DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN

FINAL

ENVIRONMENTAL IMPACT REPORT

SCH No.: 2010051034

May 25, 2012
FINAL
Environmental Impact Report
Del Rio Road Commercial Area Specific Plan
City of Atascadero, San Luis Obispo County, California

State Clearinghouse No. 2010051034

Prepared for:

City of Atascadero
Community Development Department
6907 El Camino Real
Atascadero, CA 93422
805.470.3488

Contact: Warren Frace, Director

Prepared by:

Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 94583
925.830.2733

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

May 25, 2012
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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Atascadero, as the lead agency, evaluated the comments received on the Del Rio Road Commercial Area Specific Plan Draft Environmental Impact Report (DEIR) and the Partially Recirculated Draft Environmental Impact Report (PRDEIR) (State Clearinghouse No. 2010051034) and has prepared the following responses to comments.

This document is organized into the following sections:

- **Section 1 – Introduction.**
- **Section 2 – Master Responses:** Addresses similar comments made by multiple authors.
- **Section 3 – Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals that commented on the DEIR and PRDEIR. Copies of all of the letters received regarding the DEIR and PRDEIR and responses thereto are included in this section.
- **Section 4 – Form Letters and Supportive Comments:** This section lists all individuals who signed form letters or submitted letters indicating unqualified support for the proposed project.
- **Section 5 – Errata:** Includes an addendum listing refinements and clarifications on the DEIR and PRDEIR, which have been incorporated.
- **Appendix P – Supplemental Traffic Data:** A new appendix containing 2012 traffic counts and additional modeling data for the US 101/San Anselmo Road interchange.
- **Appendix Q – Supplemental Health Risk Assessment Modeling Data:** A new appendix containing the modeling data for the Supplemental Health Risk Assessment.

Because of their length, the text of the DEIR and PRDEIR are not included with these written responses; however, it is included by reference in this Final EIR. As will be discussed in Section 3, none of the corrections or clarifications to the DEIR or PRDEIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, a second recirculation of the DEIR or PRDEIR is not required.

The Final EIR includes the following contents:

- DEIR (provided under separate cover)
- DEIR appendices (provided under separate cover)
- PRDEIR (provided under separate cover)
- PRDEIR appendices (provided under separate cover)
- Responses to Comments on the DEIR and PRDEIR, and Errata (Sections 2, 3, 4, and 5 of this document)

- Mitigation Monitoring and Reporting Program (provided under separate cover)
SECTION 2: MASTER RESPONSES

2.1 - Introduction

Master responses address similar comments made by multiple persons through written comments submitted to the City of Atascadero. Master responses are provided in the order in which they are referenced in the responses in Section 3, Responses to Written Comments.

Below is a list of the master responses.

- Master Response 1 – Traffic Impacts and Mitigation Measures
- Master Response 2 – Del Rio Road East of El Camino Real
- Master Response 3 – Noise Impacts
- Master Response 4 – Driveway Locations
- Master Response 5 – Light and Glare Impacts
- Master Response 7 – Traffic Volume Exhibits
- Master Response 8 – US 101 Operations
- Master Response 9 – General Plan Consistency
- Master Response 10 – Economic and Social Effects

2.2 - Master Responses

Master Response 1 – Traffic Impacts and Mitigation Measures

Caltrans and a number of individuals provided comments on the Draft EIR’s (DEIR) and Partially Recirculated Draft EIR’s (PRDEIR) traffic analysis. Comments generally focused on the differences in mitigation responsibilities set forth in the PRDEIR relative to those in the DEIR, including why the City of Atascadero instead of the project applicant is now responsible for implementing various improvements. Other comments focused on specific aspects of the traffic analysis and mitigation measures, as well as three proposed roundabouts on Del Rio Road. As such, this Master Response will first address the differences among the DEIR’s and PRDEIR’s traffic analysis, conclusions, and mitigation measures, and then address the specific comments regarding the Del Rio Road roundabouts.

DEIR’s and PRDEIR’s Analysis, Conclusions, and Mitigation Measures

Draft EIR’s Analysis and Conclusions

PRDEIR pages 3.11-24 through 3.11-30 describe the Capital Improvement Plan (CIP) and corresponding Traffic Impact Fee (TIF) program that the City has established to fund circulation improvement projects that are identified in the City’s General Plan Circulation Element to accommodate the buildout of the land uses assumed in the 2025 General Plan. The TIFs are collected from new developments to fund these planned circulation improvements. Among the circulation
facilities planned for improvement in the General Plan Circulation Element and in the CIP are the Del Rio/US 101 interchange, San Anselmo/US 101 interchange, El Camino Real/Del Rio Road intersection, El Camino Real roadway, and El Camino Real/San Anselmo intersection.

The City determined that reconstruction of the Del Rio Road/US 101 interchange was necessary in the 2025 General Plan and Circulation Element, adopted in 2002. The General Plan Final EIR also identified the need to rebuild this interchange prior to buildout of the General Plan in order to mitigate anticipated impacts at the interchange and related roadway segments. As described in the PRDEIR, the City has taken the following actions to plan for the improvement of the Del Rio/US 101 interchange:

- The 2025 General Plan Circulation Element and General Plan Final EIR identified the Del Rio Road/US 101 interchange as a planned improvement project necessary to accommodate General Plan buildout. Specifically, both the General Plan and General Plan EIR analyzed these specific interchanges and related roadway segments and concluded that they would be significantly impacted under 2025 General Plan buildout conditions, but that interchange improvements were available which would fully mitigate these impacts.

- Consistent with the General Plan, the City’s 2002 Master Facilities Plan and CIP also identified the Del Rio Road/US 101 interchange as a planned improvement project.

- The City’s “Atascadero Operational Interchange Improvement Study,” conducted in 2008, evaluated potential solutions for various interchanges, including the Del Rio Road/US 101 interchange, and concluded that the City should construct modern roundabouts in lieu of far more costly bridge widening improvements.

- And most recently, the City retained Revenue & Cost Specialists (“RCS”) to determine the proportional share cost for each of the Walmart and Annex projects for the roundabout improvements planned for the Del Rio Road/US 101 interchange and for other Citywide circulation system facilities (the “RCS Study”). The results of the RCS Study are described in the PRDEIR, and the PRDEIR requires that Walmart and Annex projects pay the TIFs associated with their proportional share impact on these facilities.

Based on these considerations, the Del Rio Road Commercial Area Specific Plan was prepared with the understanding that roundabouts would be the preferred traffic improvements for the US 101/Del Rio Road interchange and El Camino Real/Del Rio Road intersection.

The DEIR evaluated operations at the US 101/Del Rio Road Southbound Ramps, US 101/Del Rio Road Northbound Ramps, and El Camino Real/Del Rio Road intersections and roadway segment operations on Del Rio Road between El Camino Real and Ramona Road in Section 3.11, Transportation. The analysis evaluated traffic impacts under “Baseline” (Year 2013) and “Future” scenarios. The Baseline scenario included both “Baseline Plus Walmart” (Walmart only; no Annex)
and “Baseline Plus Project” (Walmart and Annex) sub-scenarios. Table 2-1 summarizes the findings from the DEIR.

### Table 2-1: DEIR Traffic Impacts and Mitigation Measures

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Intersection</th>
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<tbody>
<tr>
<td></td>
<td>El Camino Real/Del Rio Road</td>
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<tr>
<td></td>
<td>Del Rio Road/US 101 Northbound Ramps</td>
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<tr>
<td></td>
<td>Del Rio Road/US 101 Southbound Ramps</td>
</tr>
<tr>
<td></td>
<td>El Camino Real/San Anselmo Road North</td>
</tr>
<tr>
<td>Baseline Plus Walmart</td>
<td>Acceptable operations; no mitigation necessary</td>
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<tr>
<td></td>
<td>Acceptable operations; no mitigation necessary</td>
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<tr>
<td></td>
<td>Acceptable operations; no mitigation necessary</td>
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<tr>
<td></td>
<td>Unacceptable operations; signal necessary (Mitigation Measure TRANS-1e)</td>
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<tr>
<td>Baseline Plus Project</td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1b)</td>
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<td></td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1c)</td>
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<td></td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1d)</td>
</tr>
<tr>
<td></td>
<td>Unacceptable operations; signal necessary (Mitigation Measure TRANS-1e)</td>
</tr>
<tr>
<td>Future Plus Project</td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1b)</td>
</tr>
<tr>
<td></td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1c)</td>
</tr>
<tr>
<td></td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1d)</td>
</tr>
<tr>
<td></td>
<td>Unacceptable operations; signal necessary (Mitigation Measure TRANS-1e)</td>
</tr>
</tbody>
</table>

Note: Refer to Impacts TRANS-1 and TRANS-2 of the DEIR.

As shown in Table 2-1, the DEIR set forth the following mitigation measures for traffic improvements:

**MM TRANS-1a** Prior to issuance of building permits for each Specific Plan use, the project applicant shall provide the City of Atascadero with all applicable, transportation-related development fees in accordance with the latest adopted fee schedule.

**MM TRANS-1b** Prior to issuance of the final certificate of occupancy for Walmart, the project applicant shall convert the intersection at Del Rio Road/El Camino Real to a modern roundabout. The roundabout shall provide an inscribed diameter of approximately 160 feet and a combination of single and dual circulating lanes. Single-lane approaches shall be adequate on the southbound and westbound entrances. The northbound approach shall include a dual-lane entry with a left-only lane and a shared through/right-turn lane. The eastbound approach shall include a shared through/left-turn lane and a 125-foot-long right-turn lane. The City of Atascadero shall determine the financial obligation of the applicant for the cost of the improvement and the applicant shall be eligible for reimbursement for costs outside its fair share.
Prior to issuance of the final certificate of occupancy for Walmart, the project applicant shall convert the intersection of Del Rio Road/US 101 Northbound Ramps to a single-lane modern roundabout with a 150-foot-long right-turn bypass lane on the westbound approach. The City of Atascadero shall determine the financial obligation of the applicant for the cost of the improvement and the applicant shall be eligible for reimbursement for costs outside its fair share.

Prior to issuance of the final certificate of occupancy for Walmart, the project applicant shall construct a five-legged, single-lane modern roundabout at the intersection of Del Rio Road/US 101 Southbound Ramps that incorporates Ramona Road as the fifth approach. The City of Atascadero shall determine the financial obligation of the applicant for the cost of the improvement and the applicant shall be eligible for reimbursement for costs outside its fair share.

Prior to issuance of the final certificate of occupancy for Walmart, the intersection of El Camino Real/San Anselmo Road (North) shall be improved with a signal. The project applicant shall either (1) install the signal or (2) provide the City of Atascadero with fees equivalent to the full cost of installing the signal. The City of Atascadero shall determine the financial obligation of the applicant for the cost of the improvement and the applicant shall be eligible for reimbursement for costs outside its fair share.

As noted in Mitigation Measures TRANS-1b through TRANS-1e, the project applicant was responsible for installing the improvements (and eligible for reimbursement for costs outside its proportional share) prior to issuance of the final certificate of occupancy for the Walmart store. After installation of the three roundabouts on Del Rio Road, the affected intersections and roadway segments would operate at acceptable LOS A or LOS B. The PRDEIR now describes that the City will construct this planned regional improvement and requires the applicant to pay its proportional share TIF in accordance with Mitigation Measures TRANS-1d and TRANS-1e. The City is the appropriate party to construct the roundabouts funded by the TIF program for the following reasons:

- Improvements to the Del Rio Road/US 101 interchange is a planned City project that will accommodate buildout under the General Plan. As described above, the City of Atascadero has long since planned to construct the Del Rio/US 101 interchange improvements. Notably, the City has identified in the General Plan and General Plan EIR that interchange improvements are needed to accommodate General Plan buildout, added the interchange improvement project to the CIP and TIF program, and determined in the 2008 “Atascadero Interchange Improvement Study” that modern roundabouts should be constructed in lieu of far more costly interchange reconstructions involving bridge widening.

\(^1\) In this context, the term “project applicant” applies to any party that seeks to develop the uses contemplated by the Del Rio Road Commercial Area Specific Plan (such as the Walmart or Annex components).
Neither the Walmart project by itself nor the combined Walmart and Annex projects, as mitigated, require construction of the Del Rio Road/US 101 roundabouts in the near term under both the Existing and Baseline scenarios. Importantly, the PRDEIR describes that a significant impact at the US 101/Del Rio Road interchange is only expected to occur under the Future scenario which includes traffic anticipated from buildout of the General Plan. Under these circumstances, CEQA provides that a project may pay fair-share fees as mitigation for its contribution to a significant cumulative impact (CEQA Guidelines Section 15130(a)(3)(c)). The City has committed to constructing this planned regional improvement as part of its CIP, and each of the Walmart and Annex projects will pay their proportional share of the cost of these improvements to the City of Atascadero.

The City is in the best position to implement the mitigation and collect funds for the cost of the Del Rio Road/US 101 roundabout improvements as part of its established TIF program. The City’s CIP identifies the US 101/Del Rio Road interchange as a planned improvement project, and the City’s TIF program has been established to collect traffic impact fees from new developments in order to fund the construction of local and regional traffic improvements that benefit the community, such as the Del Rio Road/US 101 roundabouts. Mitigation Measures TRANS-1d and TRANS-1e require the applicants to pay their proportional TIF commensurate with their impacts on the facility, and the City will continue to collect TIF funds from other developments pursuant to its established TIF program to fund any remaining amounts outside of the project’s proportional share.

Requiring the Walmart or Annex developments to construct the interchange improvements, which are estimated to cost $4.5 million, is not proportional to the impact caused by the project. As described in the PRDEIR, the Walmart development is responsible for only a 28.7-percent share of the impact or $1,292,798, and the Annex development is responsible for only a 24.3-percent share of the impact or $1,095,301; thus, the combined Walmart and Annex developments are responsible for a 53-percent share of the impact or $2,388,099. Importantly, mitigation measures must be consistent with all applicable constitutional requirements, including the requirement that they be “roughly proportional to the impacts of the project” (CEQA Guidelines Section 15126.4(a)(4); see also Dolan v. City of Tigard, 512 U.S. 374 (1994); Ehrlich v. City of Culver City, 12 Cal. 4th 854 (1996)). In this case, requiring the Walmart or Annex projects to construct a $4.5 million mitigation when its shares of the impact are only $1,292,798 or 28.7 percent and $1,095,301 or 24.3 percent, respectively, is not proportional to the impact.

Accordingly, the project’s payment of its proportional share TIF is in accordance with the City’s TIF program for a planned improvement that is identified in the CIP, and is otherwise consistent with constitutional and state law requirements of rough proportionality. Portions of the Draft EIR were recirculated to give the public the opportunity to review and comment on these and other changes to
the Draft EIR that are identified in PRDEIR Section 1.3, pages 1-2 to 1-4, and analyzed in the PRDEIR.

**Partially Recirculated Draft EIR's Analysis and Conclusions**

Similar to the DEIR, the PRDEIR, Section 3.11, Transportation, evaluated operations at the US 101/Del Rio Road Southbound Ramps, US 101/Del Rio Road Northbound Ramps, and at the El Camino Real/Del Rio Road intersections and roadway segment operations on Del Rio Road between El Camino Real and Ramona Road. However, the analysis was expanded to including an “Existing Plus Project” scenario, in addition to the “Baseline” and “Future” scenarios. Additionally, both the “Existing Plus Project” and “Future” scenarios were expanded to include “Plus Walmart” and “Plus Project” sub-scenarios. The key findings of each scenario are shown in Table 2-2.

**Table 2-2: PRDEIR Traffic Impacts and Mitigation Measures**

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<td></td>
<td>Del Rio Road/ US 101 Southbound Ramps</td>
</tr>
<tr>
<td></td>
<td>El Camino Real/ San Anselmo Road (North)</td>
</tr>
<tr>
<td>Existing Plus Walmart</td>
<td>Acceptable operations; no mitigation necessary</td>
</tr>
<tr>
<td>Existing Plus Project</td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1c)</td>
</tr>
<tr>
<td>Baseline Plus Walmart</td>
<td>Acceptable operations; no mitigation necessary</td>
</tr>
<tr>
<td>Baseline Plus Project</td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1c)</td>
</tr>
<tr>
<td>Future Plus Walmart</td>
<td>Unacceptable operations; roundabout necessary (Mitigation Measure TRANS-1c)</td>
</tr>
</tbody>
</table>
Table 2-2 (cont.): PRDEIR Traffic Mitigation Measures

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Intersection</th>
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<tbody>
<tr>
<td></td>
<td>El Camino Real/ Del Rio Road</td>
</tr>
<tr>
<td>Future Plus Project</td>
<td>Unacceptable operations; roundabout necessary (MM TRANS-1c)</td>
</tr>
</tbody>
</table>

Note:
Refer to Impacts TRANS-1 through TRANS-3 of the PRDEIR.

As shown in Table 2-2, the roundabouts at the US 101/Del Rio Road interchange are not required under either the “Existing Plus Walmart” or “Baseline Plus Walmart” scenario, but are required for the “Existing Plus Project” or “Baseline Plus Project” scenario. In recognition of these conclusions, the PRDEIR set forth the following mitigation measures for traffic improvements:

**MM TRANS-1a** Prior to issuance of building permits for each use, the project applicants shall provide the City of Atascadero with all applicable traffic impact fees for their proportional share impact on TIF funded Circulation System Facilities other than the Del Rio Road/US 101 interchange which is subject to a separate TIF payment described in Mitigation Measures TRANS-1d and -1e. The traffic impact fees for all uses shall be subject to the City’s latest adopted fee schedule, with the exception of the Walmart Superstore that will pay $11.14/square foot in accordance with the proportional share methodology prepared by RCS, which is based on the ITE land-use rate for “Free Standing Discount Superstores.”

**MM TRANS-1b** Prior to issuance of the final certificate of occupancy for Walmart, the intersection of El Camino Real/San Anselmo Road (North) shall be improved with a signal. The project applicant shall install the signal. The City of Atascadero shall determine the financial obligation of the applicant for the cost of the improvement and the applicant installing the improvement shall be eligible for a fee credit for the cost of these improvements in excess of the project’s proportional share contribution.

**MM TRANS-1c** Prior to issuance of the final certificate of occupancy for Walmart, the project applicant shall convert the intersection of Del Rio Road/El Camino Real to a modern roundabout. The roundabout shall provide an inscribed diameter of a minimum of 160 feet and a combination of single and dual circulating lanes. Single-lane approaches shall be adequate on the southbound and westbound entrances. The
northbound approach shall include a dual-lane entry with a left-only lane and a shared through/right-turn lane. The eastbound approach shall include a shared through/left-turn lane and a minimum 125-foot-long, right-turn lane. The City of Atascadero shall determine the financial obligation of the applicant for the cost of the improvement and the applicant installing the improvement shall be eligible for a fee credit for the cost of these improvements in excess of the project’s proportional share contribution.

**MM TRANS-1d** Prior to issuance of each building permit for the project, the project applicant shall provide the City of Atascadero with proportional-share fees for the conversion of the intersection of Del Rio Road/US 101 Northbound Ramps to a single-lane modern roundabout with a minimum 150-foot-long, right-turn bypass lane on the westbound approach. The traffic impact fee shall be based on the size of the building subject to the building permit and shall be consistent with the proportional share methodology prepared by RCS as described in the “TIF Collection Process” discussion in Section 3.11, Transportation. The City of Atascadero shall collect the fees and shall be responsible for constructing the roundabout improvements. Implementation of the northbound and southbound roundabouts shall occur in tandem.

**MM TRANS-1e** Prior to issuance of each building permit for the project, the project applicant shall provide the City of Atascadero with proportional-share fees for the construction of a five-legged, single-lane modern roundabout at the intersection of Del Rio Road/US 101 Southbound Ramps that incorporates Ramona Road as the fifth approach. The traffic impact fee shall be based on the size of the building subject to the building permit and shall be consistent with the proportional share cost methodology prepared by RCS as described in the “TIF Collection Process” discussion in Section 3.11, Transportation. The City of Atascadero shall collect the fees and shall be responsible for constructing the roundabout improvements. Implementation of the northbound and southbound roundabouts shall occur in tandem.

Note that the PRDEIR requires that the applicant improve the intersections of El Camino Real/San Anselmo Road (North) and El Camino Real/Del Rio Road prior to issuance of the final certificate of occupancy for the Walmart store. As such, these mitigation measures must be implemented prior to opening day.

Mitigation Measure TRANS-1d and TRANS-1e require the project applicant to provide proportional-share TIF to the City of Atascadero at the time building permits are sought for the project. The two roundabouts are projected to cost $4.5 million: The Walmart project’s proportional share would represent approximately $1,292,798 million and the Annex project’s proportional share would represent approximately $1,095,301 million, or roughly 53 percent of the total cost; refer to page...
3.11-29. Because the interchange improvements are currently programmed into the City’s TIF program but not yet funded, the applicant’s contribution of proportional share fees would provide an initial funding source for these improvements. The balance of the cost of the roundabouts would come from funds collected as part of the TIF program. Even though these improvements are not currently funded and rank fourth in the City’s CIP priority listing of interchange improvements, the City can reprioritize capital improvements to make the US 101/Del Rio Road interchange improvement the first priority, which would likely accelerate the implementation of these improvements.

Additionally, as noted in both the DEIR and PRDEIR, implementation of the two roundabouts at the US 101/Del Rio Road interchange requires the cooperation of Caltrans and the possible acquisition of adjoining private property. As noted in its first comment letter, Caltrans indicated that the Shell gas station’s unrestricted driveway access on Del Rio Road may need to be restricted to allow only right-turn-in movements to allow for efficient and safe operation of the roundabouts. Finally, implementation of the roundabouts would result in the short-term closure of the US 101/Del Rio Road interchange, resulting in temporary changes in local circulation patterns that require associated mitigation (refer to Impact TRANS-7 in the PRDEIR). For all of these reasons, the City of Atascadero is better suited to implement the US 101/Del Rio Road interchange improvements than the project applicant.

In summary, improvements at two of the four impacted locations still must be implemented by the applicant prior to opening of the Walmart store; however, at the other two locations (the US 101/Del Rio Road interchange ramps), the applicant would provide its proportional share TIF to fund a portion of the cost of the improvements, the construction of which would be the responsibility of City of Atascadero.

Caltrans Comments on the Partially Recirculated Draft EIR

In its comments on the PRDEIR’s analysis, Caltrans expressed concern about the financing and timing of the US 101/Del Rio Road interchange improvements, which it described as being “opaque.” The agency specifically commented that (1) the City of Atascadero’s lack of jurisdictional control over the interchange should not be an excuse to delay initiating the improvement process; (2) all interchange improvements must be in place prior to the issuance of the first certificate of occupancy for the Annex portion of the project; and (3) the PRDEIR discusses the differences between direct and cumulative impacts and their respective mitigation requirements. Each point will be addressed separately.

As explained in the conclusions to Impact TRANS-1 through TRANS-3, the City of Atascadero does not have jurisdictional control over the US 101/Del Rio Road interchange; therefore, in accordance with the legal principles that underpin CEQA, cannot conclude that the impacts would be fully mitigated. This conclusion acknowledges that implementing the improvement requires the cooperation of other agencies (such as Caltrans), which the City of Atascadero cannot assure at the time of this writing. Nonetheless, as explained on pages 3.11-24 through 3.11-30, the City has programmed these improvements into its Capital Improvement Plan, making them eligible for
funding from the City’s Transportation Improvement Fee program. As such, the City has already initiated the planning process for these improvements. Should the proposed project be approved, the City would then proceed with engaging Caltrans on initiating the improvements.

Regarding, Caltrans’s position that the interchange improvements must be in place prior to issuance of the first certificate of occupancy for the Annex portion of the project, this change has been made to Mitigation Measures TRANS-1d and TRANS-1e. The text of the revised mitigation measures is provided following this paragraph and the changed is noted in Section 5, Errata. Note that this change now results in the intersections of Del Rio Road/US 101 Northbound Ramps and Del Rio Road/US 101 Southbound Ramps operating at acceptable levels under several scenarios; therefore, the residual significance of impacts at these two locations is now less than significant. Corresponding text changes have been made to the PRDEIR, which are noted in Section 5, Errata. This is further discussed in the next portion of this master response.

**MM TRANS-1d**

Prior to issuance of each building permit for the project, the project applicant shall provide the City of Atascadero with proportional-share fees for the conversion of the intersection of Del Rio Road/US 101 Northbound Ramps to a single-lane modern roundabout with a minimum 150-foot-long, right-turn bypass lane on the westbound approach. The traffic impact fee shall be based on the size of the building subject to the building permit and shall be consistent with the proportional share methodology prepared by RCS as described in the “TIF Collection Process” discussion in Section 3.11, Transportation. The City of Atascadero shall collect the fees and shall be responsible for constructing the roundabout improvements. Implementation of the northbound and southbound roundabouts shall occur in tandem. The roundabout shall be in place no later than the issuance of the first certificate of occupancy for the Annex commercial uses.

**MM TRANS-1e**

Prior to issuance of each building permit for the project, the project applicant shall provide the City of Atascadero with proportional-share fees for the construction of a five-legged, single-lane modern roundabout at the intersection of Del Rio Road/US 101 Southbound Ramps that incorporates Ramona Road as the fifth approach. The traffic impact fee shall be based on the size of the building subject to the building permit and shall be consistent with the proportional share cost methodology prepared by RCS as described in the “TIF Collection Process” discussion in Section 3.11, Transportation. The City of Atascadero shall collect the fees and shall be responsible for constructing the roundabout improvements. Implementation of the northbound and southbound roundabouts shall occur in tandem. The roundabout shall be in place no later than the issuance of the first certificate of occupancy for the Annex commercial uses.
Finally, regarding the differences between the proposed project’s direct and cumulative impacts and their respective mitigation requirements, as a practical matter, there is no substantial difference. Under the Existing Plus Project scenario—which could be deemed an evaluation of “direct” impacts—the interchange improvements are needed, just as in the case of the Baseline Plus Project and Future Plus Project scenarios, which are considered “cumulative” scenarios. The one potential difference is that the Existing Plus Walmart and Baseline Plus Walmart scenarios show that the US 101/Del Rio Road interchange would operate at acceptable levels without any improvements; therefore, the PRDEIR recognizes that interchange improvements are not necessary for opening day of the Walmart portion of the project. However, the PRDEIR concludes that the interchange improvements will ultimately be needed in the future—either by the Annex or other planned and approved projects in the project vicinity—and, thus, requires this as mitigation. To summarize, the PRDEIR concludes that interchange improvements are necessary; however, it acknowledges that the timing of the improvements will occur at some point after opening day of the Walmart portion of the project.

Changes to the Residual Significance of Traffic Impacts

With the aforementioned changes to Mitigation Measures TRANS-1d and TRANS-1e, the residual significance of several traffic impacts has changed from “significant unavoidable” to “less than significant.” Table 2-3 summarizes these changes by scenario, which are shaded for convenience.

Table 2-3: Summary of Residual Significance of Traffic Impacts – Operational Impacts

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Plus Project</td>
<td>Significant unavoidable impact because of uncertainty of timing of mitigation</td>
</tr>
<tr>
<td>Residual Significance Finding</td>
<td>PRDEIR Residual Significance Finding</td>
</tr>
<tr>
<td></td>
<td>Less than significant impact because of certainty of timing of mitigation</td>
</tr>
<tr>
<td>Final EIR Residual Significance Finding</td>
<td></td>
</tr>
</tbody>
</table>
### Table 2-3 (cont.): Summary of Residual Significance of Traffic Impacts – Operational Impacts

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline Plus Project PRDEIR Residual Significance Finding</td>
<td>Significant unavoidable impact because of uncertainty of timing of mitigation</td>
</tr>
<tr>
<td>Final EIR Residual Significance Finding</td>
<td>Less than significant impact because of certainty of timing of mitigation</td>
</tr>
<tr>
<td>Future Plus Project PRDEIR Residual Significance Finding</td>
<td>Significant unavoidable impact because of uncertainty of timing of mitigation</td>
</tr>
<tr>
<td>Final EIR Residual Significance Finding</td>
<td>Less than significant impact because of certainty of timing of mitigation</td>
</tr>
</tbody>
</table>


Likewise, because the interchange improvements must be in place prior the issuance of the first certificate of occupancy for the Annex commercial uses, this eliminates the potential for the US 101/ Del Rio Road interchange to close after the opening of both Walmart and the Annex. Thus, all impacts associated with the “Baseline Plus Project With Closure of Del Rio Road Interchange” can be mitigated to a level of less than significant, due to the changes to Mitigation Measures TRANS-1d and TRANS-1e, as well as implementation of Mitigation Measures TRANS-7b and TRANS-7c. In addition, these changes obviate the need for Mitigation Measure TRANS-7d. Finally, the overall finding for this impact has been changed from “significant unavoidable” to “less than significant” because impacts associated with the “Baseline Plus Walmart With Closure of Del Rio Road...
Interchange” can be fully mitigated to a level of less than significant. These changes are noted in Section 5, Errata. Table 2-4 summarizes these changes.
### Table 2-4: Summary of Residual Significance of Traffic Impacts – Interchange Closure Impacts

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRDEIR Residual Significance Finding</td>
<td><strong>El Camino Real/San Benito Road</strong></td>
</tr>
<tr>
<td></td>
<td>Significant unavoidable impact because no feasible mitigation is available</td>
</tr>
<tr>
<td></td>
<td><strong>El Camino Real/San Benito Road</strong></td>
</tr>
<tr>
<td></td>
<td>Less than significant impact after mitigation</td>
</tr>
<tr>
<td>Final EIR Residual Significance Finding</td>
<td><strong>San Anselmo Road/US 101 Northbound Ramps</strong></td>
</tr>
<tr>
<td></td>
<td>Less than significant impact after mitigation</td>
</tr>
<tr>
<td></td>
<td><strong>San Anselmo Road/US 101 Southbound Ramps</strong></td>
</tr>
<tr>
<td></td>
<td>Significant unavoidable impact because no feasible mitigation is available</td>
</tr>
<tr>
<td></td>
<td><strong>El Camino Real/San Anselmo Road</strong></td>
</tr>
<tr>
<td></td>
<td>Significant unavoidable impact because no feasible mitigation is available</td>
</tr>
<tr>
<td></td>
<td><strong>El Camino Real/San Ramon Road</strong></td>
</tr>
<tr>
<td></td>
<td>Significant unavoidable impact because no feasible mitigation is available</td>
</tr>
<tr>
<td></td>
<td><strong>El Camino Real/US 101 Northbound Ramps</strong></td>
</tr>
<tr>
<td></td>
<td>Significant unavoidable impact because no feasible mitigation is available</td>
</tr>
<tr>
<td></td>
<td><strong>El Camino Real – San Ramon Driveway to San Benito Road</strong></td>
</tr>
<tr>
<td></td>
<td>Significant unavoidable impact because no feasible mitigation is available</td>
</tr>
<tr>
<td></td>
<td><strong>El Camino Real – San Benito Road to San Anselmo Road</strong></td>
</tr>
<tr>
<td></td>
<td>Significant unavoidable impact because no feasible mitigation is available</td>
</tr>
</tbody>
</table>

Specific Comments on Traffic Impact Analysis and Mitigation

The following pages address specific comments on the traffic impact analysis and mitigation. Topics include (1) whether the City can require the applicant to install and pay the full cost of necessary traffic improvements, (2) cost estimates for traffic mitigation measures, (3) alternatives to roundabouts, (4) whether the interim installation of the roundabout at the El Camino Real/Del Rio Road intersection would result in unacceptable operations at the US 101/Del Rio Road interchange; and (5) a need to update the traffic counts to account for changes in land use activities in the project vicinity.

Require Project Applicant to Install and Contribute Full Cost of Necessary Improvements

A number of authors stated that the City of Atascadero should require the project applicant to install and contribute the full cost of the traffic improvements identified in the DEIR and PRDEIR, including the US 101/Del Rio Road interchange roundabouts.

As previously explained, the PRDIER requires the El Camino Real/San Anselmo Road (North) and El Camino Real/Del Rio Road to be improved prior to issuance of the final certificate of occupancy for the Walmart store. The applicant is required to install both improvements and is eligible for reimbursement for costs incurred in excess of its proportional share.

For the reasons previously explained, the City of Atascadero is the most appropriate entity to implement the US 101/Del Rio Road interchange roundabouts. The applicant is required to provide proportional share fees to the City of for the cost of the improvement, who will then undertake implementation of the improvement.

CEQA Guidelines Section 15126.4(a)(4)(B) establishes that mitigation measures must be “roughly proportional” to the impacts of the project. In the case of the four mitigation measures that require specific traffic improvements (Mitigation Measures TRANS-1b through TRANS-1e), the applicant would be contributing its proportional share of the cost of the improvement (subject to reimbursement for costs outside its proportional share for Mitigation Measures TRANS-1b and TRANS-1c) in accordance with the rough proportionality requirement. The City of Atascadero cannot legally require the applicant pay the full cost of any and all improvements if that amount exceeds the applicant’s proportional share.

Cost Estimates for Traffic Mitigation Measures

Several authors inquired about the cost of permanent and temporary traffic mitigation measures identified in the PRDEIR and what the City’s obligation would be. One author inquired about what would occur if improvements cost more than estimated.

To preface this response, note that the CEQA Guidelines do not require that EIRs describe estimated or real costs of improvements. Notwithstanding, the PRDEIR describes the cost of traffic mitigation improvements and the proportional share TIF the applicant is required to pay. In particular:
• **Mitigation Measure TRANS-1a:** In accordance with the City of Atascadero’s current TIF schedule, the Walmart project would typically be required to pay the adopted TIF for general commercial development of $9.371 per square foot or approximately $1,469,912. However, because the specific use is known to be a retail superstore, the adopted TIF for general commercial uses would not be as accurate, and the Walmart project will instead be required to pay a higher TIF of $11.14 per square foot for the Walmart store based on the ITE land use rate for Freestanding Discount Superstores. Thus, Walmart’s total TIF, including fees related to the commercial outparcels and the residential parcel to be developed at a later date, will be $1,699,220. The Annex development, which does not include a superstore, will be required to pay the adopted TIF for general commercial uses of $9.371 per square foot or approximately $1,166,536. These are total TIF amounts before deducting any credits for Circulation System Facilities installed by the projects.

• **Mitigation Measure TRANS-1b:** As described in Table 3.11-7, the CIP and related TIF program limit the value for the El Camino Real/San Anselmo Road (North) signal to $348,750. The applicant is required to install the improvement prior issuance of the final certificate of occupancy for the Walmart store, and is eligible for a TIF credit against the amount required by Mitigation Measure TRANS-1a. Notwithstanding that the installation of the signal is anticipated to cost substantially more than this amount, the applicant will receive a TIF credit of only 60.5 percent of the assigned $348,750 cost, consistent with the credit limitations inherent in the City’s TIF program.

• **Mitigation Measure TRANS-1c:** As described in Table 3.11-7, the CIP and related TIF program limit the value of improvements to the El Camino Real/Del Rio Road intersection to $116,250. The applicant is required to install the improvement prior issuance of the final certificate of occupancy for the Walmart store, and is eligible for a TIF credit against the amount required by Mitigation Measure TRANS-1a. Notwithstanding that the installation of the roundabout is anticipated to cost substantially more than this amount, the applicant will receive a TIF credit of only 60.5 percent of the assigned $116,250 cost, consistent with the credit limitations inherent in the City’s TIF program.

• **Mitigation Measures TRANS-1d and TRANS-1e:** As described on pages 3.11-28 and 3.11-29 of the PRDEIR, the US 101/Del Rio Road interchange roundabouts are estimated to cost $4.5 million, of which the Walmart project’s proportional share responsibility is approximately $1,292,798 and the Annex project’s proportional share responsibility is approximately $1,095,301, for a combined total of approximately $2.388,099. Note that the applicants are not eligible to credit this amount against the amount required by Mitigation Measure TRANS-1a. The TIF program is expected to fund the balance of the cost of the improvements. As described in the PRDEIR, the TIF program collects fees from new development projects for the specific purpose of implementing traffic improvements. Collected funds are held in a dedicated account and can be used only for this purpose. TIF funds are not a tax imposed on the general public,
but are fees imposed by the City only on development projects. Additionally, the TIF program is separate and distinct from the City’s General Fund, which is largely funded by tax revenues and is primarily used for reoccurring operational expenses (debt service, maintenance/upkeep, salaries and benefits, etc.).

- **Mitigation Measure TRANS-7a:** The project applicant is required to provide the full cost of the construction traffic control measures listed by Mitigation Measure TRANS-7a. Cost estimates are not available at the time of this writing and are dependent on factors unknown at this time (e.g., duration of construction activities).

