current site, or, possibly, with emissions estimated for a new project more reasonably consistent for the zoned land use. Rather than using a GHG average baseline derived from businesses and storefronts typical for the new project area, the EIR has created a much higher-than-average baseline (BAU) that presumes automatic acceptance of the higher net complement of GHGs to occur with the Superstore land use. Rather than comparing to an average GHG BAU for the project area or utilizing the BAU established from the existing WalMart, the EIR has inappropriately chose to evaluate only for whether the new Superstore's greater absolute emissions would be reduced by 29 percent in compliance with State regulatory requirements. This is not an acceptable BAU scenario since it will result in a greater net GHG impact, and because it conflicts with the criteria set forth in both Communities for a Better Environment versus South Coast Air Quality Management District, and Friends of the Northern San Jacinto Valley, et al. v. County of Riverside.

In Section 3.1.7 of Appendix B, the EIR estimates that emissions from the existing WalMart are 8,210 MTCO2e in the 2020 BAU scenario, and 5,991 MTCO2e per year in2020 with regulations applied, assuming that the existing WalMart or similar store would still be operational in 2020. In comparison, the 200,225-square-foot proposed WalMart's GHGs are estimated at 11,393 MTCO2e per year (Table 6). The EIR does fails to draw any conclusions about whether this additional 5,402 MTCO2e per year constitutes a significant impact; instead, as noted above, choosing to conclude that because the new WalMart will be subject to new State regulations governing GHG, it will obtain a 29% reduction in the emissions that would occur without these regulations. On the same page, the conclusion states that new emissions should not be considered significant because "The Scoping Plan assumes that new growth and 4

development will continue, and therefore set the threshold benchmark at 29 percent to account for such additional growth, while still meeting the overall statewide GHG reduction goals of AB 32."

In order to ensure that AB 32 goals are met, the California Air Resources Board (CARB) has recognized that actions must be taken to limit GHG emissions from transportation emissions associated with new growth and development in California. As a result, the State legislature, subsequent to AB 32, passed into law the Sustainable Communities Act (SB 375), requiring CARB to set regional targets for GHG emission reductions from passenger vehicle use. SB 375 is specifically designed to ensure that growth in vehicle use, particularly from new land use growth including the proposed WalMart Superstore, does not compromise AB 32 goals. Yet the EIR fails to acknowledge any regional targets for vehicle use or compare the emissions from the project to the appropriate SB 375 target. Consequently, there is no way of determining whether the additional GHG that will be produced by the project is consistent with SB 375's requirements. 4 CONT

III. WalMart Supercenter 2nd Partially Recirculated DEIR Fails to Show Consistency With SB 375

The Air Resources Board has clearly identified that SB 375 compliance is an important part of its overall Scoping Plan strategy. In the First Update to the Climate Change Scoping Plan, CARB has included a "Summary of Recommended Actions by Sector". For the Transportation sector, one of the recommended actions is "Evaluate Updating the SB 375 Regional Targets Established in 2010" (page 95). Under SB 375, each of California's Metropolitan Planning Organizations (MPOs) must prepare a "sustainable communities strategy" (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets.

5

Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. CARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. The Oroville WalMart Superstore EIR should, at the very least, compare its estimated emissions to the appropriate regional GHG targets to determine if the project is consistent with the regional SCS. Failure to demonstrate consistency should automatically indicate that project GHG impacts are significant because of their jeopardizing the goals of AB 32.

The BAU used in the EIR is clearly inadequate to accurately estimate the significance of the proposed Superstore's GHG impacts and the quantified tons of emissions to be reduced by proposed mitigation measures. The GHG analysis should be revisited using an appropriate BAU in order to be consistent with the case law as described above, and to ensure that percentage reductions of GHGs under AB 32 are

reflected from a more realistic baseline since a higher-than-appropriate baseline will result in a greater-than-appropriate net amount of GHG emissions.