- **Mitigation Measures TRANS-7b through TRANS-7c:** Cost estimates for the construction traffic control measures identified by Mitigation Measure TRANS-7b through TRANS-7c are not available at the time of this writing and are dependent factors unknown at this time (duration of the closure of the US 101/Del Rio Road interchange, the number of traffic control officers that would be necessary, etc.). It would be expected that the City would use TIF monies to fund these mitigation measures, since they would be implemented to fund an improvement contemplated by the General Plan.

Regarding the potential for improvements to cost more than estimated, note that the PRDEIR indicates on page 3.11-28 that the US 101/Del Rio Road interchange roundabouts include a 30-percent contingency factor in accordance with Caltrans methodology. As such, the potential for improvement costs to increase was accounted for in the context of the US 101/Del Rio Road interchange roundabouts. In any event, the mitigation measures do not cap the costs for these improvements. If needed, the TIF program can be amended to account for increases in costs.

**Alternatives to Roundabouts**

Several authors inquired if the City had considered alternatives to roundabouts for the US 101/Del Rio Road interchange, specifically replacing or widening the existing overcrossing. One author stated that the City should have evaluated alternatives to the roundabouts as an EIR alternative.

The City of Atascadero has long recognized that the US 101/Del Rio Road interchange is in need of upgrades and commissioned W-Trans to evaluate improvement options in 2007; see the discussion on page 3.11-24 through 3.11-30 of the PRDEIR. Improvement options were discussed in a report titled “Interchange Improvement Study for the City,” and bridge widening and roundabouts were identified as two potential solutions. Roundabouts were estimated to cost $4.5 million, while bridge widening was estimated to cost $8 to 11 million. The City ultimately selected the roundabouts as the preferred option, and both the DEIR and the PRDEIR relied on these improvements as the basis for mitigating impacts at the US 101/Del Rio Road interchange. Since the roundabouts can achieve acceptable

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2 For the same reasons, it would be speculative to assume that closing the interchange after Walmart opens would incur more costs than if all three roundabouts were constructed concurrently prior to opening of the Walmart store, as suggested by one author; see Responses to Comments ROTHMAN.R.2-21 and ROTHMAN.R.2-22.
levels of service and, thus, fully mitigate the impact, CEQA does not require EIRs to evaluate other potential mitigation options that would yield the same conclusion.

In the context of evaluating alternatives to the roundabouts as CEQA alternatives, CEQA Guidelines Section 15126.6 requires “consideration and discussion of alternatives to the proposed project” and sets forth that such alternatives must “feasibly attain most of the basic project objectives.” In this case, the project evaluated in the DEIR and PRDEIR is the Del Rio Road Commercial Area Specific Plan; thus, the project objectives reflect the benefit associated with developing the commercial and residential uses contemplated by the Specific Plan. The US 101/Del Rio Road interchange roundabouts are mitigation for the project’s impacts; they are not “project characteristics,” nor are they referenced in the project objectives. As such, the DEIR’s and PRDEIR’s alternatives analysis appropriately did not examine roundabout alternatives, as this would be inconsistent with CEQA Guidelines Section 15126.6.

Traffic Impacts From Interim installation of El Camino Real/Del Rio Road Roundabout

Two authors inquired whether the interim installation of the roundabout at the El Camino Real/Del Rio Road intersection would create problems at the US 101/Del Rio Road interchange, particularly since the DEIR envisioned three roundabouts operating in tandem on this segment of Del Rio Road.

To clarify, the PRDEIR indicates that the US 101/Del Rio Road interchange roundabouts must be installed in tandem; it does not indicate that the interchange roundabouts must be installed in tandem with the El Camino Real/Del Rio Road roundabout. Upon installation of the roundabout traffic controlled intersection at El Camino Real/Del Rio Road, operation of that intersection will improve with decreased delay and shorter queue lengths, in particular on Del Rio Road between El Camino Real and the US 101 NB Ramps. Therefore, the El Camino Real/Del Rio Road roundabout will only have beneficial impacts to the corridor. Under Baseline Plus Walmart conditions, intersection level of service and queuing at the ramp intersections with signal control would still be acceptable. The traffic signal operation will produce queues that do not extend back into the new roundabout. Therefore, conditions with the mix of the roundabout at El Camino Real at traffic signals at the ramps would be acceptable.

Adequacy of Traffic Counts

Several authors stated that the PRDEIR’s traffic analysis relied on counts that occurred prior to two changes in land use activities in the project vicinity: the relocation of the Atascadero Unified School District (AUSD) bus facility to Potrero Road in August 2010 and the opening of Grocery Outlet in October 2011.

CEQA Guidelines Section 15125 establishes that an EIR must describe the “existing conditions” as they exist at the time of Notice of Preparation (NOP) issuance. The NOP for the proposed project was issued in May 2010, which was also the approximate time traffic volumes were taken. As such,
the use of 2010 traffic counts in the context of “existing conditions” is consistent with CEQA requirements.

Likewise, the CEQA Guidelines do not require that descriptions of “existing conditions” (e.g., traffic conditions) be continually updated to reflect changes in land use activities that have occurred since issuance of the NOP.

Nonetheless, in recognition that the opening of Grocery Outlet in the Mission Oaks shopping center in October 2011 and the relocation of the AUSD school bus facility in August 2010 altered traffic volumes in the project vicinity, W-Trans conducted new counts in January 2012. The counts occurred at the intersections of Del Rio Road/El Camino Real, Del Rio Road/101 Northbound Ramps and Del Rio Road/101 Southbound Ramps. During the weekday PM peak hour—the most critical period—traffic volumes collected at the intersection of Del Rio Road/El Camino Real in January 2012 were only 2 percent higher than those collected in 2010.

Because vehicle queuing on Del Rio Road between El Camino Real and the US 101 Northbound Ramps, is the most critical traffic constraint in the project vicinity—and, thus, would likely be the first significant traffic impact to occur—traffic volumes were examined to determine if they exceeded the PM peak hour threshold of 747 trips. As shown in Table 2-5, although the 2012 counts were higher than the 2010 counts, they still were well below the queuing threshold of 747 peak-hour trips. This serves to indicate that the opening of Grocery Outlet and the relocation of the AUSD school bus facility have not significantly increased traffic volumes on local roadways in a manner that would alter the conclusions reported in the PRDEIR. The 2012 traffic counts are provided in Appendix P.

### Table 2-5: Comparison of Traffic Counts

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Del Rio Road – Between El Camino Real and US 101 Northbound Ramps (PM Peak Hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2010</td>
</tr>
<tr>
<td>Existing Conditions</td>
<td>639</td>
</tr>
<tr>
<td>Baseline (No Project) Conditions</td>
<td>657</td>
</tr>
<tr>
<td>Threshold of Queuing Impact</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
Baseline (No Project) Conditions represents existing traffic counts plus the addition of other planned and approved projects anticipated to be operational by project opening day.
The 2012 Traffic Counts are provided in Appendix P.

### Del Rio Road Roundabouts

Several agencies and individuals expressed concerns, questions, or opposition to the three proposed roundabouts on Del Rio Road identified in PRDEIR Mitigation Measures TRANS-1c, TRANS-1d, and TRANS-1e. A general concern expressed by several authors was that the proposed roundabouts
would present a challenge to motorists who may be unfamiliar with how to merge and exit properly and, thus, would result in higher rates of accidents relative to more conventional traffic control devices. Specific concerns identified by one or more individuals included:

- Examples of similar roundabout configurations on Caltrans facilities and information about their effectiveness and safety (including for bicycles and pedestrians)
- Closing or restricting the Shell gas station driveway on Del Rio Road
- School buses, trucks, and other large vehicles
- Emergency response to areas west of US 101

**Examples of Similar Roundabout Configurations/Challenges to Motorists or Other Users**

Roundabouts are becoming a standard mitigation to consider at intersections in lieu of traffic signals because of safety, reduction in air emissions, minimal storage requirements, and aesthetic benefits. The Federal Highway Administration published “Roundabouts: An Informational Guide” in 2000, which noted that single-lane roundabouts operate more safety than two-way stop controlled intersections and provide more capacity than all-way stop controlled intersections. Caltrans has a process in place to review and approve roundabouts on state highways. Currently, there are roundabout intersections on Caltrans ramp facilities, including in Roseville (Antelope Creek Drive/Galleria Circle), Arcata (US 101 Northbound Ramps/Samoan Boulevard), Truckee (State Route 89/Donner Pass Road), Santa Barbara (US 101 Northbound Ramps/Milpas Street), and Cabazon (Interstate 10/Seminole Drive). Outside of California, roundabouts are located at freeway ramp terminals in Arizona (Phoenix), Colorado (Avon, Vail, Frisco, and Golden), Maryland (Anne Arundel County, Prince George County, Howard County), and Washington (Union Gap and Mt. Vernon), to name a few locations.

Of particular note, there are several roundabouts located in proximity of several large retail stores. The Roseville, California roundabout is located in proximity to a large shopping center anchored by Macy’s, Sears, JC Penney, and Nordstrom. The Frisco, Colorado roundabout (I-70 westbound ramps/Colorado Route 9) is located near a large retail center anchored by a Walmart and Safeway. The Golden, Colorado roundabouts are located in proximity of several commercial retail centers. Lastly, the Union Gap, Washington roundabouts (Interstate 82 and Valley Mall Boulevard) are located in proximity of several large retail centers anchored by a Shopko, Macy’s, and Sears, along with roundabouts on the freeway off-ramp.

The proposed series of three roundabouts on Del Rio Road would handle the traffic much as traffic signals would by processing traffic at each intersection at a time with a capacity design needed to accommodate the traffic. Given the short distance and narrow bridge overpass, the use of roundabouts provides acceptable traffic operations, and vehicle queuing between intersections would

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be less than conditions with traffic signals. Roundabouts have the added benefit of avoiding the need for left-turn lanes, obviating the need to widen the overcrossing. Conditions with an accident would be similar to a traffic signal. In cases of minor collisions, law enforcement and emergency vehicles would respond and move traffic out of the roadway to allow the intersection to flow, while in cases of major collisions, temporary detours would be established.

Regarding potential challenges to motorists, few if any significant challenges have been reported in jurisdictions with roundabouts. For example, the roundabouts in Avon, Colorado and Vail, Colorado were met with wide approval ratings by local residents and experienced lower accident rates compared with traditional signalized intersections.\(^4\) With appropriate signage and lane markings, it would be expected that motorists would be able to safely and successfully negotiate the Del Rio Road roundabouts.

Finally, as shown in PRDEIR Exhibit 3.11-6, the Del Rio Road roundabouts incorporate pedestrian facilities, including crosswalks where they cross the various approaches at the roundabouts. Benefits that roundabouts offer to pedestrians are shorter distances across vehicular travel lanes and “refuge” areas, which allow pedestrians to cross one direction of travel at a time. Additionally, bicycle mobility would benefit from slower free-flowing traffic.

**Mission Oaks/Shell Gas Station Driveway**

Two parties (including Caltrans) proposed modifying the existing Shell gas station Del Rio Road driveway to eliminate or restrict turning movements at this location to maximize the efficiency and safety of the El Camino Real/Del Rio Road roundabout and the US 101/Del Rio Road Northbound Ramps roundabout. Caltrans specifically recommended modifying this driveway to allow “right turn in” movements only.

As shown in PRDEIR Exhibit 3.11-6, the roundabout conceptual design currently depicts the Shell driveway providing right-in, right-out access. By using the roundabout, vehicles would still be able to easily gain access to all directions from this driveway.

It should be noted that the roundabout designs are necessarily conceptual in nature and the issue of the Shell gas station driveway access will be addressed as part of the final design process and Caltrans review and approval. Although limiting this point to allow “right turn in” movements only would be expected to further maximize the efficiency and safety of these two roundabouts, potential impacts to the Shell gas station have not been fully explored; therefore, it would be premature to commit to this change at this stage of project review. Further investigation of this issue would be expected to occur during the design phase.

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School Buses, Trucks and Other Large Vehicles

As discussed on PRDEIR pages 3.11-30 and 3.11-31, W-Trans collected intersection movement counts within the study area between late April 2010 and early June 2010 when local schools were in session. Thus, the existing level of service (LOS) values shown in PRDEIR Table 3.11-2 and turning movement volumes depicted in PRDEIR Exhibits 3.11-2a and 3.11-2b account for school buses, trucks, and other large vehicles on these roadways. However, the intersection movement counts did not breakdown trips by vehicle type (passenger vehicles, school buses, heavy trucks, etc.); therefore, it is not possible to specify the number of each vehicle type that passed through these intersections during the count period.

The proposed roundabouts would be designed to accommodate large vehicles, including tractor-trailers, school buses, and fire engines. In particular, the roundabouts at the US 101/Del Rio Road ramp terminals would be designed in accordance with the geometrical standards set forth in the Caltrans Highway Design Manual, which reflect the turning requirements of the largest vehicles permitted under the Surface Transportation Assistance Act of 1982 (STAA). The longest tractor-trailer allowed on California roads is 53 feet and the longest (non-articulated) allowed bus is 45 feet. (Note that Caltrans indicated that the roundabouts must be designed to accommodate the largest STAA vehicles.) Accordingly, the design standards that are applicable to the roundabouts will provide for and accommodate large vehicle movement.

Emergency Response

As discussed on DEIR pages 3.10-13 through 3.10-17, both the Atascadero Fire Department and Atascadero Police Department were consulted about potential impacts on their ability to provide public safety services to the community. Neither department indicated that the Del Rio Road roundabouts posed a significant emergency response challenge. Written responses from both departments are provided in Appendix I of the DEIR.

As previously noted, after the installation of the three roundabouts on Del Rio Road, the affected intersections and roadway segments would operate at acceptable LOS A or LOS B—the two highest operational ratings. Thus, Del Rio Road would not experience congested peak-hour conditions such that emergency response would be impaired to areas on the west side of US 101.

As previously discussed, the proposed roundabouts are designed to accommodate large vehicles, including tractor trailers, school buses, and emergency response vehicles.

Master Response 2 – Del Rio Road East of El Camino Real

The Atascadero Unified School District (AUSD) and several authors expressed concern about traffic, bicycle, and pedestrian impacts on the segment of Del Rio Road east of El Camino Real. AUSD indicated that pedestrian and bicycle facilities on Del Rio Road between El Camino Real and Potrero Road are minimally required mitigation measures to ensure safe routes to schools. Several authors stated that even though Del Rio Road east of El Camino Real is designated as a “Local Street” by the
General Plan, it serves as a *de facto* arterial or collector roadway linking Traffic Way with US 101, and that traffic upgrades would be necessary to serve the proposed project. One author stated that the DEIR and PRDEIR made no mention of “traffic counts” on Del Rio Road and only provided “intersection counts,” and requested that this be provided for existing and future conditions. Several authors suggested that the DIER and PRDEIR understated traffic impacts on this roadway, particularly from heavy vehicles such as trucks and school buses.

This Master Response will first address the General Plan classification for Del Rio Road and then address roadway volumes, as well as traffic, bicycle, and pedestrian impacts.

**General Plan Classification**

The City of Atascadero General Plan Figure III-2 designates the segment of Del Rio Road east of El Camino Real as a “Collector Road,” not a “Local Street.” This designation reflects the roadway’s connectivity to the El Camino Real corridor and the US 101/Del Rio Road interchange. As described by the General Plan on page III-2, Collector Roads are intended to “channel traffic from residential or commercial areas to arterials.” Thus, the use of Del Rio Road by trucks and school buses traveling from Traffic Way to US 101 is consistent with the roadway’s designation as a Collector Road.

**Roadway Volumes**

Both the DEIR and PRDEIR provided exhibits depicting intersection volumes, which depict peak-hour turning movements. These values can be summed to calculate roadway volumes on adjoining segments.

PRDEIR Tables 3.9-19 and 3.9-20 provided a summary of average daily traffic (ADT) volumes on study roadways in the project vicinity. As noted on PRDEIR page 3.9-33, ADT volumes were calculated by multiplying the PM peak hour and Saturday peak-hour intersection volumes by 11, which is a widely accepted approach to estimating ADT volumes. Table 2-6 summarizes the ADT volumes on Del Rio Road and El Camino Real in the project vicinity.
Table 2-6: Average Daily Traffic Volumes

| Roadway                                      | Segment General Plan Classification | Existing Weekday | Saturday | Baseline Weekday | Saturday | Baseline Project Weekday | Saturday | Future Weekday | Saturday | Future Plus Project Weekday | Saturday | Del Rio Road Commercial Area Specific Plan – Notice of Determination |
|----------------------------------------------|-------------------------------------|------------------|----------|------------------|----------|--------------------------|----------|-----------------|----------|-----------------------------|----------| Final EIR |
| El Camino Real                               | North of Del Rio Road (Major Arterial) | 3,910            | 3,720    | 4,370            | 4,170    | 9,090                    | 8,680    | 5,490           | 5,270    | 9,760                       | 9,340    | Final EIR Master Responses |
| El Camino Real                               | South of Del Rio Road (Major Arterial) | 6,500            | 7,320    | 7,170            | 7,990    | 12,140                   | 12,390   | 8,950           | 10,340   | 13,530                      | 14,380   | Final EIR Master Responses |
| El Camino Real                               | South of Mission Oaks Shopping Center Access (Major Arterial) | 6,290            | 6,750    | 6,960            | 7,410    | 11,930                   | 11,810   | 8,640           | 9,540    | 13,220                      | 13,580   | Final EIR Master Responses |
| Del Rio Road                                 | East of El Camino Real (Collector Road) | 2,040            | 1,690    | 2,490            | 2,110    | 9,160                    | 8,20     | 3,480           | 2,400    | 9,600                       | 7,810    | Final EIR Master Responses |
| Del Rio Road                                 | East of Obispo Road (Collector Road) | 1,760            | 1,440    | 2,200            | 1,840    | 3,000                    | 2,570    | 2,040           | 1,780    | 2,780                       | 2,450    | Final EIR Master Responses |

Notes:
- ADT volumes obtained from Tables 3.9-19 and 3.9-20 in the PRDEIR; note that these volumes reflect all trips that would occur during a 24-hour period.
- General Plan Classification obtained from City of Atascadero General Plan Figure III-2.
As shown in Table 2-6, El Camino Real would experience the highest ADT volumes of surface streets in the project vicinity, with Del Rio Road experiencing significantly lower ADT volumes. This reflects El Camino Real’s status as the primary north-south commercial thoroughfare in Atascadero, consistent with its classification as a “Major Arterial.” Likewise, the much lower ADT volumes on Del Rio Road reflect this roadway’s status as a primarily local-serving “Collector Road.”

Regarding one author’s claim that trips would be originating from the area northeast of Colima Road/Dolores Avenue, as shown in Table 3.11-14, the PRDEIR’s traffic analysis assumed that 3 percent of project trips would originate from or be destined for San Anselmo Road east of El Camino Real, which is representative of the residential density of this area. As such, the analysis did account for trips originating from the area northeast of Colima Road/Dolores Avenue.

**Traffic Impacts**

The PRDEIR evaluated intersection operations impacts and roadway segment operations impacts on Del Rio Road east of El Camino Real. Table 2-7 summarizes the LOS results.

**Table 2-7: Summary of Traffic Impacts – Del Rio Road East of El Camino Real**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Study Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Del Rio Road/Obispo Road</td>
</tr>
<tr>
<td>Existing Plus Walmart</td>
<td>Acceptable operations (LOS A); no mitigation necessary</td>
</tr>
<tr>
<td>Existing Plus Project</td>
<td>Acceptable operations (LOS A); no mitigation necessary</td>
</tr>
<tr>
<td>Baseline Plus Walmart</td>
<td>Acceptable operations (LOS A); no mitigation necessary</td>
</tr>
<tr>
<td>Baseline Plus Project</td>
<td>Acceptable operations (LOS A); no mitigation necessary</td>
</tr>
<tr>
<td>Future Plus Walmart</td>
<td>Acceptable operations (LOS A); no mitigation necessary</td>
</tr>
<tr>
<td>Future Plus Project</td>
<td>Acceptable operations (LOS A); no mitigation necessary</td>
</tr>
</tbody>
</table>

Note:
Refer to Impacts TRANS-1 through TRANS-3 of PRDEIR.

As shown in Table 2-7, the study intersection of Del Rio Road/Obispo Road would operate at acceptable LOS A under all scenarios, and the Del Rio Road segment between Obispo Road and El Camino Real would operate between acceptable LOS A and C under all scenarios. Because acceptable operations would occur under all scenarios, impacts would be less than significant and no mitigation is necessary for traffic impacts.
Bicycle and Pedestrian Impacts

The proposed project would install a sidewalk and a Class II bicycle lane on Del Rio Road in both directions between El Camino Real and Rio Rita Road along the project frontage; refer to PRDEIR pages 3.11-20 through 3.11-23. These are standard half-width improvements required by the City of Atascadero for new commercial development. Moreover, they reflect the nexus between the project’s impacts on the bicycle and pedestrian circulation in the project vicinity, which generally occur in the area immediately around the project site. Furthermore, this is consistent with the bike route improvements contemplated in the City of Atascadero’s adopted Bicycle Transportation Plan and thus further the overall goals and policies of the plan.

Regarding the various comments that bicycle and pedestrian facilities should extended further to Potrero Road, the proposed project does not create a need for these improvements for the following reasons:

- As shown in Table 3.11-14 of the PRDEIR, only 5 percent of project-related vehicle trips would be expected to travel east on Del Rio Road; the remaining 95 percent of project-related trips would use other roadways, primarily El Camino Real and US 101. Thus, a very small number of project-related vehicle trips would pass by San Benito Elementary School and Del Rio Continuation School, which significantly limits the potential for adverse impacts on students. This is not considered to be a significant impact.

- As shown in Table 2-7, the Del Rio Road/Obispo Road intersection and the segment of Del Rio Road between Obispo Road and El Camino Real would operate at acceptable LOS under all scenarios. This demonstrates that project-related trips would not cause traffic congestion during peak hours on Del Rio Road, which minimizes the potential for adverse impacts on bicycles and pedestrians.

- Project-related truck trips would not travel on Del Rio Road beyond the Walmart delivery entrance, which would be located west of Rio Rita Road. Thus, the proposed project would not add new truck trips to Del Rio Road east of the project site and, therefore, would not have the potential to contribute to any unsafe conditions associated with trucks passing by the school sites.

To summarize, the safety of student bicycle and pedestrian activity would not be adversely affected by the proposed project; therefore, there is no need to require that the project install sidewalks or Class II bicycle lanes on Del Rio Road between Rio Rita Road and Potrero Road.

Master Response 3 – Noise Impacts

Several individuals expressed general concern about noise impacts on residential receptors in the project vicinity, in particular the residences along Rio Rita Road and Del Rio Road that would be nearest the Walmart loading area. Several individuals who reside on Rio Rita Road inquired why
their residences were not depicted as receptors on the various noise contour exhibits in the DEIR or PRDEIR and suggested that this omission understated the disclosure of noise impacts. Three individuals noted that sound travels upslope towards the Rio Rita Road residences and requested that a 6-foot wall should be constructed along the Walmart site frontage with Rio Rita Road to block sound and visual impacts from the Walmart site. One individual expressed concern about interference with sleep during “atypical” hours (i.e., daytime) and also disputed the reasonableness of the construction noise conclusions. Another individual referenced the limitations on construction hours in Mitigation Measure NOI-1 (7 a.m. to 9 p.m. daily) and asserted that activities should cease at 7 p.m. A third individual expressed concern about noise from the public address system in the garden center, horns in the parking lot, and loading dock operations affecting their residence on Rio Rita Road. In addition, a fourth individual expressed concern about increased vehicle and tractor-trailer noise on San Ramon Road.

The PRDEIR’s conclusions regarding noise impacts at sensitive receptors will be discussed first, followed by the specific issues raised by the various authors.

**PRDEIR Conclusions**

The PRDEIR evaluated both short-term construction noise impacts (pages 3.9-44 through 3.9-49) and long-term operational noise impacts (pages 3.9-66 through 3.9-86) at receptors around the project site, including at existing residences to the west, north, east, and south. Receptors along Rio Rita Road were included in this analysis.

**Noise Analysis Receivers**

As shown in PRDEIR Exhibits 3.9-3 and 3.9-5 through 3.9-7, noise levels were modeled at 15 different offsite receivers around the project site. Two of those receivers (Nos. 9 and 10) were residences on the east side of Walmart. The selection of the receiver locations was performed in accordance with the guidance contained in the Caltrans Technical Noise Supplement, which is regarded as an authoritative source for noise analysis methodology. Section 5.3.1.1 of the Caltrans Technical Noise Supplement indicates that each noise analysis “sub region” shall be represented by at least two receivers. In this case, the east side of Walmart (including loading docks) is a sub-region and is represented by Receivers Nos. 9 and 10.

Receiver No. 9 (2305 Rio Rita Road) was selected because it is set back only 45 feet from Rio Rita Road. In contrast, the residence immediately to the south (4835 Rio Rita Road) is set back approximately 125 feet from the roadway. Thus, the 2305 Rio Rita Road residence provides more of a “worst case” representation of potential noise exposure than the 4835 Rio Rita Road residence.

Receiver No. 10 (2405 Rio Rita Road) was selected for the same reason as Receiver No. 9—distance of the residence from Rio Rita Road. This receiver provides a “worst case” representation of noise levels at residences further south, including 2455 Rio Rita Road.
As will be discussed later in this master response, after mitigation, construction, and operational noise levels at all nearby residential receivers (including Receivers Nos. 9 and 10) would be within acceptable levels. Because noise levels at these receivers, which would be expected to experience the greatest potential impact, would be within acceptable levels, it is reasonable to conclude that noise levels at all other residential receptors in the sub-region, which are further from the noise source, would also be within acceptable levels.

Construction Noise Impacts

The PRDEIR found that construction noise levels would exceed the established significance threshold of 70 dBA $L_{eq}$\textsuperscript{5} during the daytime hours at the exterior of certain residential receptors during the most intensive phases of construction (i.e., grading); refer to Table 3.9-23. Residences along Obispo Road, Del Rio Road, and Rio Rita Road would be among these receptors. To mitigate this impact, Mitigation Measure NOI-1 is proposed, which requires various noise attenuation measures to be implemented during construction activities, including the installation of a 12-foot-high, temporary construction noise barrier around the portions of the site that are within 50 feet of an offsite residential structure. The mitigation measure also limits construction activities to the hours between 7 a.m. and 9 p.m., in accordance with Atascadero Municipal Code Chapter 9, Title 14.03. After the implementation of Mitigation Measure NOI-1, exterior noise levels would be a maximum of 68.3 dBA $L_{eq}$ during the daytime hours at the nearest affected residence. Most nearby residences would experience exterior construction noise levels ranging from 53 to 64 dBA $L_{eq}$ during the daytime hours; refer to Table 3.9-24. For comparison purposes, 60 dBA is equivalent to the noise level of a normal conversation; refer to Table 3.9-1.

In particular, the residence at 2405 Rio Rita Road (Receptor No. 10) would experience exterior construction noise levels of 53.5 dBA $L_{eq}$ during the daytime hours. Standard wood frame residential construction can be assumed to attenuate exterior noise levels by 25 dB; therefore, occupants inside the residence would observe interior noise levels of 28.5 dBA $L_{eq}$ during the daytime hours (assuming windows are closed). For comparison purposes, 30 dBA is equivalent to the noise level of a library; refer to Table 3.9-1. Thus, even during the most intensive phases of construction, daytime interior noise levels inside the 2405 Rio Rita Road residence would not be expected to interfere with sleep.

Note that other phases of construction (building construction, paving, landscaping, etc.) would generate less noise and result in corresponding lower levels of exterior noise at nearby residences. The Draft EIR concluded that because exterior noise levels at nearby residences during construction would be below 70 dBA $L_{eq}$ significance threshold, impacts would be less than significant.

\textsuperscript{5} The “$L_{eq}$” noise descriptor represents the average noise level over a specific time period. In this case, the measurement period is the daytime hours (7 a.m. to 7 p.m.).
Operational Noise Impacts

The PRDEIR found that combined operational stationary and transportation noise levels would exceed 60 dBA $L_{dn}$ at certain nearby residences; refer to Table 3.9-44. Potential noise impacts from the proposed rooftop mechanical equipment, truck loading areas, drive-through speakers, trash compactors, garden center with public address system, forklifts with backup beepers, parking lot activities, and onsite roads—as well as the noise impacts from the increase in traffic to the offsite roads in the immediate vicinity of the proposed project—were analyzed in the combined operational stationary and transportation noise analysis. To mitigate this impact, Mitigation Measures NOI-4a through NOI-4f are proposed, which requires various noise attenuation measures to be implemented. In the context of the Walmart loading area, Mitigation Measure NOI-4e requires the construction of a minimum 12-foot-high sound wall in the rear of the truck loading dock, and Mitigation Measure NOI-4f requires the construction of a minimum 4-foot-high sound wall around the Walmart trash compactor pad. (Note that this analysis involved computer modeling of noise contours that accounted for the topography of the project site and surrounding areas). With the implementation of these mitigation measures, exterior and interior noise levels at nearby residences would be within acceptable levels; refer to Tables 3.9-45 and 3.9-46.

In particular, after implementation of the above mitigation, the residence at 2405 Rio Rita Road (Receptor No. 10) would experience exterior operational noise levels of 52.6 dBA $L_{dn}$ during the weekday and 52.5 dBA $L_{dn}$ on Saturday. Standard wood frame residential construction can be assumed to attenuate exterior noise levels by 25 dB; therefore, occupants inside the residence would observe interior noise levels of 27.8 dBA $L_{dn}$. As previously noted, 30 dBA is equivalent to the noise level of a library; refer to Table 3.9-1. Thus, during operations, interior noise levels inside the 2405 Rio Rita Road residence would not be expected to interfere with sleep.

Proposed Wall Along Rio Rita Road

As discussed previously in this master response, operational noise impacts would be fully mitigated to a level of less than significant. The addition of a wall along Rio Rita road would not be needed to mitigate the operational noise impacts, and a wall would be in conflict with the provisions of both the City of Atascadero General Plan and the Del Rio Road Commercial Specific Plan. The General Plan contains various goals and policies that prioritize protection of existing neighborhood character and views of scenic resources. The Specific Plan includes a provision that reads “Street trees shall not be planted along Rio Rita Road in order to protect the viewshed of the existing development above Rio Rita Road.” Both documents recognize and seek to protect views of scenic resources (e.g., the foothills to the west) from locations such as Rio Rita Road. A 6-foot or 8-foot-high soundwall along the west side of Rio Rita Road would be considered a detriment to the existing neighborhood character and would obstruct scenic views.

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6 The “$L_{dn}$” noise descriptor is a time-weighted cumulative noise metric that signifies the average single day noise level. The $L_{dn}$ descriptor includes a penalty for noise that occurs between 10 p.m. and 7 a.m. to account for human sensitivity to noise during these hours.
**Reasonableness of Construction Noise Conclusions**

One author disputed the reasonableness of the construction noise conclusions, expressing skepticism that residences along Rio Rita Road would experience only a 15-dB increase, given the likely use of heavy equipment in excess of 100 tons.

The construction noise analysis assumptions and methodology were outlined on pages 3.9-44 and 3.9-45 of the Draft EIR. To recap, the analysis modeled noise during the most intensive phase of construction (grading) and assumed the concurrent operation of one grader, one rubber tired dozer, one water truck, and two tractor/loader/backhoes on the Walmart site, and the concurrent operation one grader, one rubber tired dozer, one water truck, and one tractor/loader/backhoe on the Annex site. In addition, three dump trucks were assumed to be operating between the Walmart and Annex sites, which would be expected to be a high level of construction activity. Construction equipment was modeled using noise levels listed in Table 3.9-2 and was assumed to be in continuous operation between the hours of 7 a.m. and 7 p.m.

The analysis provides a conservative estimation of construction noise levels because (1) it accounts for the combined construction activities associated with the Walmart and Annex components including the use of heavy equipment, (2) it represents the phase of construction that would employ the loudest pieces of equipment, and (3) it assumes a 12-hour construction workday.

No evidence has been found nor was any provided disputing these assumptions or conclusions, or explaining why alternate assumptions would yield more representative construction noise levels.

**Limits on Hours of Construction Activities**

As discussed previously in this master response, the construction hour limits specified in Mitigation Measure NOI-1 are consistent with those set forth in the Atascadero Municipal Code. Furthermore, because Mitigation Measure NOI-1 can fully mitigate construction noise impacts to a level of less than significant, there is no basis to further limit construction activity hours.

**Traffic Noise on San Ramon Road**

One author expressed concern about increased vehicle and tractor-trailer noise on San Ramon Road created from the operation of the proposed project. The traffic noise along San Ramon Road was analyzed, and the project contributions are shown in Table 3.9-33 for the year 2013 weekday conditions, Table 3.9-34 for the year 2013 Saturday conditions, Table 3.9-35 for the year 2035 weekday conditions, and Table 3.9-36 for the year 2035 Saturday conditions. The analysis found that the project contribution to the San Ramon Road noise contours would range from 0.1 to 0.2 dBA and that the “with project” scenario would not exceed the City’s 60 dBA $L_{dn}$ residential noise standard under any condition. A 0.2-dBA noise increase is well below the 3-dB threshold of perception and is within the City’s allowable noise increase threshold levels defined in the PRDEIR.
Master Response 4 – Driveway Locations

Several authors expressed concern about the locations of the main driveways to the Walmart site. These authors suggested that modifications be made to the driveway locations, including (1) adding a second entry point into the Walmart parking area from El Camino Real, (2) relocating the main El Camino Real access point to align with the Mission Oaks shopping center access point, and (3) relocating the delivery driveway to El Camino Real.

This response will first address the rationale for the proposed project’s internal circulation concept (including main driveway locations) and then address the proposed modifications.

Driveway Location Selection Criteria

The Walmart site circulation plan accounts for many factors, including but not limited to emergency access requirements, optimal locations for ingress/egress (including appropriate distance from nearby intersections), provision of adequate queuing space for vehicles turning at driveways, accommodating truck delivery routes and facilities, minimum number of parking spaces, distance from building entrances, landscaping requirements, pedestrian mobility, and the need for shopping cart corrals. In short, the proposed project’s circulation and parking lot configuration reflects a significant amount of design considerations intended to allow for safe and efficient operations for all project users.

In the context of the proposed project, the primary consideration in locating access points was accounting for differences in elevation between roadways and the Walmart parking area, which range from 16 to 22 feet. The Walmart store and parking area would sit above El Camino Real, which contains direct access to and from this roadway. Thus, a new public roadway is proposed to be constructed that would intersect with El Camino Real and provide access to the Walmart site, as well as the outlots and a future multi-family residential use in the rear of the Walmart site. The provision of this roadway minimizes the roadway grade between El Camino Real and the various uses, while also allowing full access from El Camino Real at a signalized point. Additionally, this point is approximately 1,000 feet from the El Camino Real/Del Rio Road intersection, which is considered acceptable spacing for controlled intersections on major arterials (such as intersections controlled by signals and stop signs, and roundabouts).

A second main driveway access to the Walmart site would be provided on Del Rio Road, approximately 500 feet east of El Camino Real. This point would be level with the roadway elevation and provide full access, with stop control on the driveway approach. Roughly half of project-related trips (excluding trucks) would be expected to use this entrance, with the other half using the El Camino Real point; refer to the intersection volumes shown on PRDEIR Exhibit 3.11-4a.

A dedicated delivery entrance would be located further to the east on Del Rio Road and would be aligned with the Del Rio Road/Obispo Road intersection. This location was selected because it provides the shortest route between a public roadway and the Walmart loading docks and allows truck traffic to be segregated from customer traffic, which is preferable from a safety and convenience
perspective. Additionally, this driveway would not provide direct access to the parking area and, therefore, is unlikely to be frequently used by customers.

The locations and characteristics of each Walmart access point are reasonable, reflect widely accepted design criteria, and are expected to operate in an efficient and safe manner.

**Proposed Modifications**

The proposed modifications to the Walmart access proposed by the various authors generally involve developing a main access point that would be aligned with the Mission Oaks shopping center main access. The proposed public roadway that would intersect with El Camino Real would be either eliminated or converted to a secondary, delivery access point.

It should be noted that previous versions of the Walmart site plan contemplated a main access point aligned with the Mission Oaks shopping center main access. However, this proposal was ultimately abandoned by the applicant for the following reasons:

- **Slope:** as previously noted, there is a 16- to 22-foot difference in elevation between El Camino Real and the Walmart parking area. The sloping transition between the roadway and parking area would be planted with landscaping for both aesthetic and slope stabilization purposes. Adding a second vehicular access point would require a sloping roadway that would eliminate most of the landscaping along El Camino Real and a significant number of parking spaces. Such a roadway would also require the use of retaining walls in lieu of landscaping. This would be in conflict with various provisions in the Del Rio Road Commercial Area Specific Plan concerning landscaping along street frontages and minimum parking requirements.

- **Proximity to El Camino Real/Del Rio Road Intersection:** Aligning the primary Walmart access from El Camino Real with the Mission Oaks shopping center main access point would likely necessitate signalizing this location due to the traffic volumes and also require heavy left-turn movements at this location. Signalization at this location is problematic because it is within 500 feet of the El Camino Real/Del Rio Road intersection. The signalization and left-turning movements are likely to create excessive queues for left turns on southbound El Camino Real that extend back into the El Camino Real/Del Rio Road roundabout, creating congestion and safety hazards. For these reasons, it is preferable to locate the main Walmart site access on El Camino Real further to the south.

- **Access to Outlots and Multi-Family Residential Uses:** Either eliminating the proposed public roadway or converting it into a secondary delivery access point is not feasible because it would impair access to the outlots and future multi-family residential site. If this point were eliminated, vehicles traveling to or from the outlots or multi-family residential site would be required to traverse the Walmart parking area, which would involve a longer and more circuitous routing than what is currently proposed. Likewise, if this access point were modified to an unsignalized secondary access, it may become congested with queued vehicles waiting to
turn onto El Camino Real. Moreover, this location is not as well suited as a delivery access as the Del Rio Road access point, since tractor-trailers would be required to navigate a circuitous route through the parking area. As previously noted, it is preferable to segregate tractor-trailer movements and customer vehicle traffic to the maximum extent feasible; thus, relocating the primary truck access to this access point would not accomplish this objective.

For these reasons, it would not be appropriate to require the applicant to relocate the main Walmart access as either a mitigation measure or a condition of approval.

**Master Response 5 – Light and Glare**

Three authors expressed concern about nighttime lighting impacts associated with the project. These authors expressed concern about nighttime impacts at residential uses west and east of the project site, particularly those uses that are at higher elevations than the project site. Two of the authors inquired about how exterior lighting would be shielded to the maximum extent feasible and indicated that there is no detail in the DEIR regarding the light standard being proposed. These same authors recommended that parking lot lights be significantly reduced or shut off when the business is not open. Another author inquired how the applicant will mitigate “traffic lighting from vehicles” and if the applicant will limit nighttime exterior lighting within the site.

The DEIR evaluated light and glare impacts on pages 3.1-24 through 3.1-26. Photometric plans of both Walmart site and Annex site were provided in Exhibits 3.1-3 and 3.1-4, respectively. The analysis qualitatively described light impacts to surrounding land uses, and the photometric plans illustrated illumination levels within the project site and along the property lines with surrounding land uses. The DEIR’s light and glare analysis recognized the potential for exterior lighting to substantially affect the surrounding area and proposed Mitigation Measure AES-3, which requires the applicant to prepare and submit photometric plans to the City of Atascadero for review and approval that demonstrates the use of fully shielded or full cutoff light fixtures. Such light fixtures are designed to concentrate light downward and avoid or minimize illumination of neighboring properties. Moreover, employing the use of fully shielded or full cutoff light fixtures is a widely accepted method of limiting light and glare impacts. As such, Mitigation Measure AES-3 provided an adequate and acceptable performance standard to ensure that light and glare impacts would be fully mitigated to a level of less than significant.

Additionally, as noted on DEIR pages 3.1-24 and 3.1-25, the Specific Plan contains a number of provisions pertaining to light and glare, including compliance with Municipal Code requirements, height limits on light fixtures, shielding requirements, and siting requirements. This provides further support for the DEIR’s conclusions that impacts would be fully mitigated to a level of less than significant.

With regard to the suggestion that parking lot lights be significantly reduced or shut off when the business is not open, it should be noted that the Walmart store (and potentially some of the outlot and
Annex uses) would operate 24 hours a day; therefore, there is a need for continuous illumination of the parking area during the nighttime hours. The Atascadero Police Department specifically requested that the parking lot provide adequate nighttime lighting to ensure safety and security of customers and employees (refer to DEIR pages 3.10-15 through 3.10-17). Finally, with the implementation of Mitigation Measure AES-3, light and glare impacts would be reduced to a less than significant level.

Regarding the issue of light and glare from vehicles, Walmart and Annex commercial uses are designed to orient the main parking areas and access points towards El Camino Real and the first 500 feet of Del Rio Road east of El Camino Real. As such, the majority of project-related trips would use these roadway segments and would not travel into the residential area east of the project site, thereby limiting potential for light and glare. Furthermore, project-related buildings such as the Walmart building would be located between the main parking area and the residential areas to the east and, therefore, would serve to largely screen the visibility of vehicular headlamps and tail lamps within the project site. Accordingly, the impact of light and glare from vehicles is not considered to be significant.

Finally, regarding light and glare impacts on the residential area located west of the project site, US 101, El Camino Real, and the Mission Oaks shopping center are located between the project site and these uses. All of these land uses contain existing sources of light and glare (street lighting, illuminated signage, building-mounted lighting, vehicular headlights, etc.) that would be more prominent and visible to the residential areas west of the project site. Furthermore, the provisions of Mitigation Measure AES-3 would ensure that exterior light fixtures are fully shielded or employ the use of full cut-off fixtures to minimize light trespass. As such, the residential uses to the west would not be expected to experience any significant increase in nighttime illumination relative to existing conditions.

**Master Response 6 – Solar Energy/Greenhouse Gas Emissions**

Several individuals and organizations indicated that the City should require the project to include a solar energy (rooftop panels, solar water heating, etc.), specifically on the Walmart store to mitigate greenhouse gas emissions impacts. The authors and organizations cited examples of other Walmart stores that employ solar energy systems and stated that this should be required as a mitigation measure or condition of approval. One organization stated that without requiring solar energy or solar hot water systems as mitigation, the PRDEIR cannot conclude that project impacts on greenhouse gas emissions would be reduced to a level of less than significant.

This master response will first address the PRDEIR’s conclusions with respect to greenhouse gas emissions and energy consumption, and then discuss the various issues raised by the authors.
PRDEIR’s Conclusions

Greenhouse Gas Emissions

To preface the response, no state or local greenhouse gas reduction strategy referenced in the PRDEIR (such as the California Air Resources Board Scoping Plan, the San Luis Obispo County Air Pollution Control District [APCD], the California Air Pollution Control Officers Association’s “CEQA and Climate Change” and “Quantifying Greenhouse Gas Mitigation Measures,” and the Attorney General’s Office) mandates that new development projects install photovoltaic solar systems or solar hot water systems. Rather, these documents identify solar energy and solar hot water systems as two of many potential measures to reduce greenhouse gas emissions. All of these strategies contain numerous greenhouse gas reduction measures—some of which are in conflict with each other (e.g., solar roofs vs. white roofs vs. green roofs); therefore, lead agencies have the discretion in determining which strategies are most appropriate on a case-by-case basis.

As discussed on pages 3.2-109 through 3.2-132 of the PREIR, the proposed project’s “business as usual” greenhouse gas emissions were quantified in Table 3.2-29, and project characteristics were assessed against various emissions reduction strategies identified by the California Air Resources Board, the California Air Pollution Control Officers Association’s “CEQA and Climate Change” and “Quantifying Greenhouse Gas Mitigation Measures,” and by the Attorney General’s Office in Table 3.2-30. Potential greenhouse gas reductions from consistency with applicable strategies and regulations were provided in Table 3.2-32 and were found to be equal to a 33.0-percent reduction. Taking into account the proposed project’s emissions, project design features that significantly reduce emissions, and the progress being made by the State towards reducing emissions in key sectors such as transportation, industry and electricity, the PRDEIR found that the proposed project furthers the State’s goals of reducing greenhouse gas emissions to 1990 levels by 2020 consistent with AB 32 and an 80-percent reduction below 1990 levels by 2050 as stated in Executive Order S-3-05, and does not obstruct their attainment. Accordingly, the PRDEIR concluded that impacts were less than significant and did not require additional mitigation.

Energy Consumption

Pursuant to CEQA Guidelines Appendix F, the PRDEIR evaluated whether the proposed project would result in the inefficient, unnecessary, or wasteful use of energy and whether adequate supplies would exist to serve the project, on PRDEIR pages 3.10-27 through 3.10-30, and pages 6-3 through 6-11.

The analysis quantified project electricity and natural gas consumption, identified design features that would reduce consumption, and cited written confirmation provided by the energy providers (Pacific Gas and Electric Company and The Southern California Gas Company) indicating that they could serve the project, concluding that impacts would be less than significant.

Furthermore, the proposed project will be required, at a minimum, to exceed the latest adopted version of the Title 24 energy efficiency standards by an average of 20 percent at the time building
permits are sought. Title 24 is widely regarded as the one of the most stringent energy efficient building standards in the United States; therefore, it can be concluded that the proposed project would not result in the inefficient, unnecessary, or wasteful use of energy in the context of building energy consumption.

**Solar Feasibility**

Regarding the issue of solar feasibility, it first should be emphasized that the PRDEIR concluded that greenhouse gas emissions and energy consumption impacts were less than significant and, therefore, did not require mitigation. CEQA Guidelines Section 15126.4(a)(3) establishes that mitigation measures are not required for effects that are found not to be significant. Thus, the PRDEIR appropriately did not identify additional mitigation measures such as solar energy systems.

In any event, Table 2-8 summarizes the estimated costs associated with the use of a solar energy system in the context of the Walmart store and illustrates why such a system is currently not being considered.

**Table 2-8: Estimated Solar Energy System Costs**

<table>
<thead>
<tr>
<th>Item</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Solar Array (500-kilowatt system)</td>
<td>$4.1 million</td>
</tr>
<tr>
<td>Annual Walmart Store Electricity Usage</td>
<td>2.75 million kWh</td>
</tr>
<tr>
<td>Annual Walmart Store Electricity Costs</td>
<td>$330,000</td>
</tr>
<tr>
<td>Solar as Percentage of Electricity Supply</td>
<td>10% 20% 30%</td>
</tr>
<tr>
<td>Annual Savings From Solar Array</td>
<td>$33,000 $66,000 $99,000</td>
</tr>
<tr>
<td>Estimated Life of Photovoltaic Solar Array</td>
<td>20 years</td>
</tr>
<tr>
<td>Total Savings (20 Years)</td>
<td>$660,000 $1.32 million $1.98 million</td>
</tr>
<tr>
<td><strong>Net Loss</strong></td>
<td>($3.44 million) ($2.78 million) ($2.12 million)</td>
</tr>
</tbody>
</table>

Notes:
- Table 3.10-11 in the DEIR assumes that the expanded Walmart would use 2.75 million kilowatt hours (kWh) of electricity annually.
- Electricity costs estimated at $0.12/kWh, which reflects current PG&E rate.
- Percentage of solar is provided by Walmart at http://walmartstores.com/Sustainability/9090.aspx.
- Cost estimates do not assume any subsidies or factor in operations or maintenance costs.

As shown in the table, the net loss of a solar array would range from $2.12 million to $3.44 million over the 20-year estimated life of the system. CEQA Guidelines Section 15126.4(a)(4) establishes that mitigation measures must be consistent with all constitutional requirements, including being “roughly proportional” to the impacts of the project. Thus, even if the proposed project’s greenhouse gas emissions or energy consumption impacts were deemed to be significant, requiring the
installation of a solar system as mitigation would likely be in conflict with the rough proportionality requirement, since other, equally effective but financially feasible mitigation measures are readily available (such as skylights, high efficiency lighting, and energy management systems) and have been incorporated into the project.

Regarding one of the author’s comments on solar water heating, it should be noted that the Walmart store will reclaim waste heat from onsite refrigeration equipment to supply approximately 70 percent of the hot water needs for the store. Although reclaimed heat is being used to heat water instead of solar energy, this serves to accomplish the same objective of reducing energy use associated with water heating.

**Walmart Solar Program**

Several authors and organizations noted that Walmart has installed rooftop solar arrays on other stores in California and suggested that this indicates that such a system can be installed at the proposed Atascadero store.

Walmart’s solar program is a “pilot” program and is intended to assess the economic and technical feasibility of rooftop solar systems at its stores. Walmart currently has agreements to install solar arrays on up to 42 of its facilities (stores and distribution centers) in California and Hawaii. All 42 sites have been selected and solar arrays either are in operation or planned to be in operation. The selected locations were identified on the basis of climate conditions, load capacity, economic conditions, and energy prices, as well as local, state, and federal renewable energy policies and programs. Based on these considerations, Walmart has determined that the Atascadero store location is not a candidate for the pilot program at this time, although it will reevaluate the possibility for rooftop solar at the time Walmart is ready to commence construction. Further, as previously described, this particular store will feature extensive rooftop skylights/daylight harvesting, white roofs, and other rooftop features that reduce emissions and potentially may physically or functionally conflict with a rooftop solar system.

As previously noted, the Draft EIR concluded the proposed project’s greenhouse gas emissions or energy consumption impacts would be less than significant as planned. No additional measures are required.

**Master Response 7 – Traffic Volume Exhibits**

Three authors referenced various traffic volume exhibits in Section 3.11, Transportation in the DEIR and indicated that they suggested that fewer trips would travel through the Del Rio Road/Obispo Road intersection under “Baseline” or “Future” conditions than under existing conditions.

Note that traffic volume exhibits experienced changes between the DEIR and PRDEIR; therefore, this comment will address the PRDEIR traffic volume exhibits.
Table 2-9 compares intersection volumes at the Del Rio Road/Obispo Road intersection between existing conditions, Baseline No Project Conditions, Baseline Plus Walmart Conditions, Baseline Plus Project Conditions, Future No Project Conditions, and Future Plus Project Conditions, as reported in the PRDEIR. As shown in the table, there are increases in peak-hour intersection volumes between existing and baseline conditions, and existing and future conditions. There is no evidence that the data in the PRDEIR is inaccurate or that the assumptions utilized were not reasonable and the data in the PRDEIR is considered to be accurate.

**Table 2-9: Del Rio Road/Obispo Road Intersection Volume Summary (PRDEIR)**

<table>
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<th>Scenario</th>
<th>AM</th>
<th>PM</th>
<th>Saturday</th>
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<tbody>
<tr>
<td></td>
<td>Eastbound</td>
<td>Westbound</td>
<td>Eastbound</td>
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<tr>
<td>Existing</td>
<td>131</td>
<td>118</td>
<td>84</td>
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<td>138</td>
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<td>109</td>
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<tr>
<td>Baseline Plus Walmart [2013]</td>
<td>142</td>
<td>145</td>
<td>120</td>
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<td>Baseline Plus Project [2013]</td>
<td>145</td>
<td>150</td>
<td>135</td>
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<tr>
<td>Future No Project [2030]</td>
<td>194</td>
<td>133</td>
<td>96</td>
</tr>
<tr>
<td>Future Plus Project [2030]</td>
<td>201</td>
<td>142</td>
<td>120</td>
</tr>
</tbody>
</table>

Notes:
Existing intersection volumes shown on Exhibit 3.11-2a
Baseline No Project intersection volumes shown on Exhibit 3.11-3a
Baseline Plus Walmart intersection volumes represent sum of traffic volumes shown on Exhibit 3.11-3a and Exhibit 3.11-4a.
Baseline Plus Project intersection volumes represent sum of traffic volumes shown on Exhibit 3.11-3a and Exhibit 3.11-5a.
Future No Project intersection volumes shown on Exhibit 3.11-7a
Future Plus Project intersection volumes represent sum of traffic volumes shown on Exhibit 3.11-7a and Exhibit 3.11-8a.

**Master Response 8 – US 101 Operations**

Four authors referenced the analysis of US 101 operations and noted that no mitigation was proposed to improve operations to acceptable levels. These authors indicated that the DEIR and PRDEIR should have provided some mitigation for this impact.

Potential mitigation for project impacts to freeway operations is discussed at length on PRDEIR page 3.11-57. To recap, US 101 is a regional facility; thus, any improvements must be implemented under the auspices of a regional transportation plan. However, SLOCOG—the regional transportation planning agency for San Luis Obispo County—has acknowledged that US 101 is likely to operate at
unacceptable LOS E in the future. In order to address this possibility, SLOCOG has shifted its congestion management strategy from freeway widening to other measures, including targeted operational improvements, parallel route development, transit investments, multimodal improvements, and similar programs. Note that SLOCOG reconfirmed this conclusion in Comment SLOCOG-9; refer to Section 3, Written Responses.

In this regard, however, it should be acknowledged that the proposed project would indirectly contribute to reducing congestion on US 101 by (1) paying all traffic impact fees in accordance with Mitigation Measures TRANS-1a, TRANS-1d, and TRANS-1e that will ultimately result in the construction of regional improvements such as the Del Rio Road/US 101 roundabouts and other circulation system facility improvements; (2) installing additional circulation system improvements like a roundabout on Del Rio Road and El Camino Real to tie into the Del Rio Road/US 101 improvements and a traffic signal at El Camino Real/San Anselmo Road (north) in accordance with Mitigation Measures TRANS-1b and TRANS-1c; and (3) installing public transit, bicycle, and pedestrian facilities in order to make the project accessible to these modes of transportation. Although these measures would not fully mitigate impacts on US 101, they are consistent with the strategies identified by SLOCOG for reducing congestion on this facility. However, given this regional strategy, neither the City nor the applicants can implement any other feasible mitigation measures to mitigate impacts to US 101.

Accordingly, the PRDEIR appropriately concluded that freeway operations cannot be mitigated through measures applicable to the project to a level of less than significant; therefore, impacts would be significant and unavoidable.

**Master Response 9 – General Plan Consistency**

Three authors alleged that the proposed project is inconsistent with various goals and policies contained in the City of Atascadero General Plan. These authors claimed that the earthwork activities associated with the Walmart site were inconsistent with General Plan Goal LOC-5, which calls for preserving the contours of hills and having buildings on hillsides conform to the topography using slope of the land as the basis for the design of the structure. Another author disputed project consistency with various goals and policies in the General Plan that call for maintaining the rural character of Atascadero.

This master response will address each claim separately.

**Goal LOC-5**

The DEIR addressed consistency with General Plan Goal LOC-5 on page 3.8-34. The consistency analysis is reproduced below:
<table>
<thead>
<tr>
<th>Master Responses</th>
<th>Consistent: The Walmart site ranges in elevation from 870 feet near the Del Rio Road/El Camino Real intersection to 970 feet in the southeast corner. The site would be mass graded to create a finished floor elevation of 892 feet for the Walmart store and 889 feet and 897 feet for each of the outlots. The highest portion of the site (the 2.8-acre, future multi-family residential parcel) would be maintained at its current elevation (approximately 935 to 970 feet in elevation). As such, the grading plan is intended to minimize disturbance to the highly visible upper elevations of the site and concentrate new development in the lower areas, consistent with the goal of matching buildings to the topography of the site. Note that the Annex site contains flat relief and would not be considered a hillside.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal LOC 5</td>
<td>Preserve the contours of the hills. Buildings built on hillsides shall conform to the topography using the slope of the land as the basis for the design of the structure.</td>
</tr>
</tbody>
</table>

Regarding the provision in Goal LOC 5 about “using the slope of the land as the basis for the design of the structure,” it should be noted that the gradient for the slope in the rear of the Walmart building and the slopes supporting the Walmart parking area would be a maximum of 2:1 (horizontal:vertical); refer to DEIR Exhibit 2-5b. This maximum gradient is comparable to existing gradients on the site and, therefore, is consistent with this goal.

For these reasons, the DEIR provided a reasonable basis for determining that the proposed project is consistent with Goal LOC 5.

**Rural Character Goals and Policies**

General Plan Goal LOC 1 and associated Policies 1.1, 1.2, 1.3, and 1.4 all contain language concerning rural character. The DEIR addressed consistency with these policies on pages 3.8-30 through 3.8-32, and the consistency determinations are reproduced below.
<table>
<thead>
<tr>
<th>Goal LOC 1</th>
<th>Protect and preserve the rural atmosphere of the community by assuring “elbow room” for residents by means of maintenance of large lot sizes, which increase in proportion to distance beyond the Urban Core.</th>
<th><strong>Consistent:</strong> The proposed Specific Plan would develop commercial and residential uses on property designated for urban development within the Urban Core. The Specific Plan incorporates various planning techniques to achieve compatibility with neighboring large-lot residential uses, including orienting commercial buildings away from residential dwellings, establishing landscaped buffers along property lines, and reserving acreage for future residential development immediately adjacent to existing residential properties. These characteristics are consistent with the goal of facilitating land use compatibility with large-lot residential uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1.1</td>
<td>Preserve the rural atmosphere of the community and assure “elbow room” in areas designated for lower density development by guiding new development into the Urban Core to conform to the historic Colony land use patterns of the City and to respect the natural environment, hillside areas, and existing neighborhoods.</td>
<td><strong>Consistent:</strong> The Specific Plan area is within the Urban Core and is located within a designated retail node. The Specific Plan incorporates various planning techniques to achieve compatibility with neighboring low-density residential uses, including orienting commercial buildings away from residential dwellings, establishing landscaped buffers along property lines, and reserving acreage for future residential development immediately adjacent to existing residential properties. Additionally, the Walmart grading plan is intended to minimize disturbance to the highly visible upper elevations of the site and concentrate new development in the lower areas, consistent with the policy of respecting the natural environment, hillside areas, and existing neighborhoods.</td>
</tr>
<tr>
<td>Policy 1.2</td>
<td>Ensure the rural character of Atascadero is preserved by respecting the historic Colony boundaries and cooperate with the County on regional planning issues surrounding the Colony.</td>
<td><strong>Consistent:</strong> The proposed project is within the Urban Reserve line, which approximates the historic 1913 Atascadero Colony boundary and is recognized as the ultimate boundary for the City of Atascadero. As such, the proposed project’s urban uses are located with an area designated for such development.</td>
</tr>
<tr>
<td>Policy 1.3</td>
<td>Enhance the rural character and appearance of the City, including commercial corridors, gateways and public facilities.</td>
<td><strong>Consistent:</strong> The proposed project would develop a contemporary commercial retail development on El Camino Real, a commercial corridor. The proposed Specific Plan would employ design guidelines to provide a consistent and visually appealing design theme for both the Annex and Walmart sites. The project would also use landscaping along roadway frontages and property lines to minimize the visibility of parking, loading, and storage areas. Collectively, these characteristics are consistent with enhancing the appearance of commercial corridors within the City.</td>
</tr>
</tbody>
</table>
### Policy 1.4

Ensure that “darkness” remain a rural characteristic by requiring that all exterior lighting does not result in significant off-site spillage or glare.

**Consistent:** The proposed project includes the installation of exterior building lights, freestanding parking lot lights, and building-mounted illuminated signage. Mitigation Measure AES-3 requires the applicant to submit a photometric plan to the City of Atascadero for review and approval. The photometric plan will identify types of exterior lighting fixtures and their locations on the project site. All light fixtures will be fully shielded or employ full cutoff fixtures to minimize light trespass onto neighboring properties. Additionally, parking lot lighting will be directed away from public streets and residences so that it does not produce glare. Refer to Section 3.1, Aesthetics, Light, and Glare for further discussion.

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To recap, the key points are:

- The project site is located within the Urban Core and Urban Reserve Line as set forth in the General Plan. The project is located within the City’s Master Plan of Development Overlay Areas, identified in Table II-5 of the Atascadero General Plan. Specifically, Overlay Area Number 5 on the Annex site and Number 6 on the Walmart site each specifically call for a “master plan[ned] commercial center” not to exceed 150,000 square feet. The Walmart project, consisting of approximately 139,560 square feet of commercial uses (including 6,448 square feet outdoor garden center), and the Annex project, consistent of approximately 120,900 square feet of commercial uses, are consistent with the commercial density contemplated in the General Plan for this area. Thus, the type of urban development proposed by the Del Rio Road Commercial Area Specific Plan was previously contemplated by the General Plan is appropriate for the project site. Reinforcing this later point, the Mission Oaks shopping center located immediately west of the Walmart site exhibits the same type of development characteristics proposed by the Specific Plan’s commercial uses.

- The Specific Plan includes various land use compatibility provisions to soften the transition to the neighboring lower-density residential uses, which are more “rural” in character. These provisions include orienting commercial buildings away from residential dwellings, establishing landscaped buffers along property lines, and reserving acreage for future residential development immediately adjacent to existing residential properties.

- The project does not create significant noise or light and glare impacts in nearby residential areas, which serves to maintain the existing atmosphere and character of these areas.
Master Response 10 – Economic and Social Effects

Several authors expressed concern about or objected to the project on economic or social grounds, including the net economic effects of the project on the local economy, the potential for lower property values, and Walmart’s corporate practices (wages, benefits, competitive practices, etc.).

CEQA Guidelines Section 15064(e) establishes that economic and social changes resulting from a project are only relevant to the extent that they result in physical changes to the environment. The CEQA Guidelines provide an example of a project causing overcrowding of a public facility that results in adverse effects on persons subjected to the overcrowded conditions. Thus, unless substantial evidence demonstrates that a nexus exists between physical changes to the environment and social and economic changes attributable to the proposed project, such issues are outside the scope of CEQA review.

In this case, no evidence has been presented by any individuals demonstrating that the potential economic effects of the project would cause direct or indirect physical changes to the environment.

As such, no nexus exists between these issues and the potential environmental impacts evaluated in the Draft EIR; therefore, these issues are outside the purview of the document.
# SECTION 3: RESPONSES TO WRITTEN COMMENTS

## 3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft Environmental Impact Report (DEIR) and Partially Recirculated Draft Environmental Impact Report (PRDEIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

### 3.1.1 - Comments Received on the DEIR – (February 2, 2011)

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<thead>
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<tr>
<td>Native American Heritage Commission</td>
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<td>Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit</td>
<td>OPR</td>
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<td>County of San Luis Obispo Air Pollution Control District</td>
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### Responses to Written Comments

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### Individuals – Partial Names or Unsigned Letters

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| Local Agencies                        |             |
| County of San Luis Obispo Air Pollution Control District | APCD.2 |
### Individuals and Organizations

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<td>R.M. Zurkan</td>
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### 3.2 - Responses to Comments on DEIR (February 2, 2011)

#### 3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Atascadero, as the lead agency, evaluated the comments received on the DEIR (State Clearinghouse No. 2010051034) for the Del Rio Road Commercial Area Specific Plan, and has prepared the following responses to the comments received. This Response to Written Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.
3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.
March 18, 2011

Warren Frace, Director
Community Development
6907 El Camino Real
Atascadero, CA 93422

Subject: Del Rio Road Commercial Area Specific Plan Draft Environmental Impact Report

Dear Mr. Frace:

Thank you for the opportunity to review and comment upon the subject Plan’s Draft Environmental Impact Report (DEIR). The project consists 260,460 square feet of commercial development and 50 dwelling units. South of Del Rio Road is the Walmart component and north is the Annex component. As part of the project, the applicant is expected to construct improvements at the Del Rio Road / US 101 interchange. These improvements include northbound and southbound ramp node roundabouts and a third roundabout at El Camino Real / Del Rio Road intersection. The ramp node reconstruction will include ramp improvements as required to ensure Highway Design standards are satisfied.

The Walmart component, according to the DEIR, is expecting an opening day in January 2013. Concurrent with this event the DEIR expresses the need that all interchange improvements will be completed. Caltrans is in agreement that the best course of action is accomplishing those improvements prior to opening day. However, it may be somewhat optimistic to assume that the interchange construction will be accomplished by January 2013.

Based on Caltrans’ review of the DEIR we offer the following comments:

1. Transportation. The transportation analysis and impacts is satisfactory. The City and applicant should begin project initiation as soon as practicable with the development of a roundabout factsheet to obtain conceptual approval. The factsheet and subsequent must consider a 20-year design life from opening day of the roundabouts. And follow the FHWA guide for roundabout design. Caltrans Design Information Bulletin 80. and Caltrans Highway Design Guide.

   Adjacent properties along the segment of Del Rio Road between the US 101 NB roundabout and El Camino Real will be required to have no access onto that segment. It is highly recommended that only a “right turn in” be allowed from EB Del Rio Road into the existing Gas Station on Del Rio Road/El Camino Real.

   The roundabout design must accommodate STAA trucks and their turning movements.
Warren Frace
March 18, 2011
Page 2

2. Hydraulics. The hydraulic analysis needs to conform to Caltrans standards, which are calculations based on the 100-year storm event. The project hydraulic and drainage infrastructure design will be required to demonstrate that discharges and flows into Caltrans right of way are not increased from the pre-development level.

3. Environmental. The DEIR does not appear to include environmental analyses with respect to the area of potential effect that includes the Del Rio Road interchange improvements. It is recommended that this area be thoroughly examined in conjunction with this DEIR in order to streamline the permitting process for the interchange improvements. This would include all components of the environmental analyses, including hydraulics. A complete analysis will be required in conjunction with any Caltrans approval prior to interchange construction.

Administratively, Caltrans urges the lead agency to provide a project initiation form and begin discussing the parameters of a cooperative agreement for project development. Thank you again for the opportunity to provide comments on this project and environmental document. If you have any questions about this letter I can be reached at (805) 549-3632.

Sincerely,

Chris Sheaffer
Caltrans District 5
Development Review

c: L. Newland, CT
   P. Mc Clintic, CT
   J. Fouche, CT
   F. Boyle, CT
   B. Erchul, CT
   K. Wilson, CT
   C. Espino, CT

"Caltrans improves mobility across California"
State Agencies

California Department of Transportation (CALTRANS.1)

Response to CALTRANS.1-1
The agency summarized the project description and the proposed improvements to the US 101/Del Rio Road interchange. No response is necessary.

Response to CALTRANS.1-2
The agency indicated that the DEIR indicates that the Walmart component of the Del Rio Road Commercial Area Specific Plan is expected to open in January 2013. The agency indicated concurrence with various statements in the DEIR that traffic improvements need to be in place prior to opening day, but cautioned that it may be somewhat optimistic to assume that the US 101/Del Rio Road interchange improvements can be accomplished by January 2013.

Note that the PRDEIR altered the timing for several mitigation measures set forth in the DEIR. Refer to Master Response 1 for further discussion.

Response to CALTRANS.1-3
The agency indicated that the transportation analysis is satisfactory. The agency recommended that the City and applicant should begin project initiation as soon as practicable with the development of a roundabout fact sheet to obtain conceptual approval. The agency outlined requirements associated with the fact sheet.

The City of Atascadero and applicant acknowledge this comment and intend to pursue preparation of fact sheet once project entitlements have been secured.

Response to CALTRANS.1-4
The agency indicated that adjacent properties along the segment of Del Rio Road between the US 101/Northbound and El Camino Real will be required to have no access onto that roadway segment. The agency recommended that the existing full access point to the Shell gas station at the southwest corner of El Camino Real/Del Rio road be modified allow only “right turn in” movements.

This issue is addressed in Master Response 1.

Response to CALTRANS.1-5
The agency indicated that the roundabout design must accommodate Surface Transportation Assistance Act trucks and their turning movements.

The City and applicant acknowledge this requirement and intend to comply with it. Refer to Master Response 1 for further discussion.

Response to CALTRANS.1-6
The agency indicated that hydraulic analysis needs to conform to Caltrans standards, which are based on the 100-year storm event. The agency indicated that the hydraulic and drainage infrastructure
design will be required to demonstrate that discharges and flows into Caltrans right-of-way are not increased from the pre-development level.

At the time of this writing, the roundabout designs are necessarily conceptual in nature at this stage; refer to PRDEIR Exhibit 3.11-6. Detailed design and engineering would occur at a later date after the City has initiated the improvement process with Caltrans, provided that the project is approved. This process would include detailed study of hydraulics and drainage. Refer to Response to CALTRANS.1-7 for further discussion.

**Response to CALTRANS.1-7**

The agency stated that the DEIR did not appear to include environmental analyses with respect to the area of potential effect that includes the Del Rio Road interchange improvements, including hydraulics. Caltrans indicated that a complete analysis will be required.

CEQA Guidelines Section 15126.4((a)(1)(D) states that “[i]f a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.” Consistent with this requirement, the PRDEIR included additional analysis of (1) air quality impacts associated with roundabout construction, (2) noise impacts associated with roundabout construction, and (3) road closure impacts associated with roundabout construction.

Furthermore, as discussed on pages 2-69 and 2-70 of the DEIR, improvements on adjoining roadways are included in the DEIR Project Description. These improvements consisted of widening El Camino Real along the project frontage, reconstruction of Del Rio Road between El Camino Real and Obispo Road, the construction of the new public roadway serving the Walmart site, improvements to the Rio Rita Road frontage, and improvements to the Del Rio Road/Rio Rita Road intersection. The DEIR evaluated the environmental effects of the major roadway improvements, including air quality, biological, cultural, hydrological, noise, and traffic impacts.

Regarding the improvements to the US 101/Del Rio Road interchange, it is anticipated that these roundabouts could be constructed within the existing City and Caltrans right-of-way; however, it is possible that property may need to be acquired from adjoining private property owners. The footprint of both roundabouts contains paved surfaces and disturbed, undeveloped land. This area has been committed to transportation use for more than 50 years, making it unlikely that significant biological resources or cultural resources are present. The conversion of these existing transportation facilities to modern roundabouts would be unlikely to create any aesthetic impacts. Lastly, this area already generates runoff because of its existing impervious surfaces and, thus, the installation of roundabouts would be unlikely to significantly increase runoff such that downstream drainage improvements...
would be necessary\(^1\). As such, significant impacts to these topical areas would not be expected to occur.

Finally, because the roundabout designs are necessarily conceptual in nature; refer to PRDEIR Exhibit 3.11-6. Detailed design and engineering would occur at a later date after the City has initiated the improvement process with Caltrans, provided that the project is approved. The City of Atascadero and the applicant will work cooperatively with Caltrans to provide the necessary level of design detail and the project will be required to comply with Caltrans’s hydrology and other standards prior to Caltrans issuing a permit to construct the US 101/Del Rio Road interchange.

**Response to CALTRANS.1-8**

The agency provided closing remarks to conclude the letter. No response is necessary.

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\(^1\) As a standard requirement, Caltrans will require the interchange improvements to adhere to the relevant standards set forth in the Caltrans Highway Design Manual, Chapter 810 (Hydrology). This includes requirements for storm drainage and, thus, there is a reasonable degree of certainty that existing storm drainage facilities will be evaluated and, if needed, upgraded as part of the interchange improvements.
NAHC-1

State of California

Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814
(916) 653-4082
(916) 653-4091 - Fax

February 22, 2011

RE: SCH# 2010051034 Del Rio Road Commercial Area Speciﬁc Plan; San Luis Obispo County.

Dear Mr. Frace:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the signiﬁcance of an historical resource, which includes archaeological resources, is a signiﬁcant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

✓ Contact the appropriate Information Center for a record search to determine:
  • If all or a part of the APE has been previously surveyed for cultural resources.
  • If any known cultural resources have already been recorded on or adjacent to the APE.
  • If the probability is low, moderate or high that cultural resources are located in the APE.
  • If a survey is required to determine whether previously unrecorded cultural resources are present.

✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the ﬁndings and recommendations of the records search and ﬁeld survey.
  • The ﬁnal report containing site forms, site signiﬁcance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate conﬁdential addendum, and not be made available for public disclosure.
  • The ﬁnal written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

✓ Contact the NAHC for a Sacred Lands File Check (SLF).
  • SLF Check Completed, 02/22/11, indicates potential impact to "Pine Mountain Burial Site" (Atascadero USGS quadrangle, township 28 south, range 12 east, which is also a known archaeological site, CA-SLO-1260).
  • Please contact Lei Lynn Odom and the other culturally afﬁliated Native Americans using the attached Native American Contact List to determine if your project will impact this site or others.

The absence of speciﬁc site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

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✓ Contact the NAHC for a list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
  • Native American Contacts List attached.
    The NAHC makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge.
    If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received. If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information.

✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence. Lead agencies should include in their mitigation plan:
  • Provisions for the identification and evaluation of accidentally discovered archaeological resources, per CEQA Guidelines 15064.5 (f).
  • Provisions for monitoring all ground-disturbing activities in areas of identified archaeological sensitivity by an archaeologist meeting the professional qualifications as defined in the Secretary of Interior's Standards and Guidelines for archaeology and a culturally affiliated Native American monitor.
  • Provisions for the curation of recovered artifacts, per CEQA Guidelines 15126.4 (5)(b)(3)(C), in consultation with culturally affiliated Native Americans.
  • Provisions for the discovery of Native American human remains. Health and Safety Code 7050.5, CEQA Guidelines 15064.5 (e), and Public Resources Code 5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse
Native American Contact List
San Luis Obispo County
February 22, 2011

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes@msn.com
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez, CA 93460
varmenta@santayenzchumash.com
(805) 688-7997
(805) 686-9578 Fax

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbglobal.net
(805) 646-6214

Lei Lynn Odom
1339 24th Street
Oceano, CA 93445
(805) 489-5390

Judith Bomar Grindstaff
63161 Argyle Road
King City, CA 93930
(831) 385-3759-home

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach, CA 93433
cheifmvigil@flx.net
(805) 461-2461
(805) 474-4729 - Fax

Peggy Odom
1339 24th Street
Oceano, CA 93445
(805) 489-5390

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010051034 Del Rio Road Commercial Area Specific plan; San Luis Obispo County.