The EIR must also recognize that because the site of the existing WalMart will be maintained in similar use, those existing emissions do not simply "disappear". Instead, they will remain a part of the inventory, and a much larger source of GHG emissions will be added in the form of the new project. The Lead Agency must, then, demonstrate how the AB 32-required 29 percent net reduction in GHG emissions will be accomplished for year 2020. The SCS adopted for the region includes targets for transportation emissions in future years that are consistent with the goals of AB 32, yet with no realistic BAU scenario used in the analysis, and no discussion of whether the project is consistent with the regional SCS targets, the EIR cannot draw a conclusion of less-than-significant impact that will satisfy the requirements of CEQA. 5 CONT

Greg Gilbert
Autumn Wind Associates, Inc.
P.O. Box 1030
Newcastle, CA 95658
(916) 663-2222
ggilbert@autumnwind.us

STATEMENT OF QUALIFICATIONS

Education
University of California, Santa Barbara; B.A., Env. Studies, 1982
Graduate and Professional Studies in Law, Planning, Emissions Modeling

Professional History
Greg Gilbert has consulted on air quality land use planning and mobile source issues and projects to private and public clients since forming Autumn Wind Associates in 2001. Previously, he was marketing director for a specialty emissions catalyst manufacturer. Between 1990 and 2000 Mr. Gilbert worked in two California air agencies, most recently as project manager in the Mobile Source Division of the Sacramento Metropolitan Air Quality Management District. While at the SMAQMD, Mr. Gilbert was responsible for implementing the District's heavy-duty vehicle low-emission incentive program that would later serve as a model for creation of the statewide Moyer Program. Air agency experience included evaluating land use-related air quality emission impacts and control strategies, developing CEQA mitigations and updating CEQA guidance, and creation of the first in-lieu air quality CEQA mitigation fee program.

Since leaving the SMAQMD he has provided consulting expertise to air agencies, provided input for revisions to the URBEMIS model, conducted research on construction practices and equipment emissions, and assisted with development of air district CEQA land use guidance documents and mitigation strategies. Mr. Gilbert reviews CEQA project-specific environmental documentation and provides written comments for a wide range of public-, private-, and environmental-sector clients.

William Kopper (KOPPER)

Response to KOPPER-1
The author provided introductory remarks and referenced comments prepared by Greg Gilbert (Comments KOPPER-2 through KOPPER-5). The author stated that his clients oppose the proposed project.

Mr. Gilbert's comments are addressed in Response to KOPPER-2 through Response to KOPPER-5.

Response to KOPPER-2
Mr. Gilbert provided introductory remarks to preface his comments. No response is necessary.

Response to KOPPER-3
Mr. Gilbert stated that the SPRDEIR draws inaccurate conclusions regarding the impact of greenhouse gas emissions because it uses an inappropriate baseline and fails to compare new emissions against emissions from a realistic "Business-As-Usual" scenario. He claimed that the SPRDEIR focuses on reducing approximately 30 percent of greenhouse gas emissions estimated for a new store twice the size of the existing Walmart store, with the total increment of greenhouse gas emissions exceeding existing emissions by approximately 50 percent. Mr. Gilbert contended that this serves to greatly increase the aggregated greenhouse gas emissions impact by retaining emissions from the existing store and establishing a new higher Business As Usual baseline for the proposed store. He asserted that an appropriate Business As Usual scenario would have been predicated on emissions estimated for continued operations at the currently site or with emissions estimated for a new project more reasonably consistent for the zoned land use as opposed to the much higher-than-average baseline used in the SPRDEIR. Mr. Gilbert asserted that the Business As Usual scenario used in the SPRDEIR is not acceptable because it will result in a greater net greenhouse gas emissions impact and conflicts with recent court rulings from Southern California that pertain to the subject.

The SPRDEIR goes to great lengths to fully describe the baseline conditions and the Business as Usual approach. The 2020 Business as Usual scenario is a realistic depiction of the impacts in relation to the Assembly Bill (AB 32) 2020 target year. This approach is provided as one of the "non-zero" threshold options for determining significance by the California Air Pollution Control Officers Association (CAPCOA) in its CEQA and Climate Change (2008) document and has been used by numerous projects around the state. The Butte County Air Quality Management District (BCAQMD) CEQA Guidelines recommend that Lead Agencies follow CAPCOA greenhouse gas guidance. The percent reduction from 2020 Business as Usual approach has survived legal challenge in several appellate courts and was recommended for use on this project by the Third District Court of Appeal in its ruling. On page 17 of the ruling the Court states:

> The City properly adopted Assembly Bill 32's reduction targets for GHG emissions as the threshold-of-significance standard in determining whether the Project's GHG emissions constituted a significant environmental impact.