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Native American Contact List
San Luis Obispo County
February 22, 2011

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365
Santa Ynez, CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Salinan Nation Cultural Preservation Association
Robert Duckworth, Environmental Coordinator
Drawer 2447
Greenfield, CA 93927
diroduck@thegrid.net
831-578-1852

Randy Guzman - Folkes
655 Los Angeles Avenue, Unit E
Moorpark, CA 93021
ndnRandy@yahoo.com
(805) 905-1675 - cell

Salinan Nation Cultural Preservation Association
Jose Freeman, President
15200 County Road, 96B
Woodland, CA 95695
josefree@cclo1.com
(530) 662-5316

Chumash
Fernández
Tataviam
Shoshone Paiute
Yaqi

Xolon Salinan Tribe
Donna Haro
110 Jefferson Street
Bay Point, CA 94565

Salinan Nation Cultural Preservation Association
Doug Alger, Cultural Resources Coordinator
PO Box 56
Lockwood, CA 93932
fabbo2000@earthlink.net
(831) 262-9629 - cell
(831) 385-3450

Coastal Band of the Chumash Nation
Vennise Miller, Chairperson
P.O. Box 4464
Santa Barbara, CA 93140
805-964-3447

Mona Olivas Tucker
660 Camino Del Rey
Arroyo Grande, CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell

This list is current only as of the date of this document.

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Section 5097.94 of the Public Resources Code and Section 5097.95 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed
SCH# 2010051034 Del Rio Road Commercial Area Specific plan; San Luis Obispo County.

This fax was received by GFI FAXmaker fax server. For more information, visit: http://www.gfi.com
Native American Contact List
San Luis Obispo County
February 22, 2011

Matthew Darian Goldman
495 Mentone
Grover Beach, CA 93433
805-748-6913

Northern Chumash Tribal Council
Fred Collins, Spokesperson
67 South Street
San Luis Obispo, CA 93401
fcollins@northernchumash.com
(805) 801-0347 (Cell)

Santa Ynez Band of Mission Indians
Tribal Administrator
P.O. Box 517
Santa Ynez, CA 93460
info@santayezchumash.com
(805) 686-7997
(805) 686-9578 Fax

Veronica Arredondo
PO Box 161
Santa Barbara, CA 93102
ksen_sku_mu@yahoo.com
805-617-6884
ksen_sku_mu@yahoo.com

Salinan Nation Cultural Preservation Association
Gregg Castro, Administrator
5225 Roeder Road
San Jose, CA 95111
gcastro@pacbell.net
(408) 864-4115

Salinan-Chumash Nation
Xielolixii
3901 Q Street, Suite 31B
Bakersfield, CA 93301

408-966-8807 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.95 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010051034 Del Rio Road Commercial Area Specific Plan; San Luis Obispo County.

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Native American Heritage Commission (NAHC)

Response to NAHC-1
The agency provided standard language about is statutory responsibilities. No response is necessary.

Response to NAHC-2
The agency provided standard language recommending that a record search be performed at the appropriate Information Center to determine (1) if the project vicinity has been previously surveyed for cultural resources, (2) if any cultural resources have been previously recorded in the project vicinity, (3) the probability of locating cultural resources in the project vicinity, and (4) if a survey is required to determine whether previous unrecorded cultural resources are present.

As discussed on pages 3.4-18 through 3.4-21 of the DEIR, SWCA Environmental Consultants performed all recommended tasks:

- A record search was conducted at the Central Coast Information Center on May 7, 2010.
- The record search indicated that eight previous surveys had been performed within a 0.5-mile radius of the project site.
- The record search indicated that two archaeological resources had been recorded within a 0.5-mile radius of the project site (Archaeological Site Nos. CA-SLO-1711 and CA-SLO-2187). Note that neither site is within the project boundaries.
- SWCA performed a pedestrian survey of the project site on May 28, 2010 and no archaeological resources were observed.

Response to NAHC-3
The agency recommended that if an archaeological inventory survey is required, then a professional report detailing the findings and recommendations of the record search and field survey should be prepared. The agency listed specific contents of the report.

SWCA Environmental Consultants prepared a Cultural Resources Technical Report, dated December 2010, that summarized the findings and recommendations of the record search and field survey. The report was provided in Appendix E of the DEIR.

Response to NAHC-4
The agency indicated that it performed a search of the Sacred Lands File on February 22, 2011, which indicated that a potential impact to the “Pine Mountain Burial Site” (Archaeological Site No. CA-SLO-1260) may occur. The agency indicated that the resource is located on the Atascadero, California United States Geological Survey 7.5-minute Topographic Quadrangle Map, Township 28 South, Range 12 East.
To clarify, the project site is located on the Templeton, California 7.5-minute Topographic Quadrangle Map, Township 28 South, Range 12 East, not the Atascadero, California quadrangle. (An erroneous statement on page 2-1 of the DEIR has corrected this error and the change is noted in Section 5, Errata.) The Pine Mountain Burial Site is not near the project site; rather, it is approximately 2.5 miles to the southeast of the project site. Thus, this resource would not be adversely affected by the proposed project.

Additionally, SWCA Environmental Consultants sent a letter to the NAHC on April 30, 2010 requesting a search of the Sacred Lands File. The NAHC’s response, received on May 3, 2010, confirmed that no Native American cultural resources were recorded within the immediate project area. In addition, the response provided 22 tribal contacts. SWCA sent a letter to each tribal contact on May 10, 2010 requesting information regarding the presence of any known resources within or near the project site. As of the time of this writing, no responses were received.

Based on the Sacred Lands File search results and the absence of any responses from any of the tribal contacts, there is no reason to believe that the project site contains archaeological resources or Native American burial sites. However, as stipulated in Mitigation Measure CUL-4, if human remains are encountered during construction activities, the NAHC will be contacted to determine the “most likely descendent.” This party will have the ability to make recommendations regarding the means of treating or disposing of the remains with appropriate dignity in accordance with Public Resources Code Section 5097.98.

Response to NAHC-5
The agency recommended that the NAHC be contacted for a list of appropriate Native American contacts for consultation concerning the project site and mitigation measures.

Pursuant to Government Code Section 65352.3, SWCA Environmental Consultants requested a Tribal Consultation List from NAHC on May 5, 2010. NAHC responded on May 12, 2010 with a list of five tribal entities (Santa Ynez Band of Mission Indians; Salinan Tribe of Monterey, San Luis Obispo County; Xolon Salinan Tribe; Coastal Band of the Chumash; and Northern Chumash Tribal Council). The City of Atascadero sent letters to each of the five tribal entities, inviting each group to consult with the City regarding the potential presence of Native American cultural resources that may be adversely affected by the proposed project. Two of the tribal entities requested consultation (Salian Tribe of Monterey, San Luis Obispo County and Northern Chumash Tribal Council). City staff met in person with tribal representatives on several occasions between May 2010 and November 2010.

Response to NAHC-6
The agency provided standard language regarding CEQA Guidelines requirements for evaluation of and mitigation for impacts to cultural resources. No project-specific comments were provided.
The DEIR proposed three mitigation measures to address the potential for inadvertent discovery of Native American artifacts or burial sites. Refer to Mitigation Measures CUL-1b, CUL-2, and CUL-4.

Accordingly, all applicable statutory requirements identified in the NAHC letter have been fulfilled.

Response to NAHC-7
The agency provided a list of tribal contacts for San Luis Obispo County. No response is necessary.
March 21, 2011

Warren Franze
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

Subject: Del Rio Road Commercial Area Specific Plan
SCH#: 2010051034

Dear Warren Franze:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 18, 2011, and the comments from the responding agency (ies) are enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency
## Del Rio Road Commercial Area Specific Plan – Notice of Determination

### Final Environmental Impact Report

**SCH NO.:** 2010051034

**Project Title:** Del Rio Road Commercial Area Specific Plan

**Lead Agency:** Atascadero, City of

### Description

The Specific Plan consists of two components: 1) Walmart, and 2) the Annex. The Walmart component encompasses 26 acres and consists of a 129,580 square foot Walmart store, two 5,000 square foot outlets, and 44 multiple family residential dwelling units. The Annex component encompasses 13 acres and consist of 120,900 square feet of retail/restaurant uses and 6 single family residential dwelling units. The Specific Plan would guide the development of the Walmart and Annex components and serve as the overlay zone for combined sites.

### Lead Agency Contact

- **Name:** Warren Fraser
- **Agency:** City of Atascadero
- **Phone:** 805-470-3488
- **Fax:**
- **Address:** 6907 El Camino Real
- **City:** Atascadero
- **State:** CA
- **Zip:** 93422

### Project Location

- **County:** San Luis Obispo
- **City:** Atascadero
- **Region:**
- **Lat / Long:** 35° 30' 49" N / 120° 41' 52" W
- **Cross Streets:** Del Rio Road / El Camino Real
- **Parcel No.:** 049-151-005; -018; -019
- **Township:** 28S
  - **Range:** 12E
  - **Section:** Unsec
- **Base:** MDB&M

### Proximity to:

- **Highways:** Hwy 101
- **Airports:**
- **Railways:** Union Pacific
- **Waterways:** Salinas River
- **Schools:** Atascadero Unified
- **Land Use:** General Commercial; Medium Density Residential; etc. (General Plan); Commercial Retail; Residential Multi-Family; etc. (Zoning)

### Project Issues

- Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

### Reviewing Agencies

- Resources Agency; Department of Fish and Game, Region 4; Office of Historic Preservation;
  - Department of Parks and Recreation; Department of Water Resources; California Highway Patrol;
  - Caltrans, District 5; Regional Water Quality Control Board, Region 3; Department of Toxics Substances Control; Native American Heritage Commission

### Date Received

**02/02/2011**

**Start of Review** 02/02/2011

**End of Review** 03/18/2011

**Note:** Blanks in data fields result from insufficient information provided by lead agency.
Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (OPR)

Response to OPR-1
The comment letter is the standard form letter issued by the Office of Planning and Research, State Clearinghouse, and Planning Unit confirming that the DEIR was distributed to various state agencies, and that the City of Atascadero has complied with review requirements for draft environmental review documents pursuant to CEQA. No further response is necessary.

Response to OPR-2
This comment consists of the “Document Details Report” provided in the State Clearinghouse database. No response is necessary.
February 8, 2011

Warren Frace, Director
City of Atascadero, Community Development Department
6907 El Camino Real
Atascadero, CA 93422

Dear Warren,

Thank you for the opportunity to review the Draft Environmental Impact Report for the Del Rio Road Commercial Area Specific Plan. The proposed development has potentially significant affect to the 560 students currently attending San Benito Elementary School and Del Rio Continuation High School. The safety and well being of these students is of primary importance to the District. Any negative impacts imposed by the proposed commercial development should be thoroughly vetted and completely mitigated.

In the conclusions to the Traffic segment of the Draft EIR, Michael Brandman Associates, speaking to the Del Rio/El Camino intersection, states that the proposed project would “contribute trips to intersections, roadway segments, freeway segments, and queues that would operate at unacceptable levels”. Although mitigations have been identified to improve local intersections and immediately adjacent roadway segments, apparently no improvements have been designed for student access to neighboring schools.

The District believes that pedestrian and bicycle facilities on Del Rio, from El Camino Real to Potrero Road, are minimally required mitigations to the proposed commercial project. In an era when our State is promoting safe routes to schools, expecting alternative means to vehicular transportation, and encouraging healthier and more active lifestyles, it is important that we provide safe roadways for the pedestrian and cyclist.

The District is grateful to be a part of this extensive review, and appreciates that its views will be considered.

Sincerely,

Stuart E. Stoddard
Director of Support Services

Maintenance 805.462.4243  * Facilities 805.462.4204  * Warehouse 805.462.4258  * Fax 805.462.4295

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Local Agencies

Atascadero Unified School District (AUSD)

Response to AUSD-1
The agency provided introductory remarks and indicated that the proposed project has the potential to significantly affect students attending San Benito Elementary School and Del Rio Continuation School.

The agency’s specific comments about impacts to students are addressed in Responses to AUSD-2 and AUSD-3.

Response to AUSD-2
The agency referenced the impact statement about baseline traffic (Impact TRANS-1) on page 3.11-36 of the DEIR and indicated that although mitigations have been identified to improve intersections and roadway segments, no improvements have been designed for student access to neighboring schools. The agency indicated that pedestrian and bicycle facilities on Del Rio Road between El Camino Real and Potrero Road are minimally required mitigation measures to ensure safe routes to schools.

Traffic, bicycle, and pedestrian issues associated with Del Rio Road east of El Camino Road are addressed in Master Response 2.

Response to AUSD-3
The agency provided closing remarks to conclude the letter.
March 18, 2011

Warren Frace, Director
City of Atascadero Community Development Department
6907 El Camino Real
Atascadero, CA 93422

Re: Del Rio Road Commercial Area Specific Plan Draft Environmental Impact Report.

Dear Mr. Frace,

Thank you for the opportunity to review and comment on the Del Rio Road Commercial Area Specific Plan and Draft Environmental Impact Report (DEIR). The San Luis Obispo Council of Governments (SLOCOG) is particularly interested in this project due to the impacts to the transportation system. It seems evident that the significant impacts to the circulation system are relative to SLOCOG and the policies set forth in the 2010 Regional Transportation Plan and Preliminary Sustainable Communities Strategy (RTP-PSCS). Therefore, our comments mainly address the transportation related impacts and mitigation strategies.

In general the mitigation measures proposed are consistent with the 2010 Regional Transportation Plan and Preliminary Sustainable Communities Strategy and 2010 Route 101 North County Corridor Study.

Specific comments to the DEIR are related to the impacts the project will have on the transportation system at the following identified transportation impacts:

- **Trans-1**: SLOCOG strongly supports that the mitigation measures in Trans 1b, 1c and 1d must be implemented in tandem and prior to the opening of the Walmart or any substantial piece of the project to minimize the impact to traffic service during construction.

- **Trans-1b**: Prior to issuance of the final certificate of occupancy for Walmart, the project applicant shall convert the intersection at Del Rio Road/El Camino Real to a modern roundabout. The City of Atascadero shall determine the financial obligation of the applicant for the cost of the improvement and the applicant shall be eligible for reimbursement for costs outside its fair share.
  - Mitigation is consistent with SLOCOG RTP-PSCS, Route 101 Corridor Study and the Atascadero Interchange Improvement Study. SLOCOG is strongly supportive of this mitigation and the recommendation that the applicant will need to work with the City to implement this mitigation.

- **Trans-1c**: Prior to issuance of the final certificate of occupancy for Walmart, the project applicant shall convert the intersection of Del Rio Road/US 101 Northbound Ramps to a single-lane modern roundabout with a 150-foot-long right-turn bypass lane on the westbound approach.
  - Mitigation is consistent with SLOCOG RTP-PSCS, Route 101 Corridor Study and the Atascadero Interchange Improvement Study. SLOCOG is strongly supportive of this mitigation and the recommendation that the applicant will need to work with Caltrans to implement this mitigation.

- **Trans-1d**: Prior to issuance of the final certificate of occupancy for Walmart, the project applicant shall construct a five-legged, single-lane modern roundabout at the intersection of Del Rio Road/US 101 Southbound Ramps that incorporates Ramona Road as the fifth approach.
In addition to the above mitigation measures SLOCOG has two additional recommendations. First, there is a recommended mitigation measure for consideration under Impact Trans-5 below.

- **Trans-5g**: Prior to issuance of the final certificate of occupancy for the Walmart and Annex components, the applicant shall designate a minimum of 25 parking spaces within the parking lot for park and ride use adjacent to the transit bus stops along El Camino Real. Those spaces shall be clearly marked for park and ride use and include lighting and landscaping consistent with other portions of the parking lot.

- **Trans-5h**: Provision of Ridesharing Information - Prior to a certification of occupancy, Walmart should agree to include a “Transportation Information bulletin board” in its employee break room, or other similar location. The San Luis Obispo Regional Ridesharing Agency can assist by providing the specific information for carpooling, transit, or safe bicycling routes to the site. Walmart should be encouraged to designate an employee as its Employee Transportation Coordinator (or “ETC”) to act as a liaison with the Ridesharing Agency. More detailed information can be found at www.rideshare.org.

Additionally, the DEIR mentions that the project would increase the v/c ratio on the US 101 study segments to both the north and south of Del Rio Road, and SLOCOG agrees that the agency strategy has shifted from expanding US 101 to six lanes, however the performance and safety of the mainline is still of concern. As such, SLOCOG recommends that the traffic engineers examine the effects of the project on the mainline US 101 at the Rosario on-ramp (also called Traffic Way northbound on-ramp) and whether closing the ramp would be necessary due to the increased volume on the mainline at that location produced by the project.

If you have any questions in relation to the SLOCOG comments, or for further information on SLOCOG, please contact me (781-5754) or Geiska Velasquez (788-2104) of my staff.

Respectfully,

Richard Murphy  
Programming and Project Delivery Manager

Cc: Aileen Lowe, Caltrans  
Cc: Aeron Arlin-Genet, APCD
San Luis Obispo Council of Governments (SLOCOG)

Response to SLOCOG-1
The agency provided introductory remarks to open the letter. No response is necessary.

Response to SLOCOG-2
The agency stated that the DEIR’s mitigation measures for transportation impacts are generally consistent with the 2010 Regional Transportation Plan, the Preliminary Sustainable Communities Strategy, and the 2010 Route 101 North County Corridor Study. No response is necessary.

Response to SLOCOG-3
The agency stated that it supports DEIR Mitigation Measures TRANS-1b, TRANS-1c, and TRANS-1d and that they must be implemented in tandem and prior to opening of the Walmart store or any substantial piece of the project to minimize the impact to traffic service during construction.

The timing of the US 101/Del Rio Road interchange roundabouts was altered in the PRDEIR. Refer to Master Response 1 for further discussion.

Response to SLOCOG-4
The agency recited the text of Mitigation Measure TRANS-1b, which concerns the El Camino Real/Del Rio Road intersection, and stated that it is consistent with the SLOCOG Regional Transportation Plan/Preliminary Sustainable Communities Strategy, Route 101 Corridor Study, and the Atascadero Interchange Study. The agency indicated that it is supportive of this improvement.

Note that DEIR Mitigation Measure TRANS-1b is reflected as Mitigation Measure TRANS-1c in the PRDEIR.

Response to SLOCOG-5
The agency recited the text of Mitigation Measure TRANS-1c and stated that it is consistent with the SLOCOG Regional Transportation Plan/Preliminary Sustainable Communities Strategy, Route 101 Corridor Study, and the Atascadero Interchange Study. The agency indicated that it is supportive of this improvement.

Note that DEIR Mitigation Measure TRANS-1c is reflected as Mitigation Measure TRANS-1d in the PRDEIR. Refer to Master Response 1 for further discussion.

Response to SLOCOG-6
The agency recited the text of Mitigation Measure TRANS-1d. No response is necessary.

Note that DEIR Mitigation Measure TRANS-1d is reflected as Mitigation Measure TRANS-1e in the PRDEIR. Refer to Master Response 1 for further discussion.
Response to SLOCOG-7

The agency recommended that an additional mitigation measure be added to the DEIR Impact TRANS-5 analysis requiring the applicant to designate a minimum of 25 parking spaces within the portion of the Walmart and Annex parking lots nearest the transit stops on El Camino Real for park-and-ride use. The agency requested that the spaces be clearly marked for such use and include lighting and landscaping, consistent with other areas in the parking lot.

The PRDEIR at Impact TRANS-6 (Public Transit, Bicycles, and Pedestrians) analyzed accessibility to public transit and concluded that, with implementation of TRANS-6a requiring installation of a bus stop, project impacts would be reduced to a level of less than significant. Thus, there is no basis for acquiring a portion of the applicant’s property for the purposes of a park-and-ride lot.

Furthermore, both the Walmart and Annex parking areas are not well suited for use as a public park-and-ride lot for the following reasons:

- The Walmart main parking area would provide 596 off-street parking spaces (4.6 spaces/1,000 square feet). Although in compliance with the City’s parking requirements for commercial uses, this figure is considered near the lower end of the minimum industry acceptable ratio (4.5 spaces/1,000 square feet) for a high-turnover retail use such as a freestanding discount superstore. Furthermore, this parking ratio reflects the site’s topography, which precludes the provision of more parking spaces. Dedicating 25 spaces to park-and-ride use would reduce supply to 571 spaces (4.4 spaces/1,000 square feet). Moreover, during various times of the year, as many as 32 spaces would be occupied by seasonal outdoor sales such as Christmas trees, further reducing parking supply to 539 off-street parking spaces (4.2 spaces/1,000 square feet). In summary, dedicating spaces for park-and-ride use would likely constrain parking during peak times and could result in adverse spillover effects such as illegal parking in drive aisles, illegal parking on nearby street frontages, and unauthorized parking at other commercial properties.

- The Annex would provide 470 off-street parking spaces (3.9 spaces/1,000 square feet). Dedicating 25 spaces to park-and-ride use would reduce supply to 445 spaces (3.7 spaces/1,000 square feet). Although the Annex’s retail uses would be able to provide off-street parking at a lower parking ratio than Walmart because the commercial uses have a lower regional attraction potential, a ratio of 3.7 spaces per 1,000 square feet is generally below any acceptable minimum parking requirement. As with Walmart, this could result in adverse spillover effects, due to the lack of available parking.

- Establishing a public park-and-ride lot within private property creates a number of legal and liability issues for the property owner. For example, policing of the park-and-ride area by Walmart or Annex security personnel may not be possible because of its public status. This may result in problems such as extended parking, sleeping in vehicles, abandoned vehicles, and other similar issues, all of which are of concern to the Atascadero Police Department; refer to
Impact PSU-2 in Section 3.10, Public Services and Utilities. Importantly, public uses, such as park-and-ride lots, are more appropriately located on publicly owned property subject to the control and direction of the appropriate public agency.

For these reasons, requiring the provision of a public park-and-ride facility within the Walmart and Annex parking areas is not warranted.

**Response to SLOCOG-8**

The agency recommended that an additional mitigation measure be added to the DEIR Impact TRANS-5 analysis requiring the applicant to provide ridesharing information via a “Transportation Information bulletin board” in employee break rooms.

Mitigation Measure AIR-2d in Section 3.2, Air Quality and Greenhouse Gases requires the applicant to provide and maintain a kiosk displaying transportation information in a prominent area accessible to customers and employees. In addition, the measure requires the applicant to implement a Transportation Choice Program to reduce employee commute trips and obligates the applicant to consult with Rideshare about starting and maintaining a program.

As such, there is an existing mitigation measure that is functionally equivalent to the agency’s proposed mitigation measure.

**Response to SLOCOG-9**

The agency noted that the DEIR indicates that the proposed project would increase the volume-to-capacity (v/c) ratio on US 101 segments north and south of the Del Rio Road interchange and concurred with a statement in the DEIR that SLOCOG has shifted its strategy from expanding US 101 to six lanes to other means. The agency asserted that the performance and safety of the US 101 mainline is still of concern and recommended that the EIR examine the effects of the proposed project at the US 101/Rosario Avenue (Traffic Way) northbound on-ramp to determine whether closing the ramp would be necessary because of the increased volume on the mainline from the project.

The PRDEIR’s freeway analysis evaluated the northbound and southbound segments of US 101 immediately north and south of Del Rio Road; the Rosario Avenue northbound on-ramp is outside the study area, as it is located to the south of the US 101/San Anselmo Road interchange. In terms of mitigating project impacts on the US 101 mainline, closing the Rosario Avenue northbound on-ramp would yield no improvement in “with project” v/c ratio under any scenario evaluated in the PRDEIR, because the vast majority of northbound project trips on US 101 would access the freeway at the Del Rio Road interchange.

Although the agency’s proposal may warrant further study as part of a broader evaluation of US 101 mainline operations within Atascadero, it would not be appropriate to require it as a mitigation measure for project impacts.
Response to SLOCOG-10

The agency provided closing remarks to conclude the letter. No response is necessary.
March 18, 2011

Warren Frace
Community Development Director
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

SUBJECT: APCD Comments Regarding Del Rio Road Commercial Area Specific Draft Environmental Impact Report (Walmart DEIR)

Dear Mr. Frace,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located primarily on the east side of the Del Rio Road & El Camino Real intersection in Atascadero.

This DEIR evaluates the potential environmental effects of the Del Rio Commercial Area Specific Plan. The Del Rio Road Commercial Area Specific Plan would guide the development of two separate components, Walmart and the Annex, which would have a combined development potential of 260,460 square feet of non-residential uses and 50 residential dwelling units to be developed at a later date under separate approvals. These proposed land uses would be developed on 39 acres. The specific project components are described in the DEIR.

The following are APCD comments that are pertinent to this project.

**GENERAL COMMENTS**

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. Please address the action items contained in this letter that are highlighted by bold and underlined text.

**Inconsistency with the Clean Air Plan (CAP)**

The DEIR argues that the proposed project is consistent with the CAP in the three criteria necessary to be evaluated. The APCD accepts the conclusions for the first two criteria, but disagrees with the conclusion that the project has incorporated planning strategies and transportation control measures identified in the CAP to the extent feasible.

Below are a summary of the reasons that the project is inconsistent with this CAP criteria:

1. **Compact Communities**
   The DEIR argues that proposed project supports the CAP’s land use strategy L-1, Planning Compact Communities. Key attributes of compact communities include: 1) balance between housing, commercial, schools, and employment centers, and 2) infrastructure for efficient use of alternative forms of transportation such as walking, bicycling, and transit.

   While the APCD applauds the mitigation measures identified in MM AIR-2d that will improve the use of alternative forms of transportation, the project location is not the model of compact urban core development. In terms of compact communities, the APCD appreciate the 16 unit per acre density of the proposed multi-family project component.

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slocleanair.org • www.slocleanair.org
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This said, the overall development concept does not support strategic transportation alternatives and would be highly vehicle dependent. As such, the APCD finds that the proposed project is not consistent with the intent of CAP policy I-1, Planning Compact Communities.

2. Balancing Jobs and Housing
The DEIR argues that because Atascadero is “housing rich” the Del Rio Commercial Specific Plan would provide assistance towards developing better jobs and housing balance, the CAP’s land use strategy I-3.

While APCD acknowledges that the project would bring roughly 520 new employment opportunities, the DEIR identifies that most of those positions are expected to be entry-level positions. To maximize the project’s potential for improving the Atascadero jobs-housing balance; the APCD urges the applicant and the city to secure tenants that can provide head of the household jobs in the Annex.

All three CAP criteria must demonstrate consistency for projects to be deemed consistent with the CAP. The information provided in the DEIR fails to demonstrate that applicable land use and transportation control measures and strategies identified in the CAP are included in the proposed project to the maximum extent feasible. Therefore, the DEIR conclusion that the proposed project is consistent with the CAP is incorrect. Based on the information provided in the DEIR, the correct conclusion is that the proposed project is inconsistent with the CAP and would result in a significant impact.

CONSTRUCTION PHASE IMPACTS & MITIGATION
Rest Available Control Technology (RACT) measures are needed when construction emissions exceed APCD mitigation thresholds as defined in 2.1 in the APCD’s 2009 CEQA Handbook. These thresholds are when nitrogen oxide (NOx) and reactive organic compound (ROG) combined exceed 137 lbs/day or 2.5 tons/quarter or PM combustion emissions exceed 2.5 tons/quarter.

Due to limited specific information about the construction phase, the DEIR estimated construction phase emissions using default settings in the emission model, URBEMIS. The modeling demonstrated that the project will exceed APCD construction phase thresholds and therefore the DEIR proposed construction mitigation measures MM AIR-2a, b. and c.

The Air District supports the initial quantification and mitigation measures included in the DEIR especially since they require the applicant to recalculate impacts and fine-tune the mitigation based on specific information about the project’s construction. In addition, the APCD has the following comments for the applicant to implement regarding the future emission modeling process and specific construction phase mitigation measures:

1. Soil Movement
Specifics about the mass grading and soil export were included in the DEIR, but for better DEIR construction emission estimates, the default settings in URBEMIS should have been modified to include a mass grading and export phase. Should this project move forward, this deficiency will need to be addressed in the future refined emission modeling.
2. **Engine Certifications**  
   Item 2 in mitigation measure MM AIR-2a needs to be modified to include equipment engine certification information as required information for the future emission modeling.

3. **Visible Emission Certification**  
   Item 14 in MM AIR-2b needs to be modified to include a requirement that person that will monitor fugitive dust emission shall be visible emission certified.

4. **Future Modeling & CAMP/Mitigation Agreement**  
   The applicant will use future modeling work to determine actual construction phase impacts and to refine the construction phase mitigations that will need to be accomplished. This work will be accomplished using the model CalEEMod ([www.caleemod.com](http://www.caleemod.com)) with actual proposed equipment and scheduling. This modeling, refined mitigation, and the Construction Activity Management Plan (CAMP) needs to be submitted to APCD for evaluation and approval at least three months prior to the bidding for construction contractor takes place so that the requirements can be included in the bid specification. The CAMP shall be finalized prior to the issuance of grading permits and will include necessary modifications to the construction phase emission reduction mitigation agreement between the applicant and the APCD that are needed based on the selected contractor, scheduling changes, etc.

5. **Offsite Mitigation**  
   The DEIR states that offsite mitigation fees recommended in the SLO County APCD CEQA Air Quality Handbook (Handbook) for emissions above the construction (and operational) phase thresholds is not part of a functioning mitigation program adopted by the APCD. Further, it notes that these offsite mitigation fees have not undergone a public environmental review process consistent with CEQA to determine whether the payment of the fee will result in full mitigation.

   Offsite mitigation identified in the Handbook is not a fee program, but rather mitigation for projects that cannot secure sufficient measures onsite to reduce the project impacts to a level of insignificance.

   The Handbook and all of its mitigation measures were adopted for implementation by the SLO County APCD Board on December 2, 2009. Further, funds identified for offsite mitigation conditions are used to fund eligible, quantifiable emission reductions projects through emission reduction programs approved by the APCD Board. These projects must demonstrate a nexus with the original project. If the mitigation funding necessary to mitigate the project to a level of insignificance is provided by the project applicant and approved by the APCD, the APCD will be able to validate that equitable emission reductions were purchased with the offsite mitigation funding.

**Other Pertinent Construction Phase Comments**

**Naturally Occurring Asbestos (NOA)**  
Section 3.2.3 of the DEIR summarizes the NOA protocol. To reiterate - **prior to any**
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Construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD. If NOA is found at the site the applicant must comply with all requirements outlined in the state’s Asbestos Air Toxic Control Measure. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. If NOA is not present, an exemption request must be filed with the Air District. More information on NOA can be found at http://www.slocleanair.org/business/asbestos.php.

Demolition of Asbestos Containing Materials
The DEIR indicated that structures on the proposed site have already been removed. Future demolition of below ground infrastructure can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

Developmental Burning
Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Construction Permit Requirements
Based on the information provided, we are unsure of the types of equipment that may be present during the project’s construction phase. Portable equipment, 50 horsepower (hp) or greater used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD’s 2009 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers
- Portable generators and equipment with engines that are 50 hp or greater
- Electrical generation plants or the use of standby generator
- Internal combustion engines
- Rock and pavement crushing
- Unconfined abrasive blasting operations
- Tub grinders
- Trommel screens
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc.)
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To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE IMPACTS & MITIGATION

The DEIR considered the operational impact of this development using the URBEMIS 2007 computer model, a tool for estimating vehicle travel, fuel use, and the resulting emissions related to this project’s land uses. The modeling was accomplished using trip generation from the Traffic Impact Study for the project, prepared by Whitlock & Weinberger Transportation, Inc. This indicated that operational phase impacts will likely exceed the APCD's CEQA significance threshold value ROG + NOx, diesel particulate matter (DPM), and fugitive particulate matter (PM_{10}) as identified in Table 3-2 in the CEQA Handbook. Therefore, the DEIR proposes operational mitigation measures MM AIR-2d and e.

The Air District supports the initial quantification and mitigation measures included in the DEIR especially since they require the applicant to recalculate impacts and fine-tune the operational phase mitigation. It should be noted that URBEMIS is limited in that it does include all project impacts and as the DEIR notes, its mitigation component has limited capability to quantify the benefits of the project design features.

The APCD has the following comments for the applicant to implement regarding the future emission modeling process and specific operational phase mitigation measures:

1. **Future Modeling & Mitigation Agreement**
   The future modeling work that will refine operational phase impacts and the related mitigation benefits will need to be accomplished using the model CalEEMod (www.calem.com). This modeling, the APCD evaluation/approval of the modeling, and the operational emission reduction agreement between the applicant and APCD shall be accomplished prior to the issuance of occupancy permits. This process will need to begin 6 months prior to the anticipated permitting date.

2. **Offsite Mitigation**
   The DEIR states that offsite mitigation fees recommended in the SLO County APCD CEQA Air Quality Handbook (Handbook) for emissions above the operational (and construction) phase thresholds is not part of a functioning mitigation program adopted by the APCD. Further, it notes that these offsite mitigation fees have not undergone a public environmental review process consistent with CEQA to determine whether the payment of the fee will result in full mitigation.

   Offsite mitigation identified in the Handbook is not a fee program, but rather mitigation for projects that cannot secure sufficient measures onsite to reduce the project impacts to a level of insignificance.

   The Handbook and all of its mitigation measures were adopted for implementation by the SLO County APCD Board on December 2, 2009. Further, funds identified for offsite mitigation conditions are used to fund eligible, quantifiable emission reductions projects...
through emission reduction programs approved by the APCD Board. These projects must demonstrate a nexus with the original project. Projects funded under these programs provide real, quantifiable emission reductions. If the mitigation funding necessary to mitigate the project to a level of insignificance is provided by the project applicant and approved by the APCD, the APCD will be able to validate that equitable emission reductions were purchased with the offsite mitigation funding.

Greenhouse Gas Impacts and Mitigation

Impact Evaluation

In the interest of time, the APCD only reviewed the greenhouse gas impact analysis of the Walmart component of the proposed project. For this component, the DEIR completed a fairly thorough evaluation of the GHG impacts from this component by evaluating seven (7) sources of project GHG emissions (Motor vehicles, natural gas use, indirect electricity use, water transport, waste disposal, and refrigerant emissions from refrigerators and HVACs). A brief review of other component evaluations looked to have similar rigor. Below are modifications/annotations that the APCD requires that the applicant add to the Walmart GHG impact evaluation in the final EIR. Further, similar modifications/annotations need to be added to the other project components if deficiencies similar to those found in the Walmart component are present in the DEIR evaluation:

Deficiencies in the Walmart Component’s GHG Impact Evaluation

1. **Electricity Use Factor**
   The electricity use factor for the Walmart component was identified as 21.19 kWh/sf-year. This value was not directly pulled from Table E-1 from California Energy Commission’s California Commercial End-Use Survey (Consultant Report, March 2006) that was included in the evaluation.

   Please either include: 1) sound defense for how this use factor was derived or 2) use a conservative use factor like the Table E-1 “Food Store” use factor of 40.9 kWh/sf-year. The latter would be consistent with the conservative approach that was used to quantify the GHG impacts from the Walmart component’s natural gas combustion.

2. **Water Transport**
   There was no apparent reference for where the daily water usage rate of 15,250 gallons per day came from. Further, there was no explanation as to why the Northern CA KWh/Mgal energy rate (2.117 KWh per million gallons) was selected instead of the Southern CA rate (9,727 KWh per million gallons).

   Please either include: 1) sound defense for the rates used or 2) modify them and provide sound defense for the modified rates.

3. **Waste**
   There is no apparent reference for where the identified 10 daily metric tons of CO2 equivalent emission value was derived.
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Please either include: 1) sound defense for the rates used or 2) modify them and provide  
sound defense for the modified rates.

4. Refrigerant (HVAC)
Reviewing the provided source on this GHG emission item,  
(http://www.epa.gov/stateply/documents/resources/mfrefg.pdf), it appears that the analysis  
used the midpoint refrigerant capacity (50 kg R-410a) for commercial A/C units.  

Please either include: 1) sound defense for why this capacity unit was used or 2) use the  
conservative approach by using 100 kg capacity units.

Mitigation
The proposed GHG mitigation list is acceptable to the APCD with the following exception.  
The list must include a measure that requires the applicant to quantify to the City how much  
more efficient the GHG measures applied to the project are than is required by Title 24.  
Further, the measure shall require that that value demonstrate that the measures are at least  
20% more efficiency than Title 24.

Health Risk Assessment

Type A - New Toxic Source that Impacts Sensitive Receptors
The DEIR accomplished a Type A refined Health Risk Assessment (HRA). The threshold of  
significance in SLO County for these HRAs is 10 in a million. This HRA is incomplete and  
needs to be updated and included into the final EIR with defined mitigation if needed as  
follows:

1. 2 Axle Delivery Truck Emission Factor
The EMFAC emission factor used for the 2 axle delivery trucks is that for the Light  
Heavy-Duty Truck with a weight class of 8,501 to 10,000 pounds (0.078 grams/mile diesel  
particulate matter emission rate). The applicant can either:
   a. Include within the conditions of approval for the project a measure that only 2 axle  
      delivery trucks in this weight class are allowed; or  
   b. Model the risk using the worst case 2 axle delivery truck emission factor of a Medium  
      Heavy-Duty Truck (0.462 grams/mile emission rate).

2. Add Diesel Vehicle Component of the Remaining Project Trips to the HRA
Of the remaining trips to the project, a component of those trips will be made by diesel  
vehicles. Those trips need to be included in the Type A HRA because they are another  
new toxic source to the new proposed project residences. Centroids of the parking areas  
to determine distance to the nearest new sensitive receptor with the diesel trips  
partitioned appropriately to the various parking areas based on their size are the inputs that  
should be used for the addition of this toxic source to the HRA.

The applicant will need to make these changes to the refined Type A and determine if the Type A  
risk for the proposed project is within the 10 in a million significant threshold. If it is significant,
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then conditions to the project will need to be implemented that ensures that the Type A risk will be below the threshold.

Type B - Impacts to New Sensitive Receptors from Existing & New Toxic Sources
The DEIR did not accomplish a Type B HRA to assess the risk of existing and new toxic sources to the proposed residential component of this project. The threshold of significance in SLO County for these HRAs is 89 in a million.

There are three toxic sources in or within 1,000 feet of the proposed project: 1) Highway 101, 2) Golden Gate Shell, and 3) diesel traffic attracted to the proposed project. The APCD accomplished a Type B screening HRA for the project’s proposed sensitive receptors (residents) based on risk from these sources and determined the risk to be 49 in a million. This does not include the risk from non-delivery truck diesel trips attracted to the project, however, this additional risk is not expected to significantly increase the screening risk value. Therefore, the Type B risk for the proposed project is not significant.

Other Pertinent Operational Phase Comments

Operational Permit Requirements
Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD’s 2009 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Food and beverage preparation (primarily coffee roasters);
- Furniture and fixture products;
- Dry cleaning;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Residential Wood Combustion
Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-
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recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact the APCD Enforcement Division at 781-5912.

Other Pertinent General Comments

State Diesel Regulations
Page 3.2-25&26 of the DEIR discusses the California Air Resources Board’s (ARB) regulations for In-use Off-Road Diesel Vehicles as well as Private Trucks and School Busses. The DEIR should identify that these regulations were amended in December 2010 and include modified compliance timelines due in part to the slow economic climate.

SLO County’s Federal Attainment Status
Please update DEIR Table 3.2-6 as follows:
1) Title should be: SLO County Attainment Status
2) Footnote 1 – please update the scheduled release date of the pending change to the Federal ozone standard to August 2011.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

[Signature]

Andy Mutziger
Air Quality Specialist

AJM/Img

cc: Tim Fuhs, Enforcement Division, APCD
    Karen Brooks, Enforcement Division, APCD
    Gary Willey, Engineering Division, APCD

Attachments:
- Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

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County of San Luis Obispo Air Pollution Control District (APCD)

Response to APCD.1-1
The agency provided introductory remarks and summarized the project characteristics. No response is necessary.

Response to APCD.1-2
The agency provided a general statement about the APCD’s responsibility as a commenting agency for assessing air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. The agency requested that action items contained in the letter that are highlighted by bold and underlined text be addressed. The agency’s action items are addressed in Responses to APCD.1-3 through APCD.1-30.

Response to APCD.1-3
The agency stated that the DEIR argues that the proposed project is consistent with the Clean Air Plan (CAP) in the three criteria necessary to be evaluated. The agency stated that it accepts the conclusions for the first two criteria; however, it disagrees with the conclusion that project has incorporated planning strategies and transportation control measures identified in the CAP to the extent feasible.

The APCD provided a summary of the reasons that the project is inconsistent with these CAP criteria.

1. Compact Communities – The agency staff stated that the project location is not the model of compact urban core development. Although the agency appreciates the 16-unit-per-acre density proposed by the multi-family project component, the overall development concept does not support strategic transportation alternatives and would be highly vehicle dependent. The agency stated that it finds that the proposed project is not consistent with the intent of CAP Policy L-1, Planning Compact Communities.

2. Balancing Jobs and Housing – The agency staff stated that the DEIR argues that because Atascadero is “housing rich,” the Del Rio Commercial Specific Plan would provide assistance towards developing better jobs and housing balance, the CAP’s land use strategy L-3. The agency stated that it acknowledges that the project would bring new employment opportunities, but the DEIR identifies that most of those positions would be entry-level positions. The agency stated that it urges the applicant and the City to secure tenants that can provide head of household jobs in the Annex.

3. The agency staff asserted that all three CAP criteria must demonstrate consistency for projects to be deemed consistent with the CAP and that the information in the DEIR fails to demonstrate that applicable land use and transportation control measures and strategies identified in the CAP are included in the proposed project to the maximum extent feasible. The agency argued that the DEIR conclusion that the proposed project is consistent with the
CAP is incorrect and that based on the information in the DEIR, the correct conclusion is that the proposed project is inconsistent with the CAP and would result in a significant impact.

The PRDEIR provided additional supporting information regarding CAP consistency on pages 3.2-50 through 3.2-68. The additional analysis addressed the various issues raised by the APCD in its Comment APCD.1-3. Note that the APCD provided comments on this analysis in Comment APCD.2-4. Refer to Response to APCD.2-4 for further discussion.

**Response to APCD.1-4**
The agency provided standard language regarding Best Available Control Technology (BACT) measures as a requirement for when construction emissions exceed APCD mitigation thresholds as defined in Section 2.1 of the APCD’s 2009 CEQA Handbook. The agency commented that, due to limited specific information about the construction phase, the DEIR estimated construction phase emissions using default settings in the emission model, URBEMIS. The agency stated that the modeling demonstrated that the project will exceed APCD construction phase thresholds; therefore, the DEIR proposed Mitigation Measures AIR-2a, AIR-2b, and AIR-2c. The agency stated that the Air District supports the initial quantification and mitigation measures included in the DEIR because they require the applicant to fine-tune the mitigation based on specific information about the project’s construction. The agency provided specific comments requesting the applicant to implement the emission modeling process and specific construction mitigation measures in the future; these are addressed further in Responses to APCD-5 through APCD-13.

In accordance with standard air quality analysis procedure, unless project-specific data is provided, the analysis should be conducted using URBEMIS default values. Contrary to the agency’s assertion, the default settings in URBEMIS were adjusted to include project-specific information, where available, such as concept grading plans as discussed further in Response to APCD.1-5. Because construction schedules and equipment have not been developed for the project, the modeling used the URBEMIS defaults, which are generated on the basis of project size and acreage. Additionally, the DEIR and PRDEIR conservatively estimated that the proposed Walmart and Annex components of the project would be constructed concurrently, which provides a “worst-case” scenario and, in fact, may overstate the air quality impact. As shown in the DEIR and PRDEIR, the combined (Walmart and Annex) mitigated first and fourth-quarter construction emissions exceed the Tier 1 threshold; however, they do not exceed the Tier 2 threshold. If either component were constructed separately, it would not exceed the thresholds. Nevertheless, as recommended by the APCD CEQA Air Quality Handbook, mitigation measures were applied that require standard construction mitigation measures, BACT for construction equipment, and possible offsite mitigation. The mitigation measures require the applicant to work with the APCD to determine the emissions based on a more refined construction schedule and construction equipment list (Mitigation Measures AIR-2a and AIR-2b). The requirement for refinement of the modeling does not represent an inadequacy of the analysis.
Response to APCD.1-5

The agency commented that while specifics were provided regarding mass grading and soil exports in the DEIR, the URBEMIS default settings were not modified, and it cited this omission as a deficiency in the analysis.

The Air Quality section cited the concept grading plans indicating that approximately 330,000 cubic yards of soil would be moved as part of the project. Approximately 75,000 cubic yards of soil would be moved internally on the Walmart site, and approximately 50,000 cubic yards would be transported to the Annex site. Further, approximately 205,000 cubic yards of additional soil would be exported from the Walmart site to one or more sites within an approximately 10-mile radius of the project. No exports are anticipated for the Annex site.

The air quality analysis accounted for the mass grading and soil exports by modifying the modeling file defaults as follows: The URBEMIS Walmart Construction modeling file modified the Soil Hauling setting to include 205,000 cubic yards of soil exported. The internal soil movements were assumed to be moved by off-road construction equipment and were not included in the soil hauling setting, which uses on-road trucks. The URBEMIS Annex Construction modeling file modified the Soil Hauling setting to include the 50,000 cubic yards of soil imported from the Walmart site. Therefore, the analysis accounted for anticipated soil movement and does not represent a deficiency in the analysis.

Response to APCD.1-6

The agency requested that second item in Mitigation Measure AIR-2a be modified to include equipment engine certification information as required information for future emission modeling.

The PRDEIR contained a revised version of Mitigation Measure AIR-2a, which reflected this request. The change is noted in Section 5, Errata.

Response to APCD.1-7

The agency requested that the fourteenth item Mitigation Measure AIR-2b be modified to include the requirement that the person who will monitor fugitive dust emissions shall be “visible emission certified.”

The PRDEIR contained a revised version of Mitigation Measure AIR-2b, which reflected this request.

Response to APCD.1-8

The agency stated that future modeling work to determine actual construction phase impacts and to refine the construction phase mitigation measures will need to use the recently released (February 2011) California Emissions Estimator Model (CalEEMod) to estimate air quality impacts using actual proposed equipment and schedules. The agency noted that the modeling, refined mitigation, and the Construction Activity Management Plan (CAMP) need to be submitted to the APCD for evaluation and approval at least three months prior to the bidding for construction contractor takes place so that
the requirements can be included in the bid specification. Finally, the agency advised that the CAMP shall be finalized prior to issuance of grading permits and will include necessary modifications to the construction phase emission reduction mitigation agreement between the applicant and the APCD that are needed, based on the selected contractor and scheduling changes.

The PRDEIR contained a revised version of Mitigation Measure AIR-2a, which reflected this request.

Response to APCD.1-9

The agency noted that the DEIR stated that the offsite mitigation fees recommended in the SLO County APCD CEQA Air Quality Handbook for emissions above the construction (and operational) phase thresholds are not part of a functioning mitigation program adopted by the APCD and that the fees have not undergone a public environmental review process consistent with CEQA to determine whether the payment of the fee will result in full mitigation. The agency stated that the offsite mitigation identified in the Handbook is not a fee program; rather, it is mitigation for projects that cannot secure sufficient measures onsite to reduce the project impacts to a level of insignificance.

The agency stated that the Handbook and all of its mitigation measures were adopted for implementation by the SLO County APCD Board on December 2, 2009. The agency asserted that the funds identified for offsite mitigation conditions are used to fund eligible, quantifiable emission reduction projects through emission reduction programs approved by the Board. Projects funded by offsite mitigation funds must demonstrate a nexus to the original project. The agency asserted that if mitigation funding necessary to mitigate the project to a level of insignificance is provided by the project applicant and approved by the APCD, then those emission reductions can be validated.

The proposed project’s construction and operational emissions exceeded the APCD’s thresholds of significance for ROG and NOx (combined) for quarterly and daily, respectively. The proposed project has implemented the APCD recommended feasible mitigation measures and also incorporated the requirement to enter into offsite mitigation agreements with the APCD for emissions above the significance thresholds. The offsite mitigation fee offered by the APCD is operating in a manner in which a specific value per ton of emissions generated is paid to mitigate impacts. The DEIR conservatively concluded that the residual impacts after implementation of mitigation measures would remain significant and unavoidable because of uncertainties related to the offsite mitigation fees. Specifically, the offsite mitigation fee has not undergone a public environmental review process consistent with the California Environmental Quality Act, and uncertainty in the APCD operational emission mitigation guidelines points to the inefficacy of the recommended mitigation fee and the timing of the APCD’s implementation of mitigation programs to achieve the required reductions. The use of such an impact fee as mitigation without CEQA review of the fee was specifically disapproved by the court in California Native Plant Society v. County of El Dorado, 170 Cal. App. 4th 1026 (2009).
Response to APCD.1-10
The agency stated that Section 3.2.3 of the DEIR summarized the Naturally Occurring Asbestos (NOA) protocol. The agency reiterated that prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD. The agency provided a summary of requirements that must be fulfilled if NOA is found at the site, including compliance with ARB’s Asbestos Air Toxic Control Measure, and preparation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for review and approval by the APCD. The agency provided a website address for more information.

NOA was discussed in the DEIR under the Regulatory Environment on page 3.2-26. Additionally, the impact was discussed under Impact AIR-6. The project site is not located within a naturally occurring asbestos zone, as shown on the APCD published map of naturally occurring asbestos zones within the County. Furthermore, the Preliminary Geotechnical Engineering Reports indicated that no soils with naturally occurring asbestos are present onsite. As such, the proposed project has complied with APCD regulations pertaining to NOA and an exemption request will be filed accordingly.

Response to APCD.1-11
The agency noted the potential for below ground infrastructure to contain asbestos-containing material. The agency noted that if utility pipelines are scheduled for removal or relocation, the project may be subject to various regulatory jurisdictions, including requirements stipulated in the National Emission Standard for Hazardous Air Pollutants. The APCD provide a summary of the regulatory requirements.

The potential for hazardous building materials (including asbestos-containing materials) to be present onsite was evaluated in Section 3.6, Hazards and Hazardous of the DEIR. The analysis was supported by the findings of several Phase I Environmental Site Assessments that had been prepared for the various parcels comprising the project site. The analysis concluded that structures on the project site may contain such materials, and Mitigation Measure HAZ-1b was proposed requiring proper abatement of these materials prior to demolition.

The Phase I Environmental Site Assessments did not finding any evidence that subsurface features such as pipelines contain asbestos-containing materials. Additionally, the parcels comprising the project site employed septic systems for wastewater disposal and, therefore, were not served by sewer pipes. As such, there is no reason to believe that subsurface pipelines exist contain asbestos-containing materials. Should such materials be uncovered during construction activities, compliance with applicable regulations will be required.
Response to APCD.1-12
The agency commented that effective February 25, 2000, the APCD prohibited the development burning of vegetative material within San Luis Obispo County and provided the APCD Enforcement Division phone number for further information.

The agency’s comment is noted. While the project includes the removal of trees from the project site, there are no plans to burn the vegetation. The removal of the trees and vegetative cover will be removed in accordance with applicable regulations.

Response to APCD.1-13
The agency stated that based on the information provided, it is unsure of the types of equipment that may be present during the project’s construction phase. The agency noted that portable equipment 50 horsepower or greater used during construction activities may require California statewide portable equipment registration or an APCD permit, and that operational sources may also require APCD permits. The agency provided a list of example equipment that may be subject to permitting requirements and referred the applicant to the Technical Appendices, page 4-4, in the APCD’s 2009 CEQA Handbook for a more detailed listing. The agency stated that the applicant should contact the APCD Engineering Division prior to the start of the project in order to minimize potential delays and to obtain specific permitting requirements. The APCD Engineering Division contact information was provided.

The agency’s comments are noted. None of the equipment identified by the APCD will be utilized during the operational phase of the project. During the construction phase, the applicant will contract with construction contractors whose construction fleet equipment, including portable equipment, is subject to ARB or APCD regulations.

Response to APCD.1-14
The agency summarized the methodology used by the DEIR to evaluate operational impacts of the development: URBEMIS 2007 was used to estimate vehicle travel, fuel use, and the resulting emissions related to the project’s land uses. The modeling incorporated trip generation provided by the Traffic Impact Study prepared by Whitlock & Weinberger Transportation, Inc. The APCD stated that the project would exceed the APCD’s CEQA significance threshold value for ROG + NOx, diesel particulate matter (DPM), and fugitive particulate matter (PM10) as identified in Table 3-2 in the CEQA Handbook and that the DEIR proposed operational Mitigation Measures AIR-2d and AIR-2e.

The agency commented that it supports the initial quantification and mitigation measures in the DEIR because they require the applicant to recalculate impacts and fine-tune the operational phase mitigation. The agency concurred with the characterization in the DEIR that URBEMIS is limited in that it does include all project impacts, but it has limited capability to quantify the benefits of the project design features.
The agency provided specific comments requesting the applicant to implement emission modeling process and specific operational mitigation measures in the future; these are addressed further in Responses to APCD.1-15 through APCD.1-27.

The APCD’s summary of the methodology used to analyze operational impacts of the development is correct. However, shown in PRDEIR Table 3.2-17 and reproduced in Table 3-1 after this paragraph, when compared with the APCD Thresholds identified in Table 3-2 in the CEQA Handbook, the project was determined to exceed only the ROG + NOx and PM10 daily thresholds after implementation of mitigation.

Table 3-1: Mitigated Daily Operational Emissions (2013)

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>PM10 Dust</th>
<th>Diesel Particulate Matter (DPM)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2013 Combined Effects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walmart, Outlots, and Annex</td>
<td>67.59</td>
<td>82.63</td>
<td>645.32</td>
<td>76.18</td>
<td>0.03</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>150.22</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2021 Combined Effects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walmart, Outlots, Annex, Walmart Site Residential, and Annex Site Residential</td>
<td>48.56</td>
<td>48.18</td>
<td>406.51</td>
<td>83.83</td>
<td>0.03</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>96.74</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SLO County APCD Threshold</td>
<td>25</td>
<td>550</td>
<td>25</td>
<td>1.25</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
Daily emissions are based on URBEMIS Winter emissions consistent with SLO County APCD guidance.
DPM was calculated for the combined project based on estimated heavy-duty diesel truck activity; refer to the Health Risk Assessment, Appendix C.
* Although the project exceeds the daily threshold, the project is not located in a confined or semi-confined space where CO would not disperse rapidly. CO emissions would not create an air quality violation as shown in Impact AIR-3. Threshold exceedances are shown in Bold

Sources:
2013 Combined Effects Emissions: Table 3.2-15 of the Del Rio Commercial Areas Specific Plan DEIR.
2021 Combined Effects Emissions: Table 3.2-19 of the Del Rio Commercial Areas Specific Plan DEIR.
SLO County APCD Threshold: Table 3.2-15 of the SLO County APCD CEQA Air Quality Handbook, 2009.

Response to APCD.1-15
The agency stated that future modeling work to determine actual operational phase impacts and the related mitigation benefits will need to use the recently released (February 2011) California Emissions Estimator Model (CalEEMod). The agency stated that the modeling, the APCD evaluation/approval of the modeling, and the operational emission reduction agreement between the applicant and the APCD will need to be accomplished prior to issuance of occupancy permits. The agency commented that the process will need to begin six months prior to the anticipated permitting date for occupancy.
The PRDEIR contained a revised version of Mitigation Measure AIR-2e, which reflected this request.

Response to APCD.1-16
The agency restated the DEIR’s comments that the offsite mitigation fees recommended in the SLO County APCD CEQA Air Quality Handbook for emissions above the operational (and construction) phase thresholds are not part of a functioning mitigation program adopted by the APCD, and that the fees have not undergone a public environmental review process consistent with CEQA to determine whether the payment of the fee will result in full mitigation. The agency stated that the offsite mitigation identified in the Handbook is not a fee program; rather, it is mitigation for projects that cannot secure sufficient measures onsite to reduce the project impacts to a level of insignificance.

The agency stated that the Handbook and all of its mitigation measures were adopted for implementation by the SLO County APCD Board on December 2, 2009. The agency asserted that the funds identified for offsite mitigation conditions are used to fund eligible, quantifiable emission reduction projects through emission reduction programs approved by the Board. Projects funded by offsite mitigation funds must demonstrate a nexus to the original project. The agency asserted that if mitigation funding necessary to mitigate the project to a level of insignificance is provided by the project applicant and approved by the APCD, then those emission reductions can be validated.

The proposed project’s construction and operational emissions exceeded the APCD’s thresholds of significance for ROG and NOx (combined) for quarterly and daily, respectively. The proposed project has implemented the APCD-recommended feasible mitigation measures and also has incorporated the requirement to enter into offsite mitigation agreements with the APCD for emissions above the significance thresholds. As noted previously in Response to APCD.1-9, the offsite mitigation offered by the APCD is operating in a manner in which a specific value per ton of emissions generated is paid to mitigate impacts. The offsite mitigation fee has not undergone a public environmental review process consistent with the California Environmental Quality Act, and uncertainty in the APCD operational emission mitigation guidelines points to the inefficacy of the recommended mitigation fee and the timing of the APCD’s implementation of mitigation programs to achieve the required reductions. The use of such an impact fee as mitigation without CEQA review of the fee was specifically disapproved by the court in California Native Plant Society v. County of El Dorado, 170 Cal. App. 4th 1026 (2009).

Response to APCD.1-17
The agency noted that in the interest of time, it had only reviewed the greenhouse gas impact analysis of the Walmart component of the proposed project. The agency acknowledged that the DEIR completed a thorough evaluation of the greenhouse gas impacts from this component by evaluating the following sources of project greenhouse gas emissions: motor vehicles, natural gas use, indirect electricity use, water transport, waste disposal, and refrigerant emissions from refrigerators and HVACs, and that a brief review of the other components showed a similar rigor in the analysis. The agency provided a list of modifications/annotations that it requires that the applicant add to the
Walmart greenhouse gas impact evaluation in the Final EIR. The agency stated that similar annotations/modifications need to be added to the other project components if deficiencies similar to those found in the Walmart component are present in the DEIR evaluation.

The requested annotations/modifications were provided on pages 3.2-12 through 3.2-131 of the PRDEIR.

Response to APCD.1-18

The agency provided a list of alleged deficiencies in the greenhouse gas impact evaluation for the Walmart component.

The agency noted that the electricity factor for the Walmart component was identified as 21.19 kWh/sf-year and was not taken from Table E-1 from the California Energy Commission’s California Commercial End-Use Survey. The agency requested that either of the following be provided: (1) a sound defense of how this use factor was derived or (2) use of a conservative factor such as the Table E-1 “Food Store” use factor of 40.9 kWh/sf-year. The agency stated that the second approach would be consistent with a conservative approach used to quantify the GHG impacts from the Walmart component natural gas combustion.

The Walmart component and the Annex and Outlots components all used 21.19 kWh/sf-year; this is the same emission factor that was used in the analysis of energy use in Section 3.10, Public Services and Utilities of the DEIR. The emission factor comes from the United States Energy Information Administration, 2008 Report, “2003 Commercial Buildings Energy Consumption Survey,” Table C14: Electricity Consumption and Expenditure Intensities for Non-Mall Buildings, 2003. The 21.19-kWh/sf-year figure is the emission factor assigned to buildings that operate continuously, as was assumed in the project description for the buildings operational hours.

The greenhouse gas spreadsheet for natural gas emissions requires an emission factor in the form kBTU per square foot. An emission factor in the form of kBTU per square foot was not provided by the United States Energy Information Administration; therefore, the California Energy Commission’s value for food stores was used for the entire square footage, even though only 21 percent of the store would be dedicated to grocery sales.

As shown in the technical attachment, “Revised Greenhouse Gas Modeling,” if the California Energy Commission’s emission factors were applied to the Walmart component, the estimated emissions from electricity use is 849 MTCO₂e. This is less than the 906 MTCO₂e conservatively reported in the DEIR and PRDEIR. Similarly, the Annex’s estimated emissions from electricity would decline from 845 MTCO₂e to 561 MTCO₂e, and the Outlots would decline from 70 MTCO₂e to 48 MTCO₂e. By using the U.S. Energy Information Administration energy consumption rates, the DEIR and PRDEIR provided a conservative estimate of greenhouse gas emissions from electricity.
Annotations and modifications were provided on pages 3.2-12 through 3.2-131 of the PRDEIR further explaining the use of these values.

Response to APCD.1-19
The agency commented that there was no apparent reference for where the daily water usage rate of 15,250 gallons per day came from, and further, there was no explanation why the Northern California KWh/Mgal energy rate (2,177 kWh per million gallons) was selected instead of the Southern California rate of (9,727 kWh per million gallons). The agency requested either that a sound defense be provided for the use of the rates or that they be modified.

The daily water usage rate was taken directly from the DEIR Section 3.10, Public Services and Utilities, Table 3.10-5: Project Water Demand Estimate. The estimated water demand was prepared by the project applicant’s engineers. The project water demand estimates reflect observed usage with similar land uses. The source for electricity requirements for water transport was taken from the 2006 report “Refining Estimates of Water-Related Energy Use in California, California Energy Commission, PIER Industrial/Agricultural/Water End Use Energy Efficiency Program,” prepared by Navigant Consulting, Inc. The citation was provided in the greenhouse gas spreadsheet labeled “Water Conveyance, Treatment, Distribution.” As disclosed in the report prepared by Navigant Consulting, the Central Coast was included in the Northern California proxy; therefore, the greenhouse gas spreadsheets included in the air quality technical appendices of the DEIR used the Northern California emission factor for electrical energy use related to water conveyance, treatment, and distribution.

Annotations and modifications were provided on pages 3.2-12 through 3.2-131 of the PRDEIR further explaining the use of these values.

Response to APCD.1-20
The agency commented that there was no apparent reference for where the identified 10 daily metric tons of CO2 equivalent (CO2e) emission value for waste emissions was derived. The agency requested either that a sound defense be provided for the use of the rates or that they be modified.

The Walmart component identified a total of 36 metric tons of CO2e from construction waste emissions and 168 metric tons of CO2e on an annual basis from operational waste emissions. The construction and operational waste emission totals were derived directly from the DEIR Section 3.10, Public Services and Utilities, Table 3.10-9: Estimated Construction Waste Generation, and Table 3.10-10: Estimated Operational Waste Generation. The source for the construction emission waste factor was cited in the Public Services section as the United States Environmental Protection Agency report published in 1998, titled “Characterization of Building Related Construction and Demolition Debris in the United States.” The source for the operational emission waste factor was cited in the Public Services section as CalRecycle. The 4.8-pounds-per-square-foot waste generation factor for
commercial retail projects is provided by CalRecycle on the agency’s website: www.calrecycle.ca.gov/WasteChar/WasteGenRates/Commercial.htm.

Annotations and modifications were provided on pages 3.2-12 through 3.2-131 of the PRDEIR further explaining the use of these values.

Response to APCD.1-21
The agency stated that after reviewing the provided source on the GHG emission item for HVAC refrigerants, it appeared that the analysis used the midpoint refrigerant capacity (50 kg R-410a) for commercial A/C units. The agency requested either that a sound defense be provided for the use of the capacity unit or that they be modified to use the 100 kg capacity units.

The HVAC capacity information was taken from the 2008 EPA Report “Direct HFC and PFC Emissions from Use of Refrigeration and Air Conditioning Equipment,” Table 2: Default Emission Factors for Refrigeration/Air Conditioning Equipment. The mid-point value was based on experience with similar projects.

Annotations and modifications were provided on pages 3.2-12 through 3.2-131 of the PRDEIR further explaining the use of these values.

Response to APCD.1-22
The agency stated that the GHG mitigation list is acceptable to the agency, with the exception that the list must include a measure that requires the applicant to quantify to the City how much more efficient the GHG measures applied to the project are than is required by Title 24, and that the measure shall require that the value demonstrate that the measures are at least 20 percent more efficient than Title 24.

The identified threshold for this project is whether the project promotes attainment of California’s goals of reducing greenhouse gas emissions to 1990 levels by the year 2020 as stated in AB 32, and an 80-percent reduction in greenhouse gas emissions below 1990 levels by the year 2050 as stated in Executive Order S-3-05.

As shown in the greenhouse gas impact analysis, Impact AIR-7 of the DEIR, the project would not obstruct attainment of any of the goals established under AB 32. The project would comply with all present and future regulatory measures developed in accordance with AB 32 and CARB’s Scoping Plan, and will incorporate a number of features that would minimize greenhouse gas emissions by 33 percent relative to Business as Usual conditions. Additionally, the proposed project was assessed for consistency with greenhouse gas reduction strategies set forth by the California Air Resources Board, California Air Pollution Control Officers Associates, and the Attorney General’s office (refer to Table 3.2-27) and found to be consistent with all applicable strategies. As a result, the project was found to be less than significant for greenhouse gas emissions and no mitigation was required. Although not classified as “mitigation measures,” the project design features will be included in the project’s
Mitigation Monitoring Plan to assure their implementation. With regard to energy efficiency, the project design features require Walmart to meet or exceed the energy efficiency standards of Title 24. This will be accomplished by designing the project building to be energy efficient through the incorporation of various sustainability measures, which were highlighted in the DEIR, Table 3.2-27: Project Design Features that Reduce Emissions. The City of Atascadero will be responsible for monitoring this project design feature. As described in the DEIR, the amount that the project design features related to energy efficiency would reduce emissions cannot be determined with exact precision because of uncertainties with determining baselines and whether the reductions would be in excess of regulatory measures (such as increased Title 24 standards); however, such estimates are based on the best information available and are reasonable. It should be noted that compliance with regulatory measures reduced the project’s greenhouse gas emission by 33 percent from business as usual. Moreover, as shown in the technical attachment, “Revised Greenhouse Gas Modeling,” the project was analyzed using conservative values for electricity use from the U.S. Energy Information Administration, which resulted in 906 MTCO₂e. Using the California Energy Commission’s values results in an emissions estimate of 849 MTCO₂e. The California values represent electricity emission factors without Title 24 reductions (CEC 2006, Table E-1, Overview of Energy Usage). If the Title 24 reduction values were applied, the project would emit 748 MTCO₂e, which represent a 13.5-percent reduction from the CEC emission factor and a 21-percent reduction from the U.S. Energy Information Administration. The Annex and Outlots components saw a similar reduction in estimated emissions through compliance with Title 24. It can be reasonably concluded that the emissions estimate reported in the DEIR is conservative and compliance with Title 24 standards would promote energy efficiency.

Nonetheless, in response to this comment, the PRDEIR contained a revised version of Mitigation Measure AIR-2d requiring project buildings to exceed Title 24 standards by an average of 20 percent.

Annotations and modifications were provided on pages 3.2-12 through 3.2-131 of the PRDEIR further explaining the use of these values.

Response to APCD.1-23
The agency commented that the Health Risk Assessment (HRA) was incomplete and needed to be updated and included in the FEIR. The comments requested that the HRA:

- Include as a condition of approval a limit on the vehicle class constituting the 2-axle delivery vehicles or
- Model health risk using emission factors for the 2-axle delivery trucks that are representative of a medium heavy-duty vehicle and
- Add the diesel component of the remaining vehicle trips to the HRA.
The PRDEIR provided the requested supplemental analysis requested by the agency; refer to pages 3.2-103 and 3.2-104. The supplemental reconfirmed the original conclusion that impacts were less than significant. Refer to Appendix Q for the supporting information.

Response to APCD.1-24
The agency commented that the DEIR did not prepare a Type B Health Risk Assessment (HRA) to assess the risk of existing and new toxic sources to the proposed residential component of the project. The APCD stated its threshold of significance for Type B HRAs is 89 in a million. The agency confirmed that Highway 101, the Golden Gate Shell, and the diesel traffic attracted to the proposed project are potential toxic sources located within 1,000 feet of the proposed project. The agency prepared a Type B screening HRA for the proposed project’s residents and determined the risk to be 49 in a million. The screening did not include the risk from non-delivery truck diesel trips attracted to the project, but the agency noted that the additional risk is not expected to significantly increase the screening risk value. The agency concluded that the Type B risk is not significant.

The PRDEIR referenced the Type B screening analysis prepared by the agency on page 3.2-105.

Response to APCD.1-25
The agency provided information on operational permit requirements. The agency stated that, based on information provided in the DEIR, it is unsure of types of equipment that may be present at the site. The agency commented that operational sources may require APCD permits and provided a list of equipment and operations that may have permitting requirements. The agency also referred the applicant to the Technical Appendix, page 4-4 of the APCD’s 2009 CEQA Handbook for a more detailed listing. The agency stated that most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp should be prioritized or screened for facility-wide health risk impacts. The agency noted that a diesel-engine-only facility limited to 20 non-emergency operating hours per year or that has a demonstrated overall diesel particulate emissions less than or equal to 2 pounds per year does not need to complete additional health risk assessments. The agency recommended contacting the APCD Engineering Division for information regarding permitting requirements to minimize potential delays and provided the Division phone number.

The project does not propose the use of any of the equipment provided on the list of the equipment or operations subject to APCD permitting requirements. The requirements pertaining to stationary diesel engines also do not apply to the project; therefore, no additional health risk assessments are necessary.

Response to APCD.1-26
The agency provided information about APCD Rule 504, Residential Wood Combustion, which requires that only APCD approved wood burning devices can be installed in new dwelling units.
There are no current development proposals for the residential component of the project. The project would develop as many as 50 dwelling units (44 multi-family and 6 single-family) in a later phase. When the development proposals for the residential components are processed in the future, they will be subject to existing regulation, including APCD Rule 504.

Response to APCD.1-27
The agency noted that the DEIR discussed the California Air Resources Board’s (ARB) regulations for In-use Off-Road Diesel vehicles as well as Private Trucks and School Buses. The APCD requested that the DEIR be amended to reflect that these regulations were amended in December 2010 and include modified compliance timelines due in part to the slow economic climate.

The requested changes were made in the PRDEIR.

Response to APCD.1-28
The agency requested that SLO County’s Federal Attainment Status be updated in the DEIR Table 3.2-6 to reflect that the title should be “SLO County Attainment Status” and that Footnote 1 should be revised to reflect the updated scheduled release date of the pending change to the Federal ozone standard from December 2010 to August 2011.

The requested changes were made in the PRDEIR.

Response to APCD.1-29
The agency provided closing remarks to conclude the comment letter. No response is necessary.
From: Gregory m. Ceisner [mailto:gregorym.ceisner@yahoo.com]
Sent: Sunday, February 27, 2011 1:59 PM
To: Warren Frace; City Council; Wade Mckinney
Subject: Wal Mart-Annex Site

Gregory M. Ceisner
1340 San Ramon Rd.
Atascadero, Ca
2/27/2011

Dear Mr. Frace:

I have waited over three weeks for your engineer to call and decided now to go ahead and send you this e-mail that you told me to send by the end of the month. Like I said when we talked on the phone, my concern is about all the additional water that will be flowing onto my property and down my ditch from the new development at the Wal-Mart and Annex sites. I also stated, I have no confidence in what the engineers say or do to prevent additional water from flooding my property for the following reasons.

I told you on the phone that when the city redid San Ramon Road in front of my property they change the grading that allowed the water to flow down the shoulder that was causing erosion all along the shoulder. I show this to a city and they had to install a berm to prevent this from happening. 20 years later that berm is now failing in numerous places that is again causing erosion. Last year where it failed it almost washed out the road and also covered a lot of my property with mud. Fortunately you have a good road superintendent, Jim Campana, that did a excellent job restoring the shoulder back and cleaning up my yard from all the mud. He did not only supervise, but actually knows what a shovel is for and how to use it.

When the Outlet Mall was being built an engineer talk to me about the flooding over the road that was taken place at a different spot. I suggested to him that they put in an additional two three-foot culvert under the road that would eliminate this problem. He didn't do what I suggested and instead installed a catch basin and ran a line down the road that has not eliminated the flooding at a greater cost.

Because a what has happened in the past and because of global warming, that is causing extremes in a weather that becoming worse every year, no engineer can determined how much additional water will be flowing onto my property. If one says they can, somebody had better take away their Ouija board.

I have never had any flooding on this property to this date. The only solution to this problem is for the developers to furnish flood insurance for all my property every year no matter who owns the property in the future that the city can require. There is no reason for the city not to do this and take on the liability in case flooding does happen in the future. The city in the past has made some foolish decisions that have only benefits the developers and have cost the city to correct. I do believe that one example of this is now called City Hall.
Sincerely,

Gregory M. Ceisner
Gregory Ceisner (CEISNER)

Response to CEISNER-1
The author stated that he is concerned that runoff from the proposed project will flow onto his property and result in flooding.

Refer to Response to CEISNER-4.

Response to CEISNER-2
The author provided background about a berm associated with roadside ditch along San Ramon Road that provides flood protection to his property.

Refer to Response to CEISNER-4.