Mr. Gilbert's claim that the Business as Usual scenario is higher than appropriate and will overstate the value of mitigation is incorrect. The Business as Usual scenario used in the analysis is structured to provide a consistent approach that can be used by all projects and accurately discloses the impact

in relation to AB 32 targets. The ARB Scoping Plan based its Business as Usual inventory on emissions and regulations that were in effect during 2002 to 2004 to determine the amount of reductions that would be required by 2020 accounting for growth to achieve the AB 32 target of 1990 emission levels by 2020. The Scoping Plan showed that a reduction of 28.2 percent from the 2020 Business as Usual inventory would be required to achieve the State's target. For the project analysis, the 29 percent reduction from 2020 Business as Usual analysis reflects the emissions that would occur if no regulations were implemented since the Scoping Plan inventory was prepared. This allows the required percent reduction to stay constant regardless of the year that the project begins operation. Otherwise the required reduction would need to be revised every year to reflect the lower amount required to reach the target with the implementation of regulations. The approach provides consistency in analysis and in no way overstates the benefits of the regulatory program, nor does it understate project impacts.

The ARB has only prepared one update to the emission inventory and projections since the Scoping Plan was adopted in 2008. As stated in the SPRDEIR on page 4.2.A-6, the ARB revised the inventory projections for 2020 to reflect slower growth in emissions experienced during the recession and recovery, which resulted in a reduction in the amount required to achieve AB 32 targets from 28 percent to 21.7 percent from Business as Usual. It is impractical to adopt a new threshold for each year and the 29 percent reduction has become an increasingly conservative threshold based on actual progress in reducing emissions, not an overstatement of reductions. The SPRDEIR retains the 29 percent reduction threshold to be conservative.

Mr. Gilbert's comments imply that the growth in emissions from the project would prevent or conflict with the State from achieving reductions in emissions needed to achieve AB 32 targets of 1990 emission levels by 2020. The ARB Scoping Plan accounts for growth in emissions based on population and economic growth forecasts for the State. The Scoping Plan includes the cumulative growth from all sources. Retail stores are built to accommodate the needs of the population that lives in the store's market area and are not considered growth inducing. It is widely understood in the land use planning and development industry that retail follows residential development, as a population base is needed to generate sales. Additional retail development in Oroville would not result in the State revising its growth forecasts. In fact, as stated above, the State has revised growth forecasts downward to reflect slower growth. The analysis included in the SPRDEIR demonstrates that the project itself does not hinder the State's progress toward AB 32 targets because the project will emit at a rate that is 31.7 percent below 2020 Business as Usual emissions, which is substantially more than the rate required by the State from all sources of emissions to achieve its target.

Moreover, Mr. Gilbert's assertion that emissions from the existing store and the proposed new store should be added together to create a combined baseline is inappropriate and would provide no meaningful insight into project impacts. The proposed project consists of relocating the existing Walmart store from 355 Oroville Dam Boulevard East to the southeast quadrant of the intersection of Feather River Boulevard and Cal Oak Road—a distance of approximately 0.25 mile. The existing Walmart store is approximately 110,910 square feet, while the new Walmart store would be approximately 200,225 square feet. By virtue of the new store being 180 percent of the size of the existing store, it would capture all of the greenhouse gas emissions associated with the existing location on Oroville Dam Boulevard (e.g., customers, employees, deliveries, etc.), plus additional

emissions associated with the new store. Thus, accounting for the emissions associated with the 355 Oroville Dam Boulevard East location in the baseline would effectively serve to "double count" greenhouse gas emissions.

Further, Mr. Gilbert's claim that the effect of establishing a new, higher Business as Usual baseline for the proposed store, in combination with retention of GHGs from the existing store, is to greatly increase the aggregated GHG impact is incorrect. Adding the emissions from existing and new stores would not result in greatly increased impacts when using the reduction from Business as Usual threshold approach. The SPRDEIR Table 4.2.A-2 and Table 4.2.A-5 provide 2020 Business as Usual and 2020 with controls modeling results for the proposed store and the existing store. Table 2-1 shows the effect of combining the emissions and assessing the impact as a single project. The combined project still achieves more than the 29 percent required and would have a less than significant impact.