Response to CEISNER-3
The author recounted discussions he had with an engineer involving storm drainage infrastructure for the Mission Oaks shopping center and claimed that it did not alleviate flooding conditions in the project vicinity. The author asserted that engineers cannot accurately predict rainfall events and associated runoff due to climate change.

Refer to Response to CEISNER-4.

Response to CEISNER-4
The author stated that he had not experienced flooding on his property to date and recommended that the City require the project applicant to provide him (and future owners of his property) with flood insurance in perpetuity.

As discussed on pages 3.7-19 and 3.7-20 of the DEIR, the Walmart and Annex components would each install onsite storm drainage infrastructure to capture and detain runoff during rainfall events. The Walmart component would provide bioswales that would convey runoff to an onsite detention basin near Rio Rita Road that would be designed to reduce flows from a 50-year storm event in the developed condition to no more than the peak flows from a 2-year storm event in the pre-developed condition (known as the “50-year/2-year” standard). The Annex component would provide bioswales that would convey runoff to multiple detention basins that would also be designed to achieve the 50-year/2-year standard. (Drainage calculations and reports for Walmart and Annex components are provided in Appendix H of the DEIR.) The 50-year/2-year standard is the City of Atascadero’s adopted storm drainage standard and is intended to protect downstream waterways and properties from flooding. In addition, this standard is used by other jurisdictions in the region, including the County of San Luis Obispo.

Furthermore, in order to ensure that project storm drainage facilities adequately impound runoff during storm events, Mitigation Measure HYD-4 requires the applicant to prepare and submit a drainage plan to the City of Atascadero that demonstrates that construction of the project will not
increase the flood hazard to downstream properties during a 100-year storm event. This performance standard is intended to ensure that downstream property owners do not experience flooding as a result of project runoff. (Refer to Section 5, Errata for the revised language of Mitigation Measure HYD-4.)

For these reasons, it can be reasonably expected that the proposed project would provide adequate storm drainage and that Mr. Ceisner’s property would not experience flooding as result of runoff from the proposed project. Accordingly, there is no basis for requiring the applicant to purchase flood insurance on behalf of Mr. Ceisner or any other downstream property owner.
18 March 2011
TO: Warren Frace
City of Atascadero
wfrace@atascadero.org

From: Liz Clark
2460 Ardilla Road
Atascadero, CA
Liz.reese@gmail.com

Mr Frace –
Thank you for accepting these comments.

1) The location of native oak trees for baseline conditions on the Annex Site is not clear. The EIR shows oak woodland habitat, but does not show where individual native oak trees occur. Please show locations of native oak trees on relevant Exhibits.

2) Selected oaks from the property should be relocated to the cut slope and used to revegetate the cut slope. The Exhibit showing the revegetation/landscaping plan for trees shows that valley and live oaks will be planted on the cut slope; growth of these trees is quite slow and the very large cut will be unsightly for many years. Relocating healthy mature oak trees of appropriate size on the slop would mitigate that impact. Atascadero is saved from looking like a long narrow strip mall only because of the visual interest of the slopes and oak trees that are east of El Camino Real and west of HWY 101.

3) I found no provision in the EIR that native trees planted for mitigation will be monitored and replaced if they die or fail to thrive. This should be included in the Executive Summary table and other relevant locations in the document. Dead oaks or those that remain 3 ft tall for decades would not mitigate the loss of the mature oaks on the site for habitat or visual impacts.

4) Table ES-1, page ES-16 should read birds protected by MBTA or CDFG code (versus and); listing under either law provides protection; they need not be protected by both laws as written in the EIR.

5) Table ES-1, page ES-33 construction hours are too long for local residences and should extend no later than 7pm. My family owns 2405 Rio Rita and I lived there with my small children for several years when people still lived on what is now the WalMart property; I am well acquainted with how sound from the WalMart property travels into the Rio Rita homes.

6) A 6 ft wall to block sound and visual impacts should be constructed along the WalMart property boundary with Rio Rita Road. Sound travels well upslope and the sharply cut slope will funnel sound right into 2405 Rio Rita. The proposed sound walls around the truck access area will not significantly help because the Rio Rita property lies well above the truck access behind the store, not just adjacent.

7) Exhibit 2-6b – the color scheme and architecture of the WalMart building should be considerably more attractive and better fit in Atascadero and with the proposed Annex architecture. It should at least match the Annex design where red tile roofs are used. The
WalMart shown in Exhibit 2-6b looks like it belongs in the Midwest in 1990 and not in CA in 2011.

8) Vehicle circulation at the WalMart is extremely unfriendly to pedestrians coming from the parking lot into WalMart. The major vehicle access flows between the parking lot and the front doors of WalMart, even to the point of being a through road from El Camino to Del Rio. Vehicle circulation should point vehicles into the middle section of the parking lot closer to El Camino, with vehicle access available in front of the WalMart entrance but not concentrated there.

9) The site design does not appear to use modern stormwater technology and rather places all stormwater into one retention/detention type basin for infiltration. Parking lot bioswales between rows of parked cars would improve stormwater treatment and visual impacts. Local large store parking lots, like the WalMart in Paso Robles and Target, have little trees planted in little rows in a sea of asphalt that is very hot in the summer and sheds huge amounts of water in the rain. Better solutions exist and Atascadero should be the city that plans for more attractive and effective storm water and planning solutions. Additionally, rainwater can and should be collected and harvested for landscaping watering.

Thank you for your time –

Liz Clark
**Liz Clark (CLARK)**

**Response to CLARK-1**

The author stated that the location of native oak trees on the Annex site is not clear and requested that locations of such trees be shown on relevant exhibits.

Exhibit 3-1a, Exhibit 3-1b, and Exhibit 3-1c identify the locations of existing trees on the Walmart and Annex sites.

**Response to CLARK-2**

The author stated that selected healthy mature oaks on the Walmart site should be relocated to the cut slope to mitigate the visual impacts of grading and tree removal. The author referenced the Walmart landscape plan in Exhibit 2-10a and stated that the growth of valley and live oaks that are proposed to be planted on the slope is slow and the cut will be visible for years.

Exhibit 2-10a depicts coast live oaks, valley oaks, western red bud, purple-leafed plum, aristocrat pear, and sawleaf zalkova tree species as being planted on the slope on the Walmart site. The oak tree species would be concentrated on the portion of the slope in the rear of the Walmart store; thus, the slope would be mostly screened from view from most vantage points by the building. Even if these species were to grow slowly, growth would occur in an area largely screened from public view. A mix of the previously mentioned tree species would be planted on the more visible portions of slope that would not be screened from view by the building.

In accordance with the City of Atascadero’s Native Tree Ordinance, the landscaping trees would consist of either minimum 5-gallon species (locally growth native stock) or minimum 15-gallon (non-local, non-native stock). (Note that the applicant is expected to fulfill the requirements of Mitigation Measure BIO-3a through onsite replacement planting.) By virtue of the minimum gallon size requirement, the trees planted onsite would have experienced significant growth; they would not be seedlings or samplings. Additionally, as indicated on the Arbor Day Foundation website, the plum and pear tree species grow at rates of 24 inches or more annually, while the redbud and oak species grow at 13 to 14 inches annually. The trees planted on the slope would be expected to establish themselves within a reasonably short period and, thus, effectively landscape this feature.

Regarding the author’s proposal to relocate healthy mature oaks on the Walmart site to the slope, this is not feasible for several reasons. First, a significant portion of the Walmart site would be mass graded to contour the site to support the store, parking area, roadways, and utilities. As, such, trees would need to be uprooted, temporarily stored onsite or offsite for a period of months, and then replanted. The disturbance associated with this process is likely to significantly diminish the health of the affected trees. Furthermore, as reported in Table 3.3-5 of the DEIR, the majority of the trees on the Walmart site are listed as being in “Fair” or “Struggling” health, suggesting that they are neither well suited nor desirable for relocation. Moreover, the expense of relocating mature trees (including
uprooting, storage, and replanting) significantly outweighs the costs of planting new replacement trees that are comparably effective in terms of stabilizing and screening views of the slope.

Response to CLARK-3
The author stated that the DEIR did not identify any provisions for monitoring or replacement of native trees planted as mitigation for tree removal. The author stated that such provisions should be added to the mitigation measures.

The Atascadero Native Tree Ordinance (Municipal Code Chapter 9, Title 11) requires applicants who are proposing to replant trees as mitigation for tree removal to provide the City with fees for three site inspections over a four-year period. As part of the site inspections, the City will evaluate the health of the replacement trees and require corrective measures if dead or dying trees are observed (e.g., planting of new trees).

In addition, the Del Rio Road Commercial Specific Plan establishes detailed standards for landscaping. A specific provision reads, “Landscaping should be maintained in an acceptable manner with dead and destroyed landscape items replaced as soon as practical.” The Specific Plan’s provisions are legally enforceable and the City would monitor the proposed project for compliance.

Because the applicant would be subject to the monitoring and replacement requirements of both the Native Tree Ordinance and Specific Plan, there is no need to add a redundant provision as a mitigation measure.

Response to CLARK-4
The author stated that text of Mitigation Measure BIO-1b should be revised to replace “and” with “or” in the context of birds species protected by the Migratory Bird Treaty Act and the California Fish and Game Code.

As discussed on page 3.3-29 of the DEIR, SWCA Environmental Consultants concluded that the project site provides suitable habitat for the Cooper’s hawk, sharp-shinned hawk, white-tailed kite, loggerhead shrike, and purple martin—all of which are bird species protected by both the Migratory Bird Treaty Act and the California Fish and Game Code. Therefore, using “and” in place of “or” in the context of Mitigation Measure BIO-1b does not materially change the intent or meaning of the mitigation measure.

Response to CLARK-5
The author referenced the limitations on construction hours in Mitigation Measure NOI-1 (7 a.m. to 9 p.m. daily) and asserted that activities should cease at 7 p.m. The author explained that her family owns the residence at 2405 Rio Rita Road and is “well acquainted” with how noise travels from the Walmart site towards Rio Rita Road.

Refer to Master Response 3.
See Figure 3-1b

Source: SWCA Environmental Consultants.

Exhibit 3-1a
Walmart Site Tree Survey Map

CITY OF ATASCADERO • DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN
FINAL EIR
Exhibit 3-1b
Walmart Site Tree Survey Map (Close Up)

Source: SWCA Environmental Consultants.
Exhibit 3-1c
Annex Site Tree Survey Map

Source: SWCA Environmental Consultants.

Legend
- Native Tree to be Retained
- Native Tree to be Removed
- Native Tree Canopy
- Non-Native Tree Canopy
- Limits of Disturbance and Tree Removal

CITY OF ATASCADERO • DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN
FINAL EIR
Response to CLARK-6

The author asserted that a 6-foot wall should be constructed along the Walmart site frontage with Rio Rita Road to block sound and visual impacts. The author asserted that sound travels upslope and would be directed at 2405 Rio Rita Road.

Refer to Master Response 3.

Response to CLARK-7

The author stated that the color and architecture of the Walmart building is inappropriate for Atascadero and should be redesigned to match the Annex design, specifically the use of red tile roofs.

The DEIR provided a comprehensive evaluation of the proposed project visual character impacts on pages 3.1-8 through 3.1-24. That analysis evaluated the proposed project’s visual compatibility with surrounding uses and identified mitigation measures to reduce impacts to a level of less than significant. The analysis ultimately concluded the proposed project’s scale and contemporary architectural design (including the Walmart structure) was compatible with surrounding land uses; therefore, after the implementation of mitigation, the impact was less than significant.

Please note that the Atascadero Planning Commission and City Council will review architectural design standards as part of consideration of the Del Rio Road Commercial Area Specific Plan; therefore, this comment should be addressed to these entities in their respective design review capacities.

Response to CLARK-8

The author asserted that the Walmart circulation plan creates potential hazards for pedestrians, citing the presence of the main drive aisle in front of the store. The author characterized the main drive aisle as serving as through road between El Camino Real and Del Rio Road. The author stated that the vehicular access should be redesigned to provide an access point directly from El Camino Real into the main parking area.

The provision of a main drive aisle in front of a building entrance is a widely accepted layout for retail centers and is used throughout California and the United States. As shown on Exhibit 2-9, the main drive aisle in front of the Walmart store would employ pavement treatments and pavement markings to visually alert drivers to the presence of pedestrian crossing areas. In addition, three separate pedestrian walkways would be provided in the parking area that would separate pedestrian traffic from vehicle traffic. These facilities are considered most effective in terms of balancing the needs of pedestrians and motorists, as they provide for appropriate levels of pedestrian awareness and protection without impairing vehicle circulation. Note that W-Trans, a traffic consulting firm, reviewed the project’s internal circulation system and found it to be acceptable from both a safety and operations perspective; refer to pages 3.11-114 and 3.11-115 of the PRDEIR.

The author’s proposal for a second entry point from El Camino Real is addressed in Master Response 4.
Response to CLARK-9

The author stated that the Walmart site “does not appear to use modern stormwater technology” because it would use a single retention/detention basin for infiltration. The author recommended that bioswales be provided in the parking area, similar to those provided at the Walmart store location in Paso Robles. The author also recommended that rainwater be collected and harvested for landscape watering.

As discussed on DEIR page 2-37, the Walmart would use a parking lot perimeter bioswale that would convey runoff to the detention basin on the north side of the Walmart store. The detention basin would be designed in accordance with the 50-year/2-year standard (refer to Response to CEISNER-4 for further discussion of this standard) and would release runoff into the existing storm drain system. Detention basins are widely used for impounding runoff and are considered one of the most efficient ways of providing adequate stormwater management; thus, it would be in error to characterize them as outdated or inappropriate for use with this project.

Regarding the author’s proposal for rainwater harvesting, the DEIR identifies alternative, equally effective measures for reducing irrigation water demand in Mitigation Measure PSU-3a. As stated in that mitigation measure, the applicant must prepare and submit landscaping plans to the City of Atascadero that include water conservation measures such as (but not limited to) drought-resistant vegetation, water efficient irrigation, minimally or gently sloped landscaped areas to reduce runoff, and organic topdressing in non-turf areas to decrease evapotranspiration. With the implementation of Mitigation Measure PSU-3a (and Mitigation Measure PSU-3b), the DEIR concluded that water supply impacts would be reduced to a level of less than significant. Because the impact can be fully mitigated to a level of less than significant, no further mitigation is required.

2 Note that a “detention” basin detains runoff and releases it into downstream waterways at a controlled rate, whereas a “retention” basin retains runoff and does not release it into downstream waterways.
COMMENTS ON WAL-MART DRAFT EIR

Urban Decay

I find an enormous discrepancy and inconsistency between the report’s findings that the proposed project will capture over $20 million of sales from competing retailers, primarily grocery stores, general merchandise stores and pharmacies, and which businesses will be forced to close their doors, yet not create urban decay as defined in the report!

The lack of urban decay is based on the assumptions that property owners will keep the abandoned properties in good condition and the City will use funds from the RDA to maintain and improve these businesses forced to close.

Given the economic times and financial hardships on property owners, the difficulties of finding new tenants, and the unwillingness of businesses that directly compete with a Wal-Mart to locate in a town with a Wal-Mart, many stores that close will sit empty for a long time, which will spiral as one after another store in a plaza sees less traffic and sales. Two plazas that may be affected the most are Spencers and K-Mart’s. These two anchors of their respective plazas are at greatest risk of closing.

The assumption in the report that Spencer’s fresh Market will not close because of observation of traffic flow to that store is
ludicrous and unscientific to say the least. The report admits that there is no way to determine what profit margins of the five PMA grocery stores are.

Please provide a comprehensive study of traffic flow 7 days a week during business hours at Spencer’s.

Please address the multiple studies that reveal that, on average, Supercenters close two grocery stores in the Primary Market Area.

Please justify that a Supercenter would only capture 2% of PMA grocery store sales. Multiple studies have revealed that a Supercenter can capture up to as much as 15 to 20% of sales.

The report also fails to mention in regard to the K-Mart that has survived in Arroyo Grande, that this Wal-Mart is a regular Wal-Mart Dept store without full line of groceries, NOT a Supercenter (SC). SCs generate significantly more traffic, increased patronage and changes the shopping habits and patterns of its customers. Having groceries generates more frequent trips, as documented in the report.

The report failed to mention that the K-Mart in Paso Robles closed after even a regular Wal-Mart Department store became established in Paso. Why was this not mentioned? Can you provide research of the effects of SCs on local K-Marts nationally?
RDAs no longer exist and the City will be unable to prevent urban decay. Urban decay which already exists with RDA funds available include a burned out and unimproved stores along El Camino and the Printery property which the City has failed to keep up.

Requests: 1. Please provide more evidence that urban decay will not occur. 2. Please provide more evidence that Spencer’s Fresh Market will not be forced to close. 3. How does the fact that the RDA funds will no longer be available to the City impact the justification that there will no urban blight?

**Alternatives**

Justification for selecting the proposed project over the alternatives number 3 and 4 is flawed. Both of these alternatives would attain most of the basic objectives of the proposed project. At the same time they significantly reduce the impacts of the “unavoidable significant impacts” of traffic congestion and on and offsite emissions.

Please explain in more detail why these alternatives are infeasible.

Two calculations omitted, that would favor alternative #4 over the proposed project, are 1. an accurate accounting of sales tax revenue.
What percentage of total sales will be from non-taxable goods? What percentage of sales will then generate sales tax revenue for the City? What percentage of sales tax revenue is captured sales tax from closed competitors? What would be the percentage increase in new sales tax revenue? How does this change the equation of gains or losses in sales tax revenue between the alternatives?

The second omission is not considering the number of jobs that will be lost when competitors close their doors.

What will the net gain of new jobs be?

If any of the jobs lost paid higher salaries, will this result in less money circulating in the local economy?

Please find attachments:

Tribune article by Tonya Strickland, February 3, 2011

Tribune Viewpoint listing Community Benefit Agreements that will ensure that Wal-Mart/Annex pay their fair share to mitigate deleterious and unavoidable impacts.

Submitted by Tom Comar, Spokesperson for saveatascadero.com  610-0367
Byline: By Tonya Strickland
tstrickland@thetribunenews.com
Publication Date: 2/3/2011

Page: A1
Section: A-Section
Edition: Tribune
Dateline: Atascadero

Corrections: A front-page story published Thursday incorrectly said the proposed Walmart and The Annex projects would both take money from local businesses and keep more local dollars in town. The projects could have those effects, according to an environmental review, but its findings are estimations and are not guaranteed.

Memo:
Body Text: Businesses around Atascadero could lose more than $20 million in sales in the first year if a proposed Walmart and adjacent shopping center are approved by the city, according to a state-mandated environmental review of the projects released Wednesday.

But fewer shopping dollars would leave Atascadero, generating more tax revenue for the financially strapped city.

Walmart and The Annex are the long discussed and controversial retail and housing developments proposed for vacant lots at El Camino Real and Del Rio Road on the north side of town.

The study says the developments would take a collective $23.6 million from existing retail stores in the market area of Atascadero, Templeton, Santa Margarita and Creston. That sum is projected for 2013, when the project would be built if it gains approval.

That means general merchandise retailers in the area will see a roughly 12 percent drop in sales after the developments arrive, according to the report. Food stores would have an estimated 2 percent drop in the same period. The report says sales could equal to-day’s sales in about five years after more people are drawn to the area because of the new developments. It also predicts that by 2018 the project is projected to capture $21.7 million in sales that would have otherwise gone to regional businesses.

The developments would also draw more shoppers to town, the report says, so fewer shopping dollars would leave Atascadero. The report estimates the roughly $40 million that might be spent out of town in 2013 could remain if the projects are approved. About one-third of that total is attributed to the Walmart store alone, according to the report.
Loss of rural character, traffic, construction noise and potential solutions were discussed in the 868-page, $429,000 environmental review paid for by Wal-Mart Stores Inc.

The document, available for public review in its first draft, was conducted through Michael Brandman Associates of Orange County.

Wal-Mart is going forward with a scaled-back plan compared to its first proposals for the site in 2007. The development now is slated to have 123,000 square feet of retail and grocery items plus about 6,500 square feet of outdoor garden services.

It would also prepare two commercial lots on about 10,000 square feet. There's also space allotted for a 44-unit multifamily residential development.

In addition, The Annex component would have more than 120,000 square feet of commercial space with the option for a single-family residential development.

The prospect of Walmart coming to town has brought controversy to the community. Critics -- namely resident Tom Comar and his Save Atascadero group -- voiced worries about hurting local business and losing the town's character by adding more big-box chains. Supporters applaud affordable goods, increased tax revenue and more jobs.

* * *

HOW AND WHERE TO COMMENT

The public has until March 18 to review the report and submit feedback to the city. The City Council is then set to discuss the report in May or June. Printed copies of the report are available at City Hall, 6907 El Camino Real, and the Atascadero-Martin Polin Library, 6850 Morro Road. It can also be downloaded at the city's website, www.atascadero.org (scroll down to the Hot Topics section). Comments can be mailed to City Hall or e-mailed to Community Development Director Warren Frace at wfrace@atascadero.org.

--
Tonya Strickland
Staff Writer
The Tribune, San Luis Obispo, Calif. | SanLuisObispo.com
805-781-7858
Follow my news coverage on Twitter: @tstrickland
REASONABLE ALTERNATIVE TO SUPERCENTER

Discussion regarding the Wal-Mart/Annex Del Rio Commercial Development in Atascadero has gone on for several years and many concerns have been expressed during City Council meetings and in the Press. Now that final plans for the Projects have been submitted, the California Environmental Quality Act (CEQA) requires an Environmental Impact Report (EIR).

The single meeting at which residents could voice input on what should be covered by the EIR occurred on May 25. However, the public has until June 11, 2010 to submit written comments. If you are concerned about traffic, noise, glare, nighttime deliveries, idling big rigs, crime, funding of emergency services and police, water, housing, urban blight, Native American burial sites, etc., email wfrace@atascadero.org with the subject line: Comments for Wal-Mart/Del Rio Scoping Session: Attention Michael Brandman & Associates.

The EIR also looks at reasonable alternatives (that meet the project’s objectives), to the proposed plans in order to find possible ways to lessen the impacts.

A review and analysis by PBS documentary “Store Wars” revealed that “on the average a Wal-Mart super center gets 84% of its business from existing stores in the area.” A May 2004 report by Good Jobs First documented that Wal-Mart has received more than $1 billion in subsidies from local governments through tax breaks and paying for roads and utility connections at many of its new stores. A market analysis by Retail Forward estimated that for every new Wal-Mart Supercenter that opens, two local supermarkets will close. The Wall Street Journal reported that 51% of Wal Mart’s profits come from groceries, which do not generate any sales tax revenue for the City.

In light of the major impacts on the grocery business and sales tax revenue, we believe a reasonable alternative that must be studied in the EIR must be a similar sized regular Wal-Mart Discount store with groceries, but a store without the full grocery component.

Atascadero already has five grocery stores/outlets, plus Trader Joe’s in Templeton, just two exits from the Del Rio development.
This alternative, with its predicted fewer impacts, will allow the City Council to deal with the findings rather than dismissing any “unmitigatable” deleterious impacts for political, so-called “overriding economic considerations” which unfortunately the CEQA law allows.

Tom Comar, Spokesperson for Saveatascadero.com

5525 Cascabel Road
Atascadero, Ca. 93422
805-610-0367
Tom Comar (COMAR.1)

Response to COMAR.1-1
The author asserted that there are discrepancies and inconsistencies within the urban decay analysis, notably, the projection that the project will capture over $20 million of sales from competing businesses and the conclusion that project would not result in store closure or urban decay.

The urban decay analysis in Section 3.12, Urban Decay assessed the potential for competing stores to close. The analysis found that although certain competing businesses such as Kmart would be expected to lose sales in the near term, losses would be unlikely to be substantial enough to cause store closure. Because competing businesses are expected to remain operational, no significant urban decay impacts would occur.

Furthermore, as noted on page 3.12-2, store closure alone does not constitute urban decay. A number of factors as noted are required to complete the causal chain from possible store closure to actual physical impacts on the environment. Factors that “break” this causal chain include re-tenanting with another retail use, reuse of the property in some non-retail use, and City enforcement of anti-blight ordinances.

Response to COMAR.1-2
The author asserted that the conclusion that urban decay will not occur is based on the assumptions that property owners will keep the abandoned properties in good condition, and the City will use funds from the Redevelopment Agency to maintain and improve these businesses forced to close.

As discussed on pages 3.12-58 through 3.12-61, the City has shown a strong commitment to code enforcement such that urban decay is not a likely outcome even for vacant properties. In light of the ultimate elimination of redevelopment agencies in California, the City of Atascadero and its Redevelopment Agency undertook a series of steps culminating in a Financing Contract on January 14, 2011, to transfer funds from the Redevelopment Agency to the City. This funding includes long-term financing commitments for blight elimination and economic development, including several projects in the Downtown area.

Response to COMAR.1-3
The author stated that many commercial spaces will remain vacant for extended periods of time because of the current economic climate, property owner financial hardships, and the unwillingness of local entrepreneurs to directly compete with Walmart. The author claimed that the two commercial properties that would be most affected are the shopping centers that contain Spencer’s Fresh Market and Kmart.

The author does not provide any factual support for his assertions that local commercial property owners face financial hardships or that local entrepreneurs are unwilling to directly compete with Walmart. Thus, these statements are considered speculative.
As noted in Response to COMAR.1-1, the urban decay analysis assessed the potential for competing stores to close and found that although certain competing businesses such as Kmart and Spencer’s Fresh Market would be expected to lose sales in the near term, the losses are unlikely to be substantial enough to cause store closure.

Many businesses actually seek locations in cities with Walmart or other large retail outlets, due to the customer traffic they generate. For instance, neither Paso Robles nor Arroyo Grande seems to be suffering from any competition-limiting urban decay impacts caused by the presence of Walmart in those cities. Furthermore, if the Atascadero Walmart is able to capture current leakages of general merchandise and food store sales to other communities, this makes shoppers less likely to leave town for other related retail purchases. For example, shoppers who previously dined at restaurants in other cities as part of their shopping trips outside the City would be expected patronize restaurants in Atascadero itself. Additionally, shoppers from outside Atascadero who are attracted to the City by Walmart may also choose to make additional purchases in the City.

Response to COMAR.1-4
The author claimed that the “assumption” that Spencer’s Fresh Market will not close because of observation of traffic flow to that store is “ludicrous” and “unscientific.” The author alleged that the urban decay analysis “admits” that there is no way to determine what profit margins of the five grocery stores in the Primary Market Area.

The full context of the statement in question from page 3.12-15 of the DEIR is reproduced below:

To determine sales for these stores in order to assess current performance, BAE contacted store representatives. None of the stores contacted was willing to share sales figures, which are usually considered proprietary, although some respondents shared impressions of their general sales strength and overall market conditions. Alternatively, BAE relied on the following: site visits to get a sense of overall traffic; data from Trade Dimensions, a vendor of store-by-store retail sales data acquired through various means including industry insiders; and published retail sales data for the food store category.

To summarize, BAE first attempted to request sales data from the stores directly, which store management declined to provide. In lieu of this data, BAE relied on other means, including site visits, data from Trade Dimensions, and published retail sales data for the food store category from the State Board of Equalization and the Economic Census.

The site visit consisted of a BAE representative visually observing the interior and exterior of the store to assess levels of patronage. This is a widely accepted method of analysis and serves to “ground truth” the numeric data (in other words, a store that is reported as performing at above-average levels should, in theory, exhibit more patronage than a lower-performing store). Likewise, it
also serves to identify potential factors that may not be reflected in numeric data (e.g., how the store positions itself relative to its competitors). In any event, the site visit was not the sole way in which existing performance of food stores was assessed.

As for the author’s comment about profit margins, as noted above in the passage from page 3.12-15, all of the existing food stores declined to share sales figures. This is not unusual, as individual store data is generally considered proprietary. Regardless, it should be noted that the grocery industry is generally characterized by low profit margins—with short-term losses not uncommon. Thus, profit margins by themselves are not the only factor in determining whether an outlet is likely to close.

Response to COMAR.1-5
The author requested a “comprehensive study” of traffic flow seven days a week during business hours at Spencer’s Fresh Market.

To preface this response, this comment appears to be predicated on the author’s mistaken belief that “traffic flow” was used as the only factor to assess the existing performance of Spencer’s Fresh Market. As discussed in Response to COMAR.1-4, this is incorrect.

Regardless, performing traffic counts of vehicular activity at Spencer’s Fresh Market would not provide any meaningful insight into the store’s existing performance because:

- It would provide no information regarding store sales;
- It would provide no information regarding price points, market orientation, or other competitive factors;
- It would provide no information about sales at competing outlets; and
- Such data would include both customer trips with non-customer trips (employees and deliveries) and, thus, would not provide an accurate representation of customer activity.

Refer to Response to COMAR.1-4 for further discussion.

Response to COMAR.1-6
The author requested that the urban decay analysis address multiple studies that purport to find that Walmart Supercenters close two grocery stores in the Primary Market Area on average.

Because the comment does not cite specific studies, it is not possible to determine their relevance to the proposed project or whether they constitute objective analysis.
Moreover, it should be noted that the proposed Atascadero Walmart store (126,460 square feet) is of significantly smaller size than a traditional Walmart Supercenter.3

Response to COMAR.1-7
The author requested justification that a Walmart Supercenter would only capture 2 percent of Primary Market Area grocery store sales. The author claimed that multiple studies have revealed that a Walmart Supercenter can capture up to as much as 15 to 20 percent of sales.

Because the comment does not cite specific studies, it is not possible to determine their relevance to the proposed development under consideration here.

Furthermore, the proposed Atascadero Walmart store would have only 34,000 square feet of supermarket-equivalent space (refer to Table 3.12-11); thus, sales and capture would not be as high as a traditional Walmart Supercenter. Additionally, the 2-percent figure takes into account modest market area growth; the actual estimated capture from existing retail stores baseline sales levels in the Primary Market Area is approximately 5 percent, with the remaining sales captured from leakage of current sales and from residents outside the Primary Market Area. However, as described on DEIR pages 3.12-52 and -53, between 2013 and 2018, as the area population grows, losses are reversed in the food store category, and the losses for general merchandise stores and other non-automotive retail decline. Overall, in 2018, sales at existing outlets are projected to be at approximately baseline levels even with the proposed project in place.

Response to COMAR.1-8
The author claimed that the urban decay analysis failed to mention that the Kmart store in Arroyo Grande has survived because the Walmart store in that city does not retail a full line of groceries, unlike the store proposed for Atascadero. The author stated that Walmart Supercenters have greater patronage and results in consumers changing their shopping patterns to shop more frequently at the store.

Walmart Supercenters attract more customers than traditional Walmart stores in large part because they offer grocery items, which are a very small part of the inventory at Kmart. Thus, this additional patronage would not necessarily indicate greater sales impacts at Kmart. On the contrary, the Atascadero Walmart’s greatest impact on the Atascadero Kmart would be related to competition for general merchandise goods. These impacts on Kmart are discussed on DEIR pages 3.12-56 and 3.12-57.

Moreover, because the Arroyo Grande Walmart store lacks a full-service grocery component, a greater proportion of its sales occur in the general merchandise category than would occur at the

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3 The Walmart Stores Inc. 10-K Annual Report, dated March 30, 2011, indicates that the company had 2,907 Supercenters totaling approximately 534,577,000 square feet, which equates to an average store size of 183,893 square feet.
proposed Atascadero store. Thus, the Arroyo Grande Walmart would be more competitive with its local Kmart than the proposed Atascadero Walmart.

Response to COMAR.1-9
The author asserted that the urban decay analysis failed to mention that the Paso Robles Kmart closed after the Walmart store opened in that community. The author requested research of the national effects of Walmart Supercenters on Kmart.

The DEIR discussed Kmart, including its recent history in California, on pages 3.12-56 and 3.12-57. The discussion noted Kmart continues to operate stores in many of the same Central Coast markets as Walmart, including Arroyo Grande, Salinas, and Santa Maria. The passage also noted that Kmart closed a number of underperforming stores as part of bankruptcy and restructuring proceedings in 2002 and 2003, with the pace of store closures having substantially tailed off in recent years.

The Paso Robles Walmart opened in 1994; whether the opening of Walmart was a key causal element in the closure of that Kmart would be difficult to determine almost two decades later. In addition, its relevance to current conditions is limited, given the amount of time that has elapsed and the changes in the retail landscape that have occurred. Furthermore, retail conditions are unique to every market (as illustrated by the success of Kmart in some markets where it competes with Walmart and failures in others); thus, it would be in error to draw conclusions about the potential success or failure of the Atascadero Kmart based solely on what occurred elsewhere.

Finally, as previously mentioned in Response to COMAR.1-1, it is important to note that store closure alone does not necessarily indicate urban decay; the comment provides no evidence that the closure of the Kmart in Paso Robles has led to urban decay.

Response to COMAR.1-10
The author asserted that Redevelopment Agencies no longer exist and the City of Atascadero will be unable to prevent urban decay. The author claimed that urban decay currently exists in “burned out and unimproved stores along El Camino” and the Printery Property, which the City has failed to keep up.

The City of Atascadero and its Redevelopment Agency undertook a series of steps culminating in a Financing Contract on January 14, 2011, to transfer funds from the Redevelopment Agency to the City in anticipation of the potential elimination of redevelopment. This funding includes long-term financing commitments for blight elimination and economic development projects, including several projects in the Downtown area.

Redevelopment is not the only mechanism at the City’s disposal for prevention of urban decay. The City has numerous ordinances for the abatement and prevention of property deterioration. This is discussed on DEIR pages 3.11-58 through 3.11-61.
The vacancies on El Camino Real in the downtown area are discussed on DEIR pages 3.12-12 and 3.12-13. Although the Hoff property (i.e., the “burned out” property alluded to by the author) remains vacant at the time of this writing, the City is continuing to work closely with the property owner to find a buyer or partner to rebuild the site. The City has been actively involved in keeping the property from deteriorating further. The Colony Square project should also attract additional traffic to the downtown area that will improve the prospects for reuse of empty storefronts on El Camino Real.

Regarding the Printery Property, it should be noted that this property has a unique set of characteristics and circumstances that do not apply to any other site in the City. The property, which has been proposed for use as a youth center and special events center at various times during the past two decades, (1) is listed on the National Register of Historic Places, (2) has significant structural damage from the 2003 San Simeon earthquake, and (3) is currently controlled by a bankruptcy trustee. More importantly, this property has not been used for retail in at least 20 years, and the previously mentioned constraints make it unlikely that it could support retail uses in the near future. The City of Atascadero recently installed fencing around the property in the interests of deterring trespassing and vandalism, and regularly performs weed abatement. Thus, the City has been proactive in managing the property and has implemented corrective measures as necessary to stem the decline of this site. In summary, to the extent the Printery Property manifests signs of urban decay, it is not attributable to competition from other retail business; therefore, the current and future status of this property does not provide any insight into whether the proposed project has the potential to cause or contribute to urban decay.

Response to COMAR.1-11
The author requested more evidence demonstrating that urban decay will not occur and more evidence that Spencer’s Fresh Market will not be forced to close. The author inquired how the elimination of redevelopment funds alters the conclusions that urban decay would not occur. The DEIR and accompanying Urban Decay Analysis provide factual support for the conclusion that urban decay will not occur. The author has presented no evidence to the contrary. No further analysis is required. Refer to Response to COMAR.1-3 and Response to COMAR.1-10 for further discussion.

Response to COMAR.1-12
The author asserted that the DEIR’s justification for selecting the proposed project over the Walmart Only Alternative or the Reduced Density Alternative is flawed because they attain most of the project objectives and lessen the severity of the proposed project’s significant unavoidable impacts. The author requested more explanation about why these alternatives are infeasible.

To clarify, there are no statements in the DEIR or PRDEIR indicating that the proposed project has been “selected” or otherwise approved relative to the other alternatives considered in Section 5,
Alternatives to the Proposed Project. Additionally, there are no statements in the DEIR or PRDEIR indicating that either the Walmart Only Alternative or the Reduced Density Alternative is infeasible.

As set forth in CEQA Guidelines Section 15126.6, the purpose of alternatives analysis is to provide decision makers and the public with a reasonable range of feasible alternatives that can readily attain most of the basic projects, while avoiding or lessening the proposed project’s significant impacts. Ultimately, the decision makers have the discretion to approve the proposed project or approve one of the alternatives considered in the DEIR.

Response to COMAR.1-13
The author stated that the Reduced Density Alternative would be favored relative to the proposed project if there was an accurate accounting of sales tax revenue.

CEQA Guidelines Section 15131(a) emphasizes that analysis of economic and social effects shall be focused on physical changes to the environment. In this case, no evidence has been presented indicating that changes in sales tax revenue would have a physical impact in the environment; therefore, alternatives are not compared on this basis.

Response to COMAR.1-14
The author posed a series of sales tax-related questions about the proposed project and various project alternatives.

Refer to Response to COMAR.1-13.

Response to COMAR.1-15
The author asserted that the DEIR’s alternatives analysis failed to evaluate job loss at competitors. The author inquired about net changes in employment and wages associated with the proposed project and alternatives.

Pursuant to the requirement set forth in the CEQA Guidelines, the DEIR did not assess net changes in employment or associated changes in wages. As previously noted, CEQA Guidelines 15131(a) emphasizes that analysis of economic and social effects shall be focused on physical changes to the environment. In this case, no evidence has been presented that changes in employment or wages result in physical impacts on the environment; therefore, these issues are outside the scope of the DEIR.

Response to COMAR.1-16
The author referenced two attachments. The attachments are addressed in Responses to COMAR.1-17 through COMAR.1-21.

Response to COMAR.1-17
The attachment consists of a February 3, 2011 San Luis Obispo Tribune News article about the Del Rio Road Commercial Area Specific Plan DEIR. No response is necessary.
Response to COMAR.1-18

Note to reader: The attachment consists of a two-page document titled “Reasonable Alternative Supercenter.” Specific comments from the document are addressed in Responses to COMAR.1-18 through COMAR.1-21.

The comment consists of background about the proposed project and information about the Notice of Preparation review period, which extended from May 13, 2010 to June 11, 2010. No response is necessary.

Response to COMAR.1-19

The author noted that EIRs evaluate project alternatives that meet the project objectives and find possible ways to lessen the project’s environmental impacts. The author cited the findings of various economic studies and reports that purport to quantify the impacts of Walmart in the context of diverted sales from competitors, subsidies, and sales tax revenues.

None of the referenced studies or reports provides any specific comments on the DEIR’s analysis, including the urban decay analysis.

Response to COMAR.1-20

The author stated that because of the proposed project’s “major impacts” on grocery competitors and sales tax revenue, the EIR must evaluate a similarly sized regular Walmart discount store that does not contain a grocery component. The author noted that there are six grocery stores in Atascadero and Templeton.

To preface the response, it should be noted that this comment was written prior to the availability of the DEIR in February 2011 and, therefore, does not address any specific conclusions of the urban decay analysis.

As shown in DEIR Table 3.12-8, the Primary Market Area (Atascadero, Templeton, and surrounding rural areas) experiences $6.8 million in food store (i.e., grocery) leakages under baseline (2010) conditions. Without the proposed project, food store leakage would increase to $7.1 million in 2013 and $7.4 million in 2018; refer to DEIR Table 3.12-9 and Table 3.12-10.

The proposed Walmart store would feature approximately 34,000 square feet of grocery equivalent space and, therefore, would be expected to partially capture food store leakage from the Primary Trade Area. DEIR Table 3.12-12 assumes that Walmart will capture 70 percent of food store leakage or $5 million in 2013 and $5.3 million in 2018. This serves to indicate that there is significant unmet demand for food store sales within the Primary Market Area.

DEIR Table 3.12-14 projects that the Walmart grocery component will capture $5.2 million in sales from existing grocery stores in 2013 and $4.9 million in 2018. In 2013, this capture would be expected to result in $1.6 million in combined losses at all Primary Trade Area grocery stores or a
loss of 2 percent. However, by 2018, population and household income growth would be expected to offset sales diversions: there would be a combined $3.5 million net increase in sales at all Primary Trade Area grocery stores, or a 4-percent increase.

The urban decay analysis concluded that competing grocery stores in the Primary Market Area would experience only modest sales diversions in the near term (and which would be ultimately offset within several years); therefore, store closures would be unlikely to occur. As such, urban decay would not be a significant impact of the proposed project, and the DEIR’s and PRDEIR’s alternatives analysis appropriately did not use this as a primary factor in identifying the “Environmentally Superior Alternative.”

Furthermore, the project objectives set forth in the DEIR include capturing retail expenditures leaking to other markets and developing a major retail anchor that retails a wide variety of affordable everyday household items. The Walmart Only Alternative better attains these objectives than the author’s proposed alternative (a conventional Walmart store with no grocery component), as it would capture leaking sales in both the general merchandise and food store categories and retail a greater variety of affordable everyday household items. In summary, the DEIR and PRDEIR evaluated a comparable alternative that more fully attained basic project objectives; therefore, there is no need to evaluate the author-proposed alternative.

Regarding the issue of sales tax, refer to Response to COMAR.1-13.

Response to COMAR.1-21
The author asserted that his proposed alternative would be expected to have fewer impacts, which will allow the City Council to adopt findings rather than “dismissing any ‘unmitigatable’ deleterious impacts for political so-called ‘overriding economic considerations.’”

Refer to Response to COMAR.1-20 for discussion of the author’s proposed alternative.

CEQA Guidelines Section 15091 requires lead agencies to adopt findings in support of decisions to certify environmental documents. The findings apply to the significant effects of the project and must be supported by substantial evidence. In cases where an EIR identifies one or more significant unavoidable impacts and the lead agency has elected to approve the project, CEQA Guidelines Section 15093 requires the lead agency to adopt a Statement of Overriding Considerations that balances the economic, social, technological, and other benefits of the project against unavoidable environmental risk in determining whether to approve a project.

Should the City of Atascadero elect to certify the Del Rio Road Commercial Area Specific Plan EIR and approve the project, it will be required to adopt Findings of Fact and a Statement of Overriding Considerations. Note that the Findings of Fact and a Statement of Overriding Considerations are prepared independently of the Final EIR, and draft versions of these documents will be made publicly
available prior to the Planning Commission and City Council meetings at which the project will be considered for approval.
From: plcrows@aol.com [mailto:plcrowns@aol.com]
Sent: Friday, February 25, 2011 10:36 AM
To: Warren Frace
Subject: Walmart

Dear Mr. Frace,

My husband and I recently relocated from Minneapolis and purchased a home on a hill in northwest Atascadero. We had some concerns about multiple empty storefronts on El Camino Real and also about large quantities of vacant commercial space in the shopping center at the Del Rio intersection but hoped that over time these properties will find successful tenants.

We were extremely saddened to learn that our city is seriously entertaining plans for construction of a huge, unnecessary Walmart. This event would only worsen the problem discussed in the prior paragraph and likely cause other currently viable businesses to fail as well. Please protect our city by allowing consumers and potential employees to enjoy the Walmart a few miles away in Paso Robles if they so choose.

Del Rio is our home exit and we fear the impact on traffic, night sky and particularly on all that vacant commercial space and current merchants. Yet another Walmart does not seem to be progress! Sincerely, Patricia L. Crowns, 9096 La Canada Road, Atascadero, CA 93422

From: “Warren Frace” <wfrace@atascadero.org>
To: “Grant Gruber” <GGruber@brandman.com>
Date: 3/1/2011 9:18 AM
Subject: FW: Walmart DEIR letter

CC: <jbrandman@brandman.com>
**Patricia Crowns (CROWNS)**

**Response to CROWNS-1**

The author noted that she has concerns about the “empty storefronts on El Camino Real” and “large quantities” of vacant commercial space in the shopping center at the Del Rio Road intersection.

Refer to Response to CROWNS-2.

**Response to CROWNS-2**

The author expressed dissatisfaction with the proposed Walmart, which she characterized as “unnecessary.” The author asserted that it would worsen commercial vacancy rates and likely cause other businesses to fail. The author stated that the City should allow customers and potential employees to “enjoy” the Paso Robles Walmart.

The DEIR’s urban decay analysis (prepared by Bay Area Economics [BAE]) evaluated existing retail market conditions within the Primary Market Area and assessed the potential for impacts to competing retailers; refer to Section 3.12, Urban Decay of the DEIR. The vacancies on El Camino Real in the downtown area are discussed on pages 3.12-10 through 3.12-14. As noted there, a development proposal has been submitted for the most noteworthy vacancy, the 1.7-acre Hoff property. The Colony Square project should attract additional traffic to the downtown area that will improve the prospects for reuse of empty storefronts on El Camino Real.

With respect to other vacant commercial space near the project site, it should be noted that Grocery Outlet re-tenanted an approximately 30,000-square-foot vacant space in the Mission Oaks shopping center in October 2011. This space was formerly tenanted by an Office Depot and had been vacant for several years. Thus, the Mission Oaks shopping center currently has a high occupancy rate.

On a broader note, many businesses actually seek locations near large anchor tenants such as Walmart stores because of the customer traffic they generate. Furthermore, if Walmart is able to capture current leakages of sales to other communities, it is more likely shoppers will remain in town for other purchases.

Overall, the urban decay analysis found that the proposed project (including Walmart) would result in modest sales diversions from existing competitors within the Primary Market Area. This is due in large part to the proposed project’s ability to recapture a significant percent of local retail sales leaking to other markets (e.g., Paso Robles and San Luis Obispo). Although sales diversions would occur in the near term, such diversions are not anticipated to be significant enough to cause store closure; refer to pages 3.12-47 through 3.12-61.

In summary, the DEIR’s urban decay analysis accounted for existing commercial vacancies and the potential economic effects of Walmart on competing businesses and concluded that urban decay was not a foreseeable result.
Response to CROWNS-3

The author expressed general concern about traffic, light glare impacts on the night sky, and economic impacts (including commercial vacancies and impacts to competing businesses).

The DEIR evaluated traffic impacts and light and glare impacts in Section 3.11, Transportation and Section 3.1, Aesthetics, Light, and Glare, respectively. The author did not provide specific comments on those analyses.

Refer to Response to CROWNS-2 for discussion of economic impacts.
From: John Euphrat [mailto:aje@surfnetusa.com]
Sent: Wednesday, March 16, 2011 10:21 AM
To: Warren Frace
Subject: Del Rio Road EIR Comments

Thank you for the opportunity to provide comments on the draft EIR. Chapter 3.1-3 covers Aesthetics, Light and Glare provides good background information.

However, it does not provide detail on visual impacts from the residential areas lying west of the project that are ignorantly higher in elevation. We believe the night sky and rural character will be affected from the parking lot lighting and are curious as how it will be shielded to the maximum extent feasible. There is no detail of the light standard provided to review. The new Lowes hardware store in west Paso Robles has a mission bell shaped style that appears architecturally interesting and would also appear to minimize offsite impacts from the lighting. We would also suggest that the parking lights be significantly reduced or just turned off when the business is not open at night.

Chapter 3.10.0 deals with Public Services and Utilities, but does not have much discussion on energy conservation and efficiency. It would be a missed opportunity for the City to not strongly encourage the applicant to consider state of the art roof top solar applications and similar measures to reduce impacts on valuable energy resources.

Thanks for your consideration!

Andrea and John Euphrat

PS Warren, we tried several times to submit these comments electronically on your website, but it was unclear whether we were successful.
Andrea and John Euphrat (EUPHRAT.1)

Response to EUPHRAT.1-1

The authors stated that Section 3.1, Aesthetics, Light, and Glare does not provide detail on visual impacts from the residential areas located west of the project that are “ignorantly” higher in elevation. The authors expressed concern about impacts to the night sky and rural character from parking lot lighting and inquired about how it would be shielded to the maximum extent feasible. The authors indicated that there is “no detail” regarding the light standard provided to review. The authors noted that the Lowe’s store in Paso Robles employs mission bell-shaped light fixtures that minimize offsite light impacts. The authors recommended that parking lot lights be significantly reduced or shut off when the business is not open.

Light and glare impacts are addressed in Master Response 5.

Response to EUPHRAT.1-2

The authors referenced the energy analysis in Section 3.10, Public Services and Utilities and asserted that it does not have much discussion on energy conservation and efficiency. The authors stated that it would be a “missed opportunity” for the City not to encourage the applicant to use a rooftop solar system or similar measures.

The DEIR on page 2-26 and pages 2-29 through 2-31 lists a number of sustainability features that the Walmart store would implement. Examples include energy efficient Heating, Ventilation, and Air Conditioning (HVAC) units, occupancy sensors, light emitting diode (LED) lighting, a daylight harvesting system, and a white roof. Furthermore, energy conservation was evaluated in Impact PSU-7 (DEIR pages 3.10-27 and 3.10-30) and Section 6.4, Energy Conservation (DEIR pages 6-3 to 6-11) in accordance with CEQA Guidelines Appendix F. The CEQA Guidelines threshold for determining whether a significant energy would occur is if a project would result in the “inefficient, unnecessary, or wasteful consumption of energy.” The DEIR quantified estimated energy demand and referenced relevant design features and California Building Code Standards that would promote energy conservation. In addition, both Pacific Gas and Electricity and Southern California Gas Company provided written confirmation indicating that adequate electricity and natural gas supplies and transmission capacity was available to serve the proposed project. Based on these reasons, the DEIR concluded that impacts would be less than significant and no mitigation was necessary.

Refer to Master Response 6 for discussion of solar energy.

Response to EUPHRAT.1-3

The authors provided closing remarks to conclude the letter. No response is necessary.

Response to EUPHRAT.1-4

In a postscript note, the authors stated that they tried several times to submit the comments electronically on the site, but indicated that it was unclear if they were successful.

The City confirmed receiving the author’s comments.
March 22, 2011

City of Atascadero
Community Development Department
6907 El Camino Real
Atascadero, CA 93422

Attention: Warren Frace, Community Development Director

Regarding: Walmart / Annex Draft EIR

Dear Mr. Frace,

This is our second letter to the City regarding the proposed projects. We are writing this letter to provide comments regarding the Draft Environmental Impact Report for the above referenced project. We own the property located at 2400 El Camino Real, APN 049-141-024, immediately adjacent to and south of the Mission Oaks shopping center.

After reviewing the project Draft EIR we have the following concerns and comments with regard to the impacts these projects will have on our property. Most of these concerns were detailed in our previous letter and I do not find suitable responses in the Draft EIR document.

Driveway access – The project proposes a traffic signal to be installed at the intersection of the proposed Walmart entrance, the service entrance of the Mission Oaks Plaza and El Camino Real. In the future we would like to develop our lot for commercial use, as it is zoned, and we would like this specific plan to consider and protect our legal right to maintain an independent access to El Camino Real. We have no intention now or in the future of giving up the existing and only legal access to the public street. We are aware that it may be the city’s desire for our parcel to combine access with the parcel adjacent to the south, but we feel removing our access to El Camino Real would have a significant negative impact on the value of our property and unfairly restrict the future use of the parcel. We cannot allow this to happen, especially without sufficient compensation.

Transition to Existing Improvements – Due to the location and narrow width of our parcel, the proposed intersection will affect our frontage. We feel it is appropriate that proposed intersection design include the design and installation of our permanent frontage improvements including a permanent driveway in order to ensure that our parcel is not adversely affected by ill designed pavement transitions or that we are not required at a later date to make improvements to our frontage that may not have been required if it were not for these projects.
Potential Encroachments – Due to the small size of our parcel, approximately 6000 sq. ft., we are concerned about potential encroachments to our parcel as a result of the proposed improvements. We understand our future obligation to provide the ½ right of way width on our parcel frontage, however we do not intend to offer more than that without sufficient compensation. Proposed traffic control boxes, signal poles, utility vaults or other improvements should be designed to fit within the existing right of way or be placed on the applicant’s property. These improvements should not restrict movements from our driveway due to size or location and should not create any sight distance issues for the present or future use of our driveway.

Medians and Turn Movements – Currently our parcel has unrestricted left and right turn movements onto El Camino Real. We understand that medians may be required in El Camino Real to restrict turning movements and that will affect our driveway. The proposed medians may threaten the viability of our commercial parcel if north bound El Camino Real traffic cannot turn into our parcel. We may be agreeable to “right in” and “right out” only movements from our driveway but request that u-turn movements at the proposed signal are not restricted.

Walmart Driveway Location – As shown on the current Walmart plans, the project driveway on El Camino Real is made possible via a proposed public street. This street has been aligned with the existing service driveway of the Mission Oaks shopping center. The existing driveway is narrow, steep and riddled with objects that may cause sight distance issues. This existing driveway is rarely used by the patrons of the shopping center because it is noticeably difficult to navigate. It may be possible that introducing more traffic to this driveway may create a traffic hazard and may ultimately have a negative effect on the business of the shopping center tenants. A more desirable location for the Walmart driveway alignment would be aligned with the existing main entrance of the Mission Oaks shopping center. This entrance is significantly wider, has better sight distance and it much closer to the elevation of El Camino Real, making it much safer. The existing main driveway also has better pedestrian access. If the Walmart driveway was moved back to the originally proposed alignment (with the Mission Oaks main entrance) many of my concerns listed above would also be resolved.

Thank you taking the time to review these issues regarding our property. We anticipate that our concerns and comments will be addressed in the Final EIR.

Sincerely,

Arthur R. Everett
Bettie S. Everett
4305 Traffic Way
Atascadero, Ca 93422
Arthur and Bettie Everett (EVERETT)

Response to EVERETT-1
The authors indicated that they own an undeveloped commercial property south of the Mission Oaks shopping center and have concerns about the proposed project. The authors concerns will be addressed in Responses to EVERETT-2 through EVERETT-7.

Response to EVERETT-2
The authors referenced the proposed signalized intersection on El Camino Real that would serve the Walmart component and noted that it would be aligned with the Mission Oaks shopping center service driveway. The authors stated that they would like the Specific Plan to protect their legal right to access El Camino Real with an independent access point and not be forced to share access with the Mission Oaks service driveway. The authors stated that they will not allow this to happen without sufficient compensation.

The Del Rio Road Commercial Area Specific Plan does not encompass the authors’ parcel and, therefore, is silent regarding vehicular access to El Camino Real from their property. As such, it would be inappropriate for the Specific Plan to make any statements regarding vehicular access to or from parcels not governed by its provisions.

Note that the authors’ parcel, which currently supports residential uses, has an existing driveway access to El Camino Real. This existing access point would not be altered by the installation of the new intersection on El Camino Real.

At the time of this writing, the authors do not have an application on file with the City of Atascadero to redevelop their property to a different use. As such, it would be speculative to comment on alterations to vehicular access points.

Response to EVERETT-3
The authors asserted that because of the location and narrow width of their parcel, the proposed intersection would affect their property frontage. The authors asserted that the project applicant should install permanent frontage improvements along their property frontage, including a permanent driveway, with El Camino Real. The author stated that this is justified because of the potential adverse impacts to their property from ill designed pavement transitions and also to avoid making them install frontage improvements they otherwise would not have installed if not for these projects.

As shown in DEIR Exhibits 2-5b and 2-8, frontage improvements would be installed along all properties within the Specific Plan boundaries. The project applicant would provide the full cost of improvements associated with the new signalized intersection on El Camino Real (e.g., signal, median, turn lanes, signage); however, this would not involve frontage improvements (e.g., curb, gutter, and sidewalk) to properties on the west side of El Camino Real that are outside the Specific Plan boundaries, including the author's parcel, as no nexus exists between the proposed project and...
the need for these improvements. (Note that the Mission Oaks shopping center already has frontage improvements along El Camino Real.)

Furthermore, El Camino Real currently transitions from two to one lane in the southbound direction immediately adjacent to the authors’ parcel. As shown in Exhibit 2-5b, this transition would be maintained as part of the project.

Finally, the City of Atascadero also does not require property owners to install frontage improvements simply because other projects in the area have done so. Reinforcing this point, the authors were not required to install frontage improvements as a result of the Mission Oaks shopping center development; therefore, there would be no reason for them to be required to install frontage improvements because of the Del Rio Road Commercial Area Specific Plan.

Response to EVERETT-4
The authors expressed concern about potential encroachments such as traffic control boxes, signal poles, utility vaults, or other improvements onto their parcel. The authors indicated that such encroachments should be designed to fit within the existing right-of-way and not restrict movements into their driveway.

Detailed design of the El Camino Real intersection has not yet occurred; therefore, the precise location of signal equipment is not available. Nonetheless, as is standard practice in the City of Atascadero, signal equipment is located in the public right-of-way and not on private property. To the extent possible, the City desires to locate signal equipment within the existing right-of-way and avoid the need for acquisition of additional right-of-way from adjoining properties. Additionally, signal equipment would be located in appropriate and safe locations in order to minimize risks to the public and avoid depriving adjacent property owners of the full use of their properties.

Response to EVERETT-5
The authors noted that their parcel currently has unrestricted left- and right-turn movements onto El Camino Real and stated that they understand that center medians may be required on the roadway to prevent turning movements into their driveway. The authors asserted that center medians threaten the commercial viability of their property if northbound El Camino Real traffic cannot turn into their parcel and that they may be agreeable to right-in, right-out driveway access, provided that U-turns are allowed at the signalized El Camino Real intersections.

As shown on Exhibit 2-5b, a center median is proposed to be installed along the segment of El Camino Real that adjoins the authors’ property. However, the City and applicant are agreeable to eliminating this median and replacing it with a striped refuge lane that would adequately preserve left-turn access into and out of the authors’ property.
Response to EVERETT-6

The authors referenced the public street that would provide access to the Walmart site and noted that it is aligned with the Mission Oaks service driveway, which they characterized as “narrow, steep, and riddled with objects that may cause sight distance issues.” The authors indicated that the service driveway is rarely used and introducing more traffic to this location may create a traffic hazard. The authors suggested relocating the Walmart access point so that it would be aligned with the Mission Oaks main driveway, as this location is wider, has better site distance, and closer in elevation to El Camino Real.

Driveway locations are addressed in Master Response 4.

Response to EVERETT-7

The authors provided closing remarks to conclude the letter.
Since the voters approved Wal Mart by a large margin, it seems strange that there still appear to be problems with allowing the project to go ahead. Is there something that we are not being told?
Duane Hamann (HAMANN)

Response to HAMANN-1

The author stated that it appears that there are problems with allowing the proposed project to proceed and inquired if there was something the public was not being told.

Several authors inquired about the status of the environmental review process and asked if any problems had occurred that were delaying it.

The project applicant formally filed an application for the Del Rio Road Commercial Area Specific Plan with the City of Atascadero in December 2009 and amended the application in April 2010. The City and consultant team commenced work on the EIR on May 2010 with the release of the Notice of Preparation. The DEIR was released for public review on February 2, 2011 and circulated for review until March 18, 2011. Following closure of the public review period, the City of Atascadero determined that portions of the DEIR needed to be recirculated. The PRDEIR was released on March 15, 2012 and circulated for public review until April 30, 2012. The Final EIR was released in May 2012; the public hearing process is scheduled to begin in June 2012. For a project with the characteristics of the Del Rio Road Commercial Area Specific Plan, a 2- to 3-year approval process is not uncommon or unusual.
From: Gary Kirkland [mailto:garykirkland@sbcglobal.net]
Sent: Wednesday, March 16, 2011 5:07 PM
To: Warren Forre
Subject: Wal-Mart

March 1, 2011

Wal-Mart Environmental Impact Report

The newsmedia informs the citizens of Atas that the Environmental Impact Report is complete and ready for public viewing. As a strong defender of private property rights I believe Wal-Mart, and the rest of us, should do as we please on our own property. Those who oppose Wal-Mart should buy the property and do as they please with the land, move away, or better, defend private property rights as I do.

Gary L. Kirkland
garykirkland@sbcglobal.net
Gary Kirkland (KIRKLAND)

Response to KIRKLAND-1

The author noted that the DEIR is available for public review. The author stated that those who oppose Walmart should purchase the property from the applicant, move away, or defend private property rights. No response is necessary.
To: Warren Frace, Director  
City of Atascadero  
Community Development Department

Regarding the EIR report:  March 17, 2011

It seems that all of the concerns regarding traffic are related to whether it can be mitigated to meet adequate traffic flow rather than how it will affect the local neighborhood. On page 3.11-23, the General Plan is referenced regarding transportation circulation:

Goal CIR-1: Provide a balanced, safe, and efficient circulation system that serves all segments of the community, and is designed and constructed to preserve rural character.

Policy 1.2: Provide regional facilities to minimize through-traffic intrusion on local streets and to avoid barriers to local traffic.

The numbers crunch so as to meet acceptable LOS, with mitigation, but they do not indicate the general impact it will have on the local neighborhoods and what changes the locals will need to make to mitigate their own daily routines.

The mitigations in the report are based heavily on roundabouts. Their acceptance and ease of use may become routine to those who use them frequently. But to the infrequent shopper, they may present a formidable obstacle. I understand that one exists in Morro Bay. How has it worked and what is the traffic volume through it? How does a series of roundabouts (3 coming from the southbound 101 offramp to the project) handle the traffic? Particularly if any one roundabout has a malfunction (i.e., an accident).

I will ask my questions and state my concerns regarding the Transportation Section, chronologically, as the report reads:

Page 3.11-2 The description of Del Rio does not describe that it services 2 schools; and the consideration that the Junior High School may be moved to this same area.

Page 3.11-3 No mention of San Benito Elementary School is made.

Page 3.11-6 Existing Operations: LOS rankings and traffic volume numbers are fine for the civil engineer, but can you give us some examples of existing intersections with LOS C, D and F? No discussion is given to the tricky curve in southbound 101 at San Ramon Road and the difficulty (and dangers) that increased traffic maneuvering into the number 2 lane to exit the freeway at Del Rio will present (although this is alluded to in the unacceptable LOS D noted at this offramp,
p.3.11-20, and the recognition that the heaviest origin of trip generation is expected from 101 north of Del Rio, p.3.11 33). Closure of the onramp from San Ramon to 101 south would help to mitigate this problem, as would a third lane dedicated to the offramp to Del Rio. Similarly, no discussion is given to the dangerous curve in Del Rio, immediately east of Obispo Road, and the effect of increased traffic, particularly semi-trucks entering the back of the project, across from Obispo Road.

Page 3.11-20 The project tenants are unknown at this stage, so traffic volume may vary considerably from the current estimates.

Page 3.11-33 Summary of Trip Generation indicates a significant increase in traffic coming from Del Rio east, toward the project. But no discussion is made of the control of and safety of the Del Rio/Obispo Road/ WalMart truck entry intersection. This is particularly pertinent in view of the curve in Del Rio leading into this intersection, from the east. This certainly approaches a Threshold of Significance as described on page 3.11-36, d.): Substantially increase hazards due to a design feature( e.g., sharp curves or dangerous intersections) ...

Page 3.11-49 Speeds on westbound Del Rio at Obispo Road are estimated, for calculation, at 29mph. Many cars exceed that speed along that segment of Del Rio.

Page 3.11 51&52 The summary on these pages could be more clearly appreciated if a simple chart could be produced indicating where the majority of trips are expected to come from and how much of an increase (%) this would be over present volume.

Page 3.11-53 These various exhibits of traffic volumes are confusing. Are the Walmart Only volumes and the Near-Term volumes additive to Existing volumes? The project volumes (Walmart Only and Near-Term) indicate less traffic volumes on Obispo Road and Del Rio Road than Existing; can this be true?

Page 3.11-63 Referring to the roundabouts at Del Rio and 101, it is indicated that a bypass lane may be required which “could potentially utilize the existing overpass structure”. Can this be adequately performed without widening the freeway overpass? Can the overpass really handle the increased traffic without being widened?

Page 3.11-67 Mention is made of “future improvements that are intended to be based on the roundabout concepts” at San Anselmo and 101. Who will fund this?

Page 3.11-68 “acknowledge that US 101 operates at LOS C and D in the Atascadero area, and that freeway operation is anticipated to deteriorate to LOS E over time.” A remedy to this situation is not delineated. This will be particularly apparent at the 101 South/Del Rio intersection, in view of the data presented.

Page 3.11-69&70 The study concludes that “mitigation would not fully mitigate the project’s impact to US 101 and, in other cases, the feasibility of the necessary improvements are uncertain ... As such, the City of Atascadero cannot assure that all...
necessary improvements would be in place; therefore, in accordance with the legal principles that underpin CEQA, the residual significance of this impact is significant and unavoidable.”

Page 3.11-87 A driveway for trucks at the Del Rio/Obispo Road intersection, combined with the curve in Del Rio just east of this intersection, combined with increased traffic on Del Rio, simply ignores the “balanced, safe, and efficient circulation system” concept encouraged by the General Plan. Additionally, why are the main entry driveways to the project not off of El Camino Real directly? Why not place the main volume entry on the largest road rather than impacting the smaller side roads?

Page 3.11-94&95 How do the crosswalks at the roundabouts and across Del Rio at the entrances to WalMart and the Annex work? That is to say, won’t these interruptions to traffic make a major impediment to traffic flow? An elevated pedestrian bridge may be safer and less obstructive.

Lastly, are the San Ramon/Santa Cruz on and off ramps and streets adequate to handle the extra traffic that will be shunted their way to avoid the Del Rio/El Camino Real/US 101 congestion/hassle? The same question goes for Traffic Way north of the project. Thank you for your consideration.

Respectfully,

Randolph S. Lawrence, MD
4600 Obispo Road
Atascadero, CA 93422
805 461-3867
randolphmd@charter.net
Randolph Lawrence (LAWRENCE.1)

Response to LAWRENCE.1-1

The author referenced General Plan Goal CIR-1 and Policy 1.2 and stated that while the proposed project would achieve the minimum acceptable level of service (LOS) values after mitigation, the DEIR does not provide any insight into the general impact traffic would have on local neighborhoods or how it would affect daily routines.

The DEIR provided a consistency analysis with General Plan Goal CIR-1 and Policy 1.2 on pages 3.8-42 and 3.8-43, which is reproduced below.

| Goal CIR 1 | Consistent: The proposed project would install roadway improvements or provide fair-share costs for roadway improvements to mitigate for its traffic impacts. This would contribute to maintaining a roadway network that provides the safe and efficient movement of people and goods. Refer to Section 3.11, Transportation for further discussion. |
| Policy 1.2 | Consistent: Most project-related trips would be expected to use US 101 or El Camino Real to access the project site, thereby avoiding impacts to local streets. The project would implement improvements to the US 101/Del Rio Road interchange and El Camino Real to ensure that these facilities can adequately accommodate project-related trips. |

As indicated above, the proposed project was found to be consistent with both the goal and the policy, because it would provide improvements to local roadways to mitigate its impacts and would route most trips on roadways such as US 101 and El Camino Real.

Reinforcing this later point, as shown in Table 3.11-14 of the PRDEIR, 68 percent of project trips would be using regional facilities to reach the project site (e.g., US 101 and SR-41), with the remaining 32 percent of trips allocated amongst surface streets around the project site (e.g., Del Rio Road, San Anselmo Road, San Benito Road, and Traffic Way), with no roadway receiving more than 7 percent of project-related trips.

On pages 3.11-42 through 3.11-91, the PRDEIR evaluated intersection operations along various roadways in the project vicinity. Intersections that provide access to local streets were included in the analysis and consist of Del Rio Road/Ramona Road, Del Rio Road/Obispo Road, El Camino Real/San Benito Road, and El Camino Real/San Anselmo Road (North). All of these intersections, with the exception of El Camino Real/San Anselmo Road (North), were projected to operate at acceptable LOS A or B under all scenarios. El Camino Real/San Anselmo Road (North) would
operate at an unacceptable LOS F during the Baseline (without Project) PM peak and Saturday midday peak hour, and the project would exacerbate this preexisting condition by adding additional peak-hour trips. To mitigate this impact, Mitigation Measure TRANS-1b is proposed that requires signaling the intersection prior to opening of the Walmart store. With the installation of a signal, the intersection would operate at acceptable LOS C.

Because all intersections would operate at acceptable levels, the minor approaches (i.e., local streets) at these intersections would not experience excessive delays from congested conditions. As such, it can be reasonably concluded that the local neighborhoods would not be adversely affected by project-related traffic.

Response to LAWRENCE.1-2
The author noted that the proposed traffic mitigations involve the use of roundabouts and noted that these features may present a formidable obstacle to those who are unfamiliar with them. The author inquired about the effectiveness and performance of a roundabout in Morro Bay and asked whether a series of three roundabouts work, particularly if one of them is obstructed by an accident.

The Morro Bay roundabout is located at the Morro Bay Road/Quintana Road intersection. However, it is not necessarily representative of the proposed Del Rio Road roundabouts because it involves an intersection with offset minor approaches at non-standard angles. In contrast, two of the three roundabout locations on Del Rio Road involve standard four-way, 90-degree-angle intersections, and the third intersection is a four-way, 90-degree angle that would also incorporate Ramona Road as a fifth leg. Thus, the Morro Bay roundabout’s operational characteristics do not necessarily provide any insight into the proposed Atascadero roundabouts.

Roundabouts are further addressed in Master Response 1.

Response to LAWRENCE.1-3
The author referenced the description of Del Rio Road on page 3.11-2 of the DIER and indicated that it does not mention that it serves two existing schools and possibly a third if the junior high school is relocated.

The roadways descriptions on pages 3.11-1 through 3.11-3 are intended to summarize the basic roadway characteristics, including General Plan classification, number of lanes, pavement width, and alternative transportation facilities (to the extent they exist), in order to provide the reader with a general understanding of the facility. It is not intended to be an exhaustive description or identify every user of the facility. Thus, the omission of the school locations from this summary description does not materially affect the traffic analysis contained in the DEIR.

Regardless, traffic counts were taken on the study roadways listed on pages 3.11-1 through 3.11-3 on weekdays when local schools were in session. As such, the counts reflect the usage of these roadways by school-related vehicle trips.
Response to LAWRENCE.1-4
In an apparent reference to the description of San Benito Road on page 3.11-3 of the DEIR, the author stated that there is no mention of San Benito Elementary School.

Refer to Response to LAWRENCE.1-3.

Response to LAWRENCE.1-5
The author requested examples of existing intersections operating at LOS C, D, and F. The author indicated that there is no discussion of the “tricky curve” in US 101 at San Ramon Road or the hazards associated with freeway traffic maneuvering into the slow lane to exit at Del Rio Road. The author suggested that closure of the on-ramp from San Ramon Road to southbound US 101 would help to mitigate this problem. The author stated that there is no discussion regarding the “dangerous curve” on Del Rio Road immediately east of Obispo Road or to the effects of traffic (primarily trucks) entering the back of the Walmart site.

Existing intersection operations are provided in Table 3.11-2 of the PRDEIR. El Camino Real/San Anselmo Road (South) and El Camino Real/Traffic Way are shown as operating an LOS C during all three peak hours. No intersections were reported to be operating at LOS D or LOS F.

The US 101/San Ramon Road interchange is approximately 1 mile north of the project site. A very small number of project-related trips would be expected to use this interchange to travel to or from the project site, as motorists would incur a significant time penalty by using this interchange instead of the Del Rio Road interchange. Furthermore, the proposed project does not propose to alter the existing US 101 lane configurations at this location. Thus, to the extent that US 101/San Ramon Road interchange presents challenges to certain motorists, this is an existing condition that would not be significantly affected by the proposed project; therefore, there is no basis for requiring mitigation at this location. Furthermore, in its comments on the DEIR, Caltrans reviewed the analysis of this interchange and did not indicate that the proposed project would significantly affect this interchange.

Regarding the author’s statement about the “dangerous curve” on Del Rio Road immediately east of Obispo Road, this appears to be a reference to the Del Rio Road/Rio Rita Road intersection, where sight distance may be an issue for vehicles making left turns from Rio Rita Road onto westbound Del Rio Road. City of Atascadero Engineering Standard Drawings Nos. 412, 413, and 414 specify the safe stopping sight distance and line of sight for roadways with vertical and horizontal curvature. The standards consider vehicle speed, roadway layout, and line-of-sight impairments to establish a minimum safe stopping sight distance. The design speed for the subject portion of Del Rio Road is 35 miles per hour (mph), which, according to the standards, would require a safe stopping distance of at least 250 feet. This distance would allow an unobstructed line of site from an object 3 feet high at the centerline of the Walmart truck driveway to an object 3 feet high, 250 feet away on the centerline of Del Rio Road, and vice versa. Consistent with City standards, the project will maintain the safe stopping sight distance of 250 feet or more by performing minimal grading on the Walmart site east
of the Walmart truck entrance driveway and behind the proposed sidewalk on Del Rio Road. This minimum site line will allow drivers heading westbound on Del Rio Road to clearly see and safely react to any trucks exiting the delivery entrance. It also provides sufficient distance for a delivery truck exiting the site to recognize and safely react to any cars traveling westbound on Del Rio Road.

Finally, truck traffic impacts—including ingress and egress from the Walmart loading docks—were discussed in Impact TRANS-4 of the PRDEIR. As noted on those pages, tractor-trailers would access the Walmart loading docks via a dedicated truck access point on Del Rio Road that is aligned with Obispo Road. This dedicated point would segregate truck traffic from passenger vehicles and pedestrians in the Walmart parking area, which is considered beneficial from a safety perspective. Furthermore, this location would allow trucks to more easily turn in and out of the loading dock driveway, as this segment of Del Rio Road would experience less traffic volume than the segment near the main customer entrance.