Table 2-1: Operational CO_2e Generation for Proposed and Existing Walmart

Existing Walmart Emissions Source	Metric Tons of Carbon Dioxide Equivalents ($MTCO_2e$)		Percent Reduction
	2020 Business As Usual	2020 Scenario (CalEEMod)	
Proposed Store	16,677.78	11,392.88	31.7
Existing Store	8,209.66	5,991.04	27.0
Combined Emissions (Proposed and Existing)	**24,887.44**	**17,383.92**	**30.1**
Source: FirstCarbon Solutions, 2014.			

Regarding Mr. Gilbert's statement the Business as Usual scenario used in the analysis is not realistic; this claim is based on faulty logic. It is not realistic to add emissions already accounted for in the baseline to a project's emissions. The Scoping Plan's 29 percent reduction from Business as Usual in 2020 accounts for emissions that existed at the time the baseline emission inventory was prepared. Adding it again would result in double counting the emissions, which is certainly not a realistic scenario. All emission factors and modeling assumptions are described in the technical report attached as Appendix B to the SPRDEIR, which provides full disclosure of the potential greenhouse gas emissions impact.

Finally, Mr. Gilbert claims that the analysis should have used different assumptions for the land uses in the project area predicated on continued operations at the current site or consistent with the zoned land use. To the contrary, his proposed methodologies would result in an incorrect baseline for a Business as Usual analysis. Baseline is predicated on the conditions in the existing environment. The project that must be analyzed for consistency with AB 32 targets is the use proposed, not a previously approved project that is part of the existing conditions. The threshold is based on a percentage reduction from Business as Usual of the project. Using another baseline would not provide a result that describes the effect of regulations and mitigation measures on the project. Using a contrived project to determine Business as Usual as suggested by Mr. Gilbert would provide a

false comparison. Applying Mr. Gilbert's theory to zoning would mean that the baseline would be an artificial amount that is allowed by some average amount of development that could occur onsite as opposed to the actual project proposed for the site. For the proposed project, the analysis is based on the full development of 200,225 square feet because the project site is vacant and has not been previously entitled for development. Comparing the project to what may be hypothetically allowed by a land use plan or zoning does not disclose the impact of the project on the environment and would be speculative.

In summary, the baseline used in the SPRDEIR was appropriate and consistent with adopted guidance.

Response to KOPPER-4

Mr. Gilbert stated that the SPRDEIR Appendix B discloses that the existing Walmart would emit 8,210 metric tons of carbon dioxide equivalents ($MTCO_2e$) in the 2020 Businesses as Usual Scenario and 5,991 $MTCO_2e$ with regulations applied. He noted that the SPRDEIR discloses that the proposed Walmart store would emit 11,393 $MTCO_2e$ per and fails to draw any conclusions about whether the additional 5,402 $MTCO_2e$ constitutes a significant impact. Mr. Gilbert stated that the SPRDEIR instead concludes that because the new Walmart store would be subject to state regulations governing greenhouse gas emissions, it will obtain a 29 percent reduction in the emissions, thereby meeting the overall statewide greenhouse gas reduction goals of Assembly Bill (AB) 32. He stated that the California Air Resources Board (ARB) has recognized that actions must be taken to limit transportation emissions and the State Legislature passed Senate Bill (SB) 375, the Sustainable Communities Act, requiring ARB to set regional targets for passenger vehicle use, with an emphasis on ensuring that growth in vehicle use from projects such as the new Walmart store does not compromise AB 32's goals. Mr. Gilbert claimed that the SPRDEIR failed to acknowledge any regional targets for vehicle use, and that it does not compare project emissions to the appropriate SB 375 target.

The significance finding is based on the project's impact on the environment as discussed above. The SPRDEIR assesses the full impact of the proposed 200,225-square-foot store, and also assesses the emissions generated by the existing 100,910-square-foot existing store for the purposes of comparison, in order to comply with the Appellate Court ruling. As shown in Table 2-1 in Response to KOPPER-3, the combined impact of the existing store and the project would provide emission reductions from Business as Usual that are over 29 percent and is therefore consistent with the ARB Scoping Plan even under an artificial, worst-case scenario.

Mr. Gilbert appears to confuse the discussion in section 3.1.7 of Appendix B of the SPREIR regarding the comparison of the project emissions to the 29 percent significance threshold and subsequent discussion in the same paragraph regarding the inclusion of growth in the 29 percent reduction amount in the Scoping Plan. The project achieves the requisite 29 percent threshold, as indicated throughout the SPREIR. The discussion regarding the Scoping Plan Business as Usual approach regarding accounting for growth is also correct. The purpose of the Scoping Plan Business as Usual analysis is to ensure that the State identifies sufficient reductions to achieve its goal, while accounting for growth that will occur by the 2020 target year.

Finally, as will be discussed in greater detail in Response to KOPPER-5, SB 375 applies to Metropolitan Planning Organizations and not local governments such as the City of Oroville. Moreover, attempting to compare a single land development project's vehicular emissions to the regional targets set forth would be an inappropriate comparison, and would not provide any meaningful insight into the significance of project emissions. Refer to Response to KOPPER-5

Response to KOPPER-5
Mr. Gilbert provided background information on SB 375 and stated that the SPRDEIR should have compared the Walmart project's emissions to the appropriate greenhouse gas emissions targets to determine if it is consistent with the regional Sustainable Communities Strategy. He stated that the failure to provide this analysis should "automatically" indicate that project greenhouse gas emissions impacts are significant because it jeopardizes the goals of AB 32. Mr. Gilbert reiterated his prior comments about the "Business as Usual" scenario used in the SPRDEIR and asserted that the inventory must account for the existing emissions from the Walmart store. He stated that the City of Oroville must demonstrate how the AB-32 required 29-percent net reduction in greenhouse gas emissions would be accomplished for Year 2020. Mr. Gilbert reiterated his previous remarks about evaluating project emissions against the regional greenhouse gas emissions targets set forth in the Sustainable Communities Strategy.

Senate Bill (SB) 375 Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) establishes that Sustainable Communities Strategy targets are not intended to be applied to local land development projects:

> GC Section 65080(2)(J) Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, nor, except as provided by subparagraph (I), shall either one be subject to any state approval. Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region. Nothing in this section shall be interpreted to limit the state board's authority under any other provision of law. Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy.

Moreover, a more appropriate comparison is to evaluate the assumptions contained in the Butte County Association of Governments (BCAG), Sustainable Communities Strategy for the project site. The BCAG Metropolitan Transportation Plan/Sustainable Communities Strategy designates the area containing the project site as an "Established Growth Area". Established growth areas are within the currently built environment. They represented areas where infill and redevelopment opportunities are present.

The ARB evaluated and approved the BCAG Metropolitan Transportation Plan/Sustainable Communities Strategy. According to the ARB, future growth within Butte County's "Established Areas" typically utilizes locations of currently planned developments or vacant infill parcels. Local

plans generally seek to maintain the existing character of these areas. The proposed project site is currently designated for commercial development in the General Plan and is consistent with the character of the area; therefore, the proposed project is consistent with the BCAG Metropolitan Transportation Plan/Sustainable Communities Strategy. The Metropolitan Transportation Plan/Sustainable Communities Strategy bases the reductions required to meet ARB targets on planned land uses. Projects that are consistent with the General Plan are automatically consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy.

Finally, Mr. Gilbert's concluding statement reiterates his previous comments about baseline and the Sustainable Communities Strategy. Refer to Response to KOPPER-3 through Response to KOPPER-5.

Response to KOPPER-6
The comment consists of Greg Gilbert's Statement of Qualifications. No response is necessary.

SECTION 3: ERRATA

The following are revisions to the Second Partially Recirculated Draft Environmental Impact Report (SPRDEIR) for the Oroville Walmart Project. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the SPRDEIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes in Response to Specific Comments

Section 1.A, Overview

Page 1.A-1, First Paragraph, Last Sentence

The last sentence has been revised to clarify the disposition of the existing Walmart store at 355 Oroville Dam Boulevard East.

> An existing Walmart store located at 355 Oroville Dam Boulevard East (approximately 0.4 mile northwest of the project across Feather River Boulevard) will be closed, but the existing building ~~store~~ would be sold to a third party who has plans to retenant it in the future.

Page 1.A-2, Third Paragraph

The third paragraph has been revised to insert three missing words.

> In response to the Court's decision, the City Council directed City staff to prepare a Second Partially Recirculated Draft EIR (Second PRDEIR).

ATTACHMENT - G

Amended Mitigation Monitoring and Reporting Program for the Oroville Walmart Project City of Oroville, Butte County, California

State Clearinghouse No. 2008052081

Prepared for:

City of Oroville
1735 Montgomery Street
Oroville, CA 95965
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Contact: Donald Rust, Director of Community Development

Prepared by:

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

July 17, 2014

Table 1: Oroville Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
11. Transportation					
MM TRANS-2a: To mitigate impacts identified in Impact TRANS-2, the applicant shall provide the following payments to the satisfaction of the City of Oroville: • The project applicant shall pay all transportation-related fees to the City of Oroville in accordance with the adopted fee schedule at the time building permits are issued. • The applicant shall contribute towards the cost of necessary study area improvements on a fair-share or "pro-rata" basis by paying fair-share contributions towards improvements identified by the City as necessary through an adopted traffic impact analyses or study and not otherwise identified in an adopted fee schedule or program at the time building permits are issued.	Receipt of fees	Prior to issuance of building permits	City of Oroville Community Development Department		

ATTACHMENT - H

City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT
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NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

OROVILLE WALMART PROJECT SECOND PARTIALLY RECIRCULATED FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2008052081)

Notice is hereby given that the City of Oroville Planning Commission will conduct a public hearing to consider adopting Resolution No. P2014-12 for the purpose of certifying the Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project, which includes an update to the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously released 2010 Draft Environmental Impact Report. The Planning Commission will also consider re-certifying portions of the previous 2010 Final Environmental Impact Report not affected by the Court of Appeal's decision, re-adopting CEQA Findings of Fact and a Statement of Overriding Considerations and re-adopt a Mitigation Monitoring and Reporting Program for the Oroville Walmart Project.

Project Location and Description:

The proposed project consists of the development of an approximately 200,225-square-foot Walmart store and associated parking and infrastructure on a 20.75-acre site bounded by Feather River Boulevard (west); Cal Oak Road (north); 7th Avenue (east); and vacant, industrially zoned land (south) in the City of Oroville, Butte County, California (APNs: 035-360-019 through -027 and 035-360-006). The interior of the store would contain general merchandise and grocery sales areas; additionally, the interior would include a fast-food restaurant tenant, a bank, a medical clinic, a vision center, a photo lab, and a nail and hair salon. An existing Walmart store located at 355 Oroville Dam Boulevard East (approximately 0.4 mile northwest of the project site across Feather River Boulevard) will be closed, but the existing store would be sold to a third party who has plans to re-tenant it in the future.

Public Meetings/Hearings:

The City of Oroville Planning Commission will hold a public hearing on the project described in this letter. Said hearing will be held at 7:00 p.m. on Monday, July 28, 2014 in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

Environmental Determination:

It has been determined that the proposed project, accounting for all verifiable reductions, exceeds the 29 percent Business as Usual threshold used to determine consistency with Assembly Bill 32. Thus, the project's Greenhouse Gas Emissions are considered less than significant.

Additional Information:

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

ATTACHMENT - I

City of Oroville

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NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF OROVILLE
PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Monday, July 28, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **Oroville Walmart Project: Partially Recirculated Final Environmental Impact Report** – The City of Oroville Planning Commission will conduct a public hearing to consider adopting Resolution No. P2014-12 for the purpose of certifying the Second Partially Recirculated Final Environmental Impact Report for the Oroville Walmart Project, which includes an update to the Executive Summary, Air Quality/Greenhouse Gas Emissions, and Transportation sections of the previously released 2010 Draft Environmental Impact Report. The Planning Commission will also consider re-certifying portions of the previous 2010 Final Environmental Impact Report not affected by the Court of Appeal's decision, re-adopting CEQA Findings of Fact and a Statement of Overriding Considerations and re-adopt a Mitigation Monitoring and Reporting Program for the Oroville Walmart Project.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

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