Response to LAWRENCE.1-6
The author referenced the discussion of trip generation on page 3.11-28 of the DEIR and noted that because project tenants are unknown at this time, traffic volume may vary considerably from the current estimates.

Walmart is disclosed as an end user of the proposed project and would be the largest single generator of project trips; refer to Tables 3.11-10 through 3.11-13 of the PRDEIR. Note that Institute of Transportation Engineers (ITE) Land Use Code 813 (Freestanding Discount Superstore) is widely accepted as representative of trip generation associated with a Walmart store and, therefore, provides a reasonable estimation of this project component’s trip generation.

For the remaining commercial uses, as the author noted, specific tenants have not been identified. This is not unusual, as tenants of smaller spaces are often not known until well after the project has secured all entitlements. As such, ITE Land Use Codes 814 (Specialty Retail) and 820 (Shopping Center) were used, which are commonly used codes in circumstances such as this. In particular, the 820 Land Use Code is considered rather conservative, as it generates similar amounts of trips or substantially more trips on a per-square-foot basis than either the 813 (Freestanding Discount Superstore) or 814 (Specialty Retail) Land Use Codes. Therefore, to the extent that actual, observed trip generation may vary from estimated trip generation, it would be expected that it would be lower rather than higher.

Response to LAWRENCE.1-7
The author indicated that the summary of trip distribution on page 3.11-33 of the DEIR does not discuss the control and safety of the Del Rio Road/Obispo Road/Walmart Loading Dock Driveway intersection. The author indicated that the characteristics of the intersection approaches Threshold of Significance d), which pertains to substantial increases in hazards due to a design feature.
Roadway safety impacts were evaluated in Impact TRANS-4 of the PRDEIR. Site access was evaluated as part of this analysis, including the Del Rio Road truck access point. The analysis concluded that the characteristics of the access points were consistent with standard design requirements and include no apparent safety deficiencies.

Refer to Response to LAWRENCE.1-5 for discussion of the safety of the Del Rio Road/Obispo Road intersection.

Response to LAWRENCE.1-8
The author referenced page 3.11-49 in the DEIR and noted that speeds on westbound Del Rio Road at Obispo Road are estimated at 29 mph. The author indicated that many cars exceed that speed along this segment of Del Rio Road.

To clarify, Table 3.11-14 on page 3.11-49 in the DEIR illustrates Baseline Plus Walmart Roadway Segment Operations and indicates that the average speed on westbound Del Rio Road between El Camino Real and Obispo Road would be 29 mph during the AM, PM, and Saturday peak hours. As is the case on any roadway, some vehicles will exceed this speed and some will travel at a lower speed. This average speed value corresponds to acceptable LOS B; therefore, impacts on this segment would be less than significant.

Finally, it should be emphasized that Table 3.11-14 of the DEIR is intended to evaluate whether roadway segments would operate at acceptable levels; it is not intended to determine whether vehicles would violate the posted speed limit.

Note that the Baseline Plus Walmart Roadway Segment Operations speed values did not change in the PRDEIR; see Table 3.11-27.

Response to LAWRENCE.1-9
The author referenced pages 3.11-51 and 3.11-52 of the DEIR and stated that the summary of these pages could be more clearly understood if a simple chart could be produced indicating where the majority of trips expected to come from and how much of a percentage increase this would be over existing volume.

The discussion on pages 3.11-51 and 3.11-52 of the DEIR summarizes the key conclusions from the preceding pages (3.11-39 through 3.11-51). The information (in the form of tables and exhibits) compare “without project” traffic volumes with “with project” traffic volumes to determine if the project would (1) cause a facility at acceptable levels to operate an unacceptable levels or (2) in cases where the facility would already operate an unacceptable levels, significantly worsen this condition.

A percentage comparison of traffic volumes on freeways was provided in Table 3.11-15 of the DEIR in the form of volume-to-capacity (v/c) ratio. However, for other traffic-related analyses, a percentage comparison of differences between “without project” traffic volumes to “with project”
traffic volumes would not provide an appropriate or meaningful method of assessing impacts, as intersection operations are measured by delay (seconds), roadway operations by speed (mph), and queuing by length (feet). Thus, these analytical areas were compared using the appropriate values and not percentages.

Regarding the author’s question about where trips are coming from, project trip distribution and assignment were previously shown in Table 3.11-11 on pages 3.11-33 and 3.11-34 of the DEIR. This table lists the origin and destination of project-related trips by roadway.

**Response to LAWRENCE.1-10**
The author referenced Exhibits 3.11-4a and 3.11-4b (Walmart Only) Project Traffic Volumes and Exhibits 3.11-5a and 3.11-5b (Near-Term Project Traffic Volumes) of the DEIR and stated that they were confusing because they indicate that there is less traffic volume at the Del Rio Road/Obispo Road than the existing volumes shown in Exhibits 3.11-2a and 3.11-2b.

Traffic volume exhibits are addressed in Master Response 7.

**Response to LAWRENCE.1-11**
The author referenced the discussion of the proposed Del Rio Road/US 101 Northbound Ramp roundabout on page 3.11-63 of the DEIR and noted that a bypass lane that could potentially use the existing overpass structure may be required at this location. The author inquired if this could be adequately installed without widening the freeway overpass.

The bypass lane would serve traffic travelling from the El Camino Real/Del Rio Road intersection, then turning right onto the freeway to travel northbound; refer to Exhibit 3.11-6. This lane does not impact the existing overpass structure. The concept is intended to provide the required capacity with the existing two lanes on the existing overpass structure.

**Response to LAWRENCE.1-12**
The author referenced a statement on page 3.11-67 of the DEIR concerning future improvements at the US 101/San Anselmo Road interchange and inquired who would fund these improvements.

As noted on pages 3.11-24 through 3.11-30 of the PRDEIR, the City of Atascadero has identified planned improvements at this interchange and is collecting fees from projects in order to construct them. The City assesses development fees (including traffic-related fees) to commercial and residential applicants who apply for building permits. As required by Mitigation Measure TRANS-1a, the applicant will pay all applicable fees in accordance with the adopted development fee schedule at the time building permits are sought, which may be applied to improvements at the US 101/San Anselmo Road interchange.
Response to LAWRENCE.1-13  
The author referenced a statement on page 3.11-68 of the DEIR regarding the unacceptable operation of US 101 in Atascadero and noted that a remedy to this situation is not delineated. The author noted that this situation will be particularly apparent at the Del Rio/US 101 Southbound Ramps.

US 101 operations are addressed Master Response 8.

Response to LAWRENCE.1-14  
The author recited text from pages 3.11-69 and 3.11-70 of the DEIR about the residual significance of US 101 operations.

US 101 operations are addressed Master Response 8.

Response to LAWRENCE.1-15  
The author asserted that the Walmart delivery entrance, combined with the Del Rio Road curve east of this location, is in conflict with the provisions with General Plan Goal CIR 1 that pertain to “balance, safe, and efficient circulation system.” The author rhetorically inquired why the main Walmart driveways do not take direct access from El Camino Real and suggested that the project plans be redesigned to do so.

As discussed in Response to LAWRENCE.1-5, the Walmart delivery entrance was assessed for both safety and operational adequacy by W-Trans and found to be acceptable. Moreover, Walmart-related trucks would not pass through this intersection. For these reasons, the proposed Walmart delivery access point would be consistent with the Goal CIR 1 objectives of promoting a balanced, safe, and efficient circulation system. Refer to Responses to LAWRENCE.1-1 and LAWRENCE.1-5 for further discussion.

Regarding the author’s query and suggestions about the locations of the main entry driveways, refer to Master Response 4.

Response to LAWRENCE.1-16  
The author stated that the crosswalks at the El Camino Road/Del Rio Road intersection between the Walmart and Annex sites on Del Rio Road would interrupt traffic flow and suggested that an elevated pedestrian bridge would be safer and less obstructive.

The intersection of El Camino Real/Del Rio Road has existing crosswalks, which would be incorporated into the roundabout design. Refer to Master Response 1 for discussion of pedestrian impacts in this regard.

The proposed high-visibility crossing on Del Rio Road between the Walmart and Annex was initially proposed in the DEIR but subsequently eliminated and not required in the PRDEIR because of safety concerns.
As for the author’s suggestion that an elevated pedestrian bridge link the Walmart and Annex sites, such facilities are typically reserved for Class I bicycle/pedestrian facilities or pedestrian crossings of major arterial roadways (6 to 10 lanes) or freeways, as safety, traffic volumes, and user characteristics make it more efficient and effective to segregate these modes of transportation from each other. In this case, Del Rio Road would be only two lanes wide, making it impractical to use a grade-separated pedestrian crossing.

Response to LAWRENCE.1-17
The author inquired if the San Ramon Road/Santa Cruz Road on and off-ramps and streets are adequate to accommodate the extra traffic associated with the proposed project that will be “shunted their way” to avoid the congestion at El Camino Real/Del Rio Road and the US 101/Del Rio Road interchange. The author indicated that the same question applies to Traffic Way to the north.

As discussed in Impacts TRANS-1 through TRANS-3, after the installation of the three roundabouts on Del Rio Road, the affected intersections and roadway segments would operate at acceptable LOS under all scenarios. Therefore, motorists would not be expected to travel north to the US 101/San Ramon Road interchange to access the freeway, as there would be a significant time penalty for following this routing. The same conclusion also applies to using Traffic Way in lieu of Del Rio Road or El Camino Real.
Please no Walmart. There are so many reasons for Atascadero to avoid Walmart. A big reason is that we already have K-Mart, which sells the same kind of items. The K-M art area, close to the center of town, would become blight. I am in favor of development, but please give us something nice. Marcia Linscott
Marcia Linscott (LINSCOTT)

Response to LINSCOTT-1

The author expressed opposition to the proposed project, citing the presence of K-Mart, which sells similar items. The author stated that the K-Mart shopping center would become blighted as a result of Walmart opening in Atascadero.

The urban decay analysis in Section 3.12, Urban Decay assessed the potential for competing stores to close, including K-Mart. The analysis found that although the Atascadero K-Mart would be expected to lose sales in the near term, the losses would be unlikely to cause store closure. This conclusion is largely based on the Atascadero location performing above national averages for K-Mart stores, making it better positioned to absorb sales losses than a store performing at average or below average levels. Because K-Mart is expected to remain operational, it would be speculative to assume that the property would deteriorate and manifest signs of blight or urban decay. Refer to Section 3.12, Urban Decay for further discussion.
DATE
February 20, 2011 7:56 am

NAME
Karen Low

ADDRESS

PHONE
805-466-4105

EMAIL
pgbeachcomber@yahoo.com

COMMENTS
It would be nice for the Wal Mart people to replace the native oaks that they are removing with like native trees that would also be drought tolerant. It looks like the parking lot is barren of trees in the medians so maybe they could plant them around the the perimeter. That would help to soften the look of the hard parking lot. I'm happy to see that thirty native trees are saved at this time due to the fact they are holding off on building the residential multi family units right now. They are smart because in this soft market there are many low income rentals available all over Atascadero and having more right now only adds to the misery. I think 16 multi family units per acre is way too dense for Atascadero and this should be addressed by the powers that be not just for this project but for all future projects. Besides that, I think this project will be fantastic for Atascadero!
Karen Low (LOW)

Response to LOW-1

The author indicated a preference for Walmart to replace removed native oaks with similar trees that are drought-tolerant, particularly around the perimeter of the parking area. The author also indicated concurrence with developing the multi-family residential use in a later phase, but stated that the density of 16 dwelling units per acre was too dense for Atascadero.

Tree removal impacts were addressed on pages 3.3-35 through 3.3-42 of the DEIR. As discussed on those pages, the Atascadero Native Tree Ordinance governs tree removal, and the applicant is required to mitigate for removal of native tree species through onsite replacement, payment of fees for offsite replanting, or some combination thereof. The project applicant intends to pursue onsite replacement as a first option; therefore, native tree species would be replanted onsite as part of the project.

As shown in Exhibit 2-10a, holly oak, Afghan pine, Idaho locust, hybrid crape myrtle, and London plane tree species are proposed to be planted along the Walmart site frontages with El Camino Real and Del Rio Road. All of these tree species are drought-tolerant.

Regarding the author’s comments about the multi-family residential component, as noted on pages 2-33 and 2-34, this use would be developed in a later phase under a separate discretionary approval process. Although the DEIR evaluates the maximum allowed density (16 dwelling units per acre) for the purposes of providing a “worst-case” analysis, actual density may be lower⁴. However, because no application has been filed to pursue development of the multi-family residential use at the time of this writing, further comment on density would be premature.

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⁴ In 2011, the City of Atascadero altered the previous RMF-16 zoning district to become RMF-20, with a minimum density requirement of 20 dwelling units per acre. Because the Specific Plan application predated this change, it reflects the previous density limit of 16 dwelling units per acre set forth by the previous RMF-16 zoning district. Thus, residential density on the Walmart multi-family parcel would be lower than what would otherwise be required in the RMF-20 zoning district.
To: City of Atascadero  
From: Madalyn McDaniel  
Re: WalMart EIR

It appears WalMart has gone above and beyond the call of duty. They have paid a hefty price to provide us with an EIR which covers everything from birds and bats to badgers and bones.

One section says: “The proposed project would not impair or interfere with an emergency response or evacuation plan.” It should be noted that the opposite will more likely be the case as WalMart historically makes large donations in the event of local disasters and WalMart often arrives on the scene of a disaster to help the victims before governmental agencies do.

I am very much against the Roundabout suggested for Del Rio. The jury is still out on using that system in the United States. Atascadero shouldn’t volunteer to be the laboratory on an expensive experiment.

WalMart has been delayed for too long. It’s time to stop the financial bleeding. The sooner construction starts, the sooner our citizens will be put to work. I look forward to no longer driving distances out of town for ordinary purchases.
Madalyn McDaniel (MCDANIEL)

Response to MCDANIEL-1
The author provided introductory remarks about the scope of the EIR. No response is necessary.

Response to MCDANIEL-2
The author cited the impact statement text of Impact HAZ-3 on page 3.6-31, which concerns emergency response and evacuation, and stated that Walmart has historically made large donations during local disasters and often arrives on the scene before government agencies do.

To clarify, Impact HAZ-3 addresses the CEQA Guidelines Appendix G threshold that concerns whether a project would “impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.” Thus, the impact analysis was appropriately limited to how the project would affect these issues.

Response to MCDANIEL-3
The author expressed opposition to the proposed roundabouts on Del Rio Road, citing the unproven effectiveness of these traffic control devices.

The Del Rio Road roundabouts are addressed in Master Response 1.

Response to MCDANIEL-4
The author expressed support for the project and a desire to move it forward. No response is necessary.
Warren

Will Walmart be selling fuel? My understanding is, Walmart buys their fuel from Murphy Oil which is produced in the U.S. and imports none of their gas or oil, we should be buying our fuel products from Murphy Oil or Walmart. Especially diesel fuel.

I haven’t had a chance to look at the plan at the city so this is my opportunity to put the question to you. If they are not planning fuel, maybe the city should require them to put in a fueling station.

Thanks
Warren Miller
Warren Miller (MILLER.1)

Response to MILLER.1-1

The author inquired if Walmart would be selling fuel as part of the proposed project. The author noted that if the project does not include a fueling station, perhaps the City should require the applicant to do so.

Neither the Walmart component nor the Annex component is proposing a fueling station. Walmart Stores, Inc.’s current policy is not to develop fueling stations (Walmart-branded or third-party) in conjunction with a new store site.

The City of Atascadero can only require changes to project as conditions of approval or as mitigation measures if a nexus exists between the project and significant impacts on the environment or public health, safety, or welfare. In this case, the absence of a fueling station would not constitute a significant impact; therefore, the City would have no basis to impose such a requirement.
CITY OF ATASCADERO

Wal Mart / Annex Draft EIR Comment Card

DATE
March 16, 2011 4:51 pm

NAME
warren miller

ADDRESS
5805 cascabel rd. Atas

PHONE

EMAIL
wrangler-1@sbcglobal.net

COMMENTS
I would really like to see fueling station added by walmart. my understanding is that they only use Murphy Oil which is 100% produced in the U.S.
Warren Miller (MILLER.2)

Response to MILLER.2-1

The author indicated a preference for the proposed project to include a fueling station.

Refer to Response to MILLER.1-1.
February 16, 2011

Warren Frace, Director
Community Development Department
6907 El Camino Real
Atascadero, Calif. 93422

Subject, Walmart Development EIR

Dear Mr. Frace,

In January 2010 we moved into the house at 4950 Del Rio Road, Atascadero. At that time we knew very little about the proposed Walmart development. I reviewed available plans and discovered a planned landscaped median which extended easterly from Obispo Road to the eastern boundary of the project. I determined that the median dramatically impaired the access to my property. I verbally communicated this concern to City Staff and to the Project Engineer and it appears that, on some of the newer drawings, this median has been removed. If it has been removed, I thank you.

Following are other concerns that I have regarding the Draft Environmental Impact Report.

The Report states that the Atascadero General Plan describes Del Rio Road as a local road and serves a residential neighborhood. This may be true on the Plan; however in practice it serves as an artery connecting the industrial area along Traffic Way to the 101 Freeway. It is not uncommon to see fourteen and eighteen wheelers moving quickly up and down the road. The new school bus yard on Potrero has also added many non-residential trips to Del Rio Road. I saw no mention of trip counts on the roads, only peak intersection counts. Trips on Del...
Rio Road should have been counted so that present and future trips could be compared. With the completion of the Walmart project, many new trips will originate from the area north-east of Colima Road/Dolores Avenue. Del Rio Road will no longer be the “local road” as indicated on the General Plan.

I am somewhat confused when comparing Exhibits 3.11-3a, 3.11-7a and 3.11-8a. It appears that at intersection 5, there will be less traffic at build out than presently exists.

The Report states that the proposed project will have a negative impact on local streets as well as the 101 Freeway. It then suggests that the three proposed roundabouts, in very close proximity, would mitigate the impacts on local streets. Will not the impact on the Freeway still exist with the three roundabouts? How and when can the impacts on the Freeway be mitigated?

The project contemplates a significant grading component (cut and fill). The hill at the eastern edge will have a large cut behind the building and a fill is to be placed at the El Camino Real frontage elevating the parking area ten to fifteen feet above the grade of El Camino Real. Is this design consistent with Goal LOC-5? “Preserve the contours of the hills. Buildings built on hillsides shall conform to the topography using slope of the land as the basis for the design of the structure.”

To accommodate the Walmart development the commercial zoning at the south east corner of Del Rio Road and El Camino Real will have to be increased by approximately 100%. Will a similar amount of Commercial zoning (+/- 13 acres) be changed to residential along the El Camino Corridor? Currently the Del Rio Road commercial area is buffered from the existing adjacent single family residential development to the east by multi-family zoning, a sound planning concept. The proposed plan would remove the multi-family buffer and place the noisy and nuisance loading and storage areas near the existing single family development. This is not a good planning concept.

It would have been easier to understand Urban Decay if the report had stated the amount of vacant commercial floor space at the present time, the amount of
undeveloped land zoned commercial, factored in the proposed 250,000 square feet, and then estimated the absorption rate or the amount of population increase or the number of years to re-fill the now vacant floor space.

Consideration should be give to modify the submitted site plan. The truck access off of Del Rio Road should be moved to the southerly boundary of the project on El Camino Real. The proposed location is dangerous because of a lack of sight distance to the east and the speed of the oncoming trucks, buses and cars. The proposed signal should be moved northerly to coincide with the main access to the Mission Oaks Center. The proposed location offers a less than standard access to the Mission Oaks Center, there is no room to provide vehicle storage or safe maneuvering. The proposed area designated for multi-family housing seems to be tucked away behind the commercial development. This parcel may be difficult to develop with market housing.

After reviewing the Draft Environmental Report, it was easy to realize that the project is too large with too many negative impacts to be approved in the design as submitted

I believe that three sections, Transportation, Land Use and Urban Decay need more research and should be rewritten to make the conclusions more direct.

Respectfully submitted,

Hardy and Judi Nielsen

4950 Del Rio Road, Atascadero
Hardy and Judi Nielsen (NIELSEN.1)

Response to NIELSEN.1-1

The authors indicated that they reside at 4950 Del Rio Road and reviewed previous project plans that indicated a raised center median on Del Rio Road that impaired access to their property. The authors noted that newer project plans do not show this median, with which they concur.

In response to various public comments, the applicant has removed the proposed center median on Del Rio Road between the Obispo Road/Walmart delivery entrance intersection. As such, the authors would be able to make left turns in and out of the property.

Response to NIELSEN.1-2

The author noted that although the City of Atascadero General Plan classifies Del Rio Road as a “Local Street,” in practice, it functions as an artery connecting the industrial area along Traffic Way with US 101. The author indicated that it is not uncommon to observe tractor-trailers using this roadway, along with trips associated with the Atascadero Unified School District bus yard. The author indicated that there was no mention of traffic counts, just intersection counts, and indicated that trips should have been counted to compare present and future conditions. The author asserted that many new trips will originate from the area northeast of Colima Road/Dolores Avenue.

Del Rio Road east of El Camino Real is addressed in Master Response 2.

Response to NIELSEN.1-3

The authors stated that comparing the traffic volumes shown on Exhibits 3.11-3a, 3.11-7a, and 3.11-8a for the intersection of Del Rio Road/Obispo Road (Intersection No. 5) indicates that there will be less traffic at buildout than under existing conditions.

Traffic volume exhibits are addressed in Master Response 7.

Response to NIELSEN.1-4

The authors noted the DEIRs conclusion that the proposed project would have a significant impact on US 101 in the vicinity of the Del Rio Road interchange and referenced the proposed mitigation measures pertaining to roundabouts near the US 101/Del Rio Road interchange. The authors inquired if the freeway impact would still remain with the roundabouts and when impacts on the freeway can be mitigated.

The Del Rio Road roundabouts are intended to mitigate intersection operations on Del Rio Road at the intersections with El Camino Real and the US 101 ramp terminals. These improvements are not intended to directly mitigate impacts to the freeway mainline.

US 101 operations are addressed in Master Response 8.
Response to NIELSEN.1-5

The authors referenced the grading necessary for the Walmart component and noted that it involved a large cut in the rear of the site and the placement of fill near the El Camino Real frontage to raise the parking area above the roadway. The authors questioned whether these earthwork activities were consistent with General Plan Goal LOC-5, which calls for preserving the contours of hills and having buildings on hillsides conform to the topography using slope of the land as the basis for the design of the structure.

Consistency with General Plan Goal LOC-5 is addressed in Master Response 9.

Response to NIELSEN.1-6

The authors noted that the commercial zoning within the parcels comprising the project site would be increased by 100 percent and inquired if a similar amount of commercially designated land along the El Camino Real corridor would be re-designated to residential use. The authors noted that the Del Rio Road commercial area is currently buffered from existing adjacent, single-family residential development to the east by multi-family zoning and asserted that the proposed project would replace this zoning with “noisy and nuisance” loading storage areas near the existing, single-family residential development.

Although several of the parcels comprising the Walmart site are designated for medium-density residential use by the City of Atascadero General Plan and Zoning Ordinance, they do not currently support such development. Rather, these parcels are currently undeveloped and, therefore, have limited “buffering” value to the single-family residences further to the east.

The General Plan contemplates that the Annex and Walmart project sites would be developed with commercial centers of approximately 150,000 square feet on each lot. The project site is partially located within the City’s Master Plan of Development Overlay Areas, identified in Table II-5 of the Atascadero General Plan. Specifically, Overlay Area Number 5 on the Annex site and Number 6 on the Walmart site each call for a “master plan[ned] commercial center” not to exceed 150,000 square feet. The Walmart project, consisting of approximately 139,560 square feet of commercial uses (including 6,448 square feet outdoor garden center), and the Annex project, consistent of approximately 120,900 square feet of commercial uses, are consistent with the commercial density contemplated in the General Plan for this area.

Finally, each land use application is considered on a case-by-case basis. The City of Atascadero does not require that land use re-designations or re-zonings be offset elsewhere in the city limits. As such, there is no proposal to rezone any other properties in the City as a result of this project.

Regarding noise impacts to existing single-family residences from the Walmart loading areas, refer to Master Response 3.
Response to NIELSEN.1-7

The authors asserted that it would have been easier to understand the urban decay analysis if it had stated the amount of vacant commercial floor space at the present time, the amount of undeveloped land zoned commercial, accounted for the proposed project’s new square footage, and then estimated the absorption rate or the amount of population increase or the number of years to re-fill the now vacant floor space.

Although the urban decay analysis does not provide a precise inventory of vacant commercial space, it does provide ample discussion of vacancies in the Primary Market Area; refer to DEIR pages 3.12-12 through 3.12-17. BAE’s methodology is sales-based and involves comparing baseline sales levels with estimated sales in those same outlets with the project and other reasonably foreseeable projects in place. The analysis, as shown in DEIR Table 3.12-14, indicates that overall sales should return to baseline levels by 2018 with the project in place. Cumulatively, sales are estimated to decline by 8 percent in 2018 with all reasonably foreseeable projects in place. While this could lead to increased vacancy, actual absorption depends on a multitude of factors, including differing levels of acceptable sales per square foot, rent levels, and possible reutilization of space in non-commercial uses.

Furthermore, Atascadero shows additional leakages of retail sales that would not be captured by the project or other retail spaces in the proposed project, and retail shops targeted toward those “gaps” could absorb vacant space; refer to DEIR Tables 3.12-8 through 3.12-10. Finally, as discussed on DEIR pages 3.12-58 through 3.12-61, even with some vacancies in Atascadero, the City has various mechanisms to prevent vacant space from declining into urban decay.

In summary, BAE employed an appropriate, industry-accepted methodology for evaluating the proposed project’s potential urban decay impacts. No evidence has been presented indicating that the authors’ preferred approach would yield more accurate conclusions.

Response to NIELSEN.1-8

The authors suggested modifying the Walmart circulation plan to relocate the Del Rio Road delivery entrance to El Camino Real and relocate the main access point on El Camino Real to be aligned with the Mission Oaks shopping center. The authors indicated that the former suggestion addresses potential safety issues associated with site distance on Del Rio Road, while the latter recommendations improve access to the Mission Oaks shopping center and the multi-family residential parcel.

Driveway locations are addressed in Master Response 4.

Response to NIELSEN.1-9

The authors stated that the proposed project is too large with too many negative impacts to be approved as currently proposed. The authors recommended that the Land Use, Transportation, and Urban Decay sections need more research and should be rewritten to make the conclusions more direct.
The PRDEIR involved recirculation of the Transportation section; however, this occurred for reasons other than identified by this comment. Refer to PRDEIR Section 1, Overview for the reasons why the Transportation section was recirculated.

As indicated in Responses NIELSEN.1-2 through NIELSEN.1-9, all of the authors’ comments and questions have been fully addressed; therefore, there is no basis to recirculate the Land Use or Urban Decay sections.
MR. WARREN FRACE  
CITY OF ATASCADERO  
COMMUNITY DEVELOPMENT DEPARTMENT  
6907 EL CAMINO REAL  
ATASCADERO CA 93422

QUESTIONS AND CONCERNS REGARDING PROPOSED WALMART/ANNEX DRAFT EIR:

1. The three main unavoidable areas of concern as expressed in the draft EIR are traffic and air quality.
   
   A. What will be done about the gigantic increase in traffic?
      a. Noise - How will the applicants mitigate the dramatic change in noise in this residential area?
      b. Light and glare - besides the multitude of lighting fixtures in the parking lots and on the new buildings, there will be light and glare from the nighttime traffic to and from the area. How will the applicants mitigate this traffic lighting from vehicles? Will the applicants install non-glare outside lighting and/or outside lighting that turns down during off hours?
      c. Who will pay for the enlargement of the roads to provide access to the development?
      d. Who will pay for the overpass reconstruction to accommodate hundreds of car and truck visits a day?
      e. Will the applicants pay for the installation of traffic signs/lights for the expanded roads and intersections?
      f. What traffic control improvements will be installed, where and who will pay for them?

   B. Safety - While a video surveillance system will be installed in the Walmart parking lots, will surveillance also be installed in the Annex?
      a. While the video surveillance will be shared with the Atascadero Police Dept. after a crime happens, who will be monitoring the surveillance to avoid crimes? Walmart has a documented history of serious crimes in their parking lots including rape and robbery. Will the surveillance be 24 hours? Will Walmart have parking lot security personnel 24 hours a day monitoring the parking lot? Will the store be open 24 hours a day?
      b. Will the City of Atascadero allow overnight campers in the parking lots of Walmart and/or the Annex? If so, who will provide security personnel at night?

   C. Pollution/emission level
      a. Pollution - More traffic will be coming into the city compared to less emissions from those residents now staying in town. How will the applicant control the emissions from hundreds of vehicles a day?
      b. How will the applicants protect the residential area from the increased emissions due to the traffic?

   1) Environmental Concerns
a. Does clearcutting and removing of all the trees on the Walmart/Annex properties violate any law, city or state with regard to removing mature oak trees and others?

b. Do the applicants need to install a porous pavement in the parking lots to avoid run off to the nearby residential homes?

c. With this development, are the applicants required by law to provide any green space or green buffer either around the retail development or the proposed housing?

Finally, Walmart has been around for several decades and many studies such as the U of Iowa and USC Berkeley have shown that when a Walmart comes to town two town grocery stores close their doors and living wage jobs are lost. In the case of Atascadero, Kmart, because of its proximity, is in danger of closing as well. How can the EIR discount these studies. What will be done to protect local grocery stores and merchants?

Also, grocery stores and Kmart in our town anchor plazas. Without an anchor, it is likely more business doors will be shut. How can the city and applicants keep this urban blight from happening?
Lee Perkins (PERKINS.1)

Response to PERKINS.1-1
The author inquired about what will be done to mitigate the increase in traffic.

Refer to Master Response 1.

Response to PERKINS.1-2
The author inquired about how the applicant will mitigate noise impacts at surrounding residential receptors.

Mitigation Measures NOI-1, NOI-4a, NOI-4b, NOI-4c, NOI-4d, NOI-4e, and NOI-4f propose various measures to reduce noise during construction and operations at nearby residential receptors. Refer to Section 3.9, Noise for further discussion.

In addition, refer to Master Response 3 for discussion of noise impacts at the residences along Rio Rita Road, immediately east of the Walmart site.

Response to PERKINS.1-3
The author inquired how the applicant will mitigate “traffic lighting from vehicles” and if the applicant will limit nighttime exterior lighting within the site.

Light and glare impacts from exterior lighting fixtures are discussed in Master Response 5.

Response to PERKINS.1-4
The author inquired about who will pay for roadway improvements to provide access to the proposed project.

Refer to Master Response 1.

Response to PERKINS.1-5
The author inquired about who will pay for the Del Rio Road overpass reconstruction.

The US 1010/Del Rio Road interchange (including overpass) is not proposed to be reconstructed as part of the project. Instead, roundabouts are proposed at the ramp terminals. Refer to Master Response 1 for further discussion.

Response to PERKINS.1-6
The author inquired if the applicant will pay for the installation for traffic signs and signals as part of roadway improvements.

Refer to Master Response 1 for further discussion.
Response to PERKINS.1-7
The author inquired about what traffic control improvements will be installed, where they will be installed, and who will pay for them.

Refer to Master Response 1 for further discussion.

Response to PERKINS.1-8
The author inquired if a video surveillance system will be installed as part of the Annex component.

Refer to Response to PERKINS.1-9

Response to PERKINS.1-9
The author inquired who will be monitoring the surveillance cameras during project operations and asserted that Walmart has a documented history of serious crimes occurring within its parking areas. The author inquired if video surveillance would occur 24 hours a day, if security personnel will patrol the parking lot 24 hours a day, and if the store will be open 24 hours a day.

As stated on page 2-32 of the DEIR, the Walmart store would operate 24 hours a day, 7 days a week.

Mitigation Measure PSU-2 requires the project applicant to install security measures or practices prior to issuance of the certificate of occupancy for each project building:

- Provide sufficient professionally trained loss prevention staff onsite.
- Submit loss-prevention plan with staffing levels onsite to the Atascadero Police Department for review and approval. The approved plans shall be incorporated into the project.
- Install security and alarms in the Walmart pharmacy.
- Ensure that the site layout for the parking lot area is properly designed to provide maximum safety and security through adequate lighting, egress, and ingress.
- Installation of manned, high-resolution, video surveillance cameras throughout the parking lot areas with consultation from the Atascadero Police Department.
- Provide Atascadero Police Department with access to surveillance video for prosecution of suspects. Surveillance cameras should be of sufficient quality to ensure identification of suspects.
- Post signage in the parking area and at driveways advising patrons of prohibited activities, including vehicle maintenance, extended parking, camping, sleeping in vehicles, skateboarding, vehicle sales, and unauthorized sales.
Regarding the author’s questions about parking lot security, the onsite security personnel would monitor video cameras and would be expected to include routine, roving patrols of the site including parking areas. Refer to Section 3.10, Public Services and Utilities for further discussion.

Response to PERKINS.1-10
The author inquired if the City will allow overnight campers in the parking lots and, if so, who will provide security personnel at night.

As noted in Response to PERKINS.1-9, Mitigation Measure PSU-2 requires the applicant to post signage in the parking area and at driveways of both Walmart and the Annex advising patrons of prohibited activities, including extended parking, camping, and sleeping in vehicles. The onsite security personnel would actively monitor the parking areas for these prohibited activities and would be able to intervene if such activities are observed.

Response to PERKINS.1-11
The author inquired how the applicant will control the emissions from vehicle trips associated with the proposed project.

Tailpipe emissions are regulated by the federal and state governments; local jurisdictions and private parties are preempted from regulating these emissions sources.

Instead, the PRDEIR identifies a number of measures in Mitigation Measures AIR-2d through AIR-2e to reduce emissions by promoting alternatives to single-occupancy vehicle use, reducing building energy consumption, the use of low-emitting vegetation, and the purchase of emissions offsets. Refer to Section 3.2, Air Quality and Greenhouse Gas Emissions for further discussion.

Response to PERKINS.1-12
The author inquired how the applicant will protect the nearby residential uses from air pollution from increased traffic.

The PRDEIR performed two analyses that assessed localized air pollutants risks to nearby receptors:

- A Health Risk Assessment was prepared, which evaluated cancer risk at nearby sensitive receptors from diesel particulate matter (DPM), including residential uses. In the context of health risks from the proposed project, DPM is the air pollutant of greatest concern, as it would be emitted by delivery trucks in proximity to sensitive receptors such as residences. As shown in Table 3.2-25 and Table 3.26, the maximum exposed residential receptor would have a cancer risk ranging from of 2.4 in 1 million to 4.1 in 1 million from DPM emissions, which is below the significance threshold of 10 in 1 million. Based on this value, the PRDEIR concluded that nearby receptors would not be exposed to unhealthful levels of air pollution. Additionally, a supplemental Health Risk Assessment was performed at the request of the APCD, which reconfirmed the original conclusion.
A carbon monoxide (CO) hot spot analysis was performed on pages 3.2-97 through 3.2-100, which assessed ground level concentrations of CO from idling vehicles. As shown in Table 3.2-23, ground level concentrations of CO would not exceed federal or state ambient air quality standards, indicating that human health would not be at risk of unhealthful exposure.

It should be noted that project-related emissions of other air pollutants generally would not be of concern in terms of localized health risk. For example, ozone precursors (reactive organic gases and oxides of nitrogen) react with sunlight in the atmosphere to form ozone. Thus, the formation of these pollutants would not occur at ground level near sensitive receptors in the project vicinity; refer to PRDEIR page 3.2-10. Likewise, although greenhouse gases such as carbon dioxide emissions trap heat, this in itself does not have any direct, localized health risks to humans.

Response to PERKINS.1-13
The author inquired if removing the trees from the Walmart and Annex sites violates any state or local laws.

Tree removal impacts, including consistency with applicable regulations, were evaluated on pages 3.3-35 through 3.3-42 of the DEIR. As discussed on those pages, the Atascadero Native Tree Ordinance governs tree removal, and the applicant is required to mitigate for removal of native tree species through onsite replacement, payment of fees for offsite replanting, or some combination thereof. As such, tree removal is permitted, provided that certain conditions are met.

Response to PERKINS.1-14
The author inquired if the applicant needs to install porous pavement in the parking lots to avoid runoff into the nearby residential uses.

As discussed on DEIR pages 3.7-19 and 3.7-20, the Walmart and Annex components would each install onsite storm drainage infrastructure to capture and detain runoff during rainfall events. Bioswales and detention basins would be the primary storm drainage facilities used to capture runoff. Porous pavement is not proposed to be used because the previously mentioned bioswales and detention basins would be equally, if not more, effective at capturing and detaining runoff.

Response to PERKINS.1-15
The author inquired if the applicant is required by law to provide any green space or green buffer around the retail development or the residential uses.

As discussed on DEIR pages 3.8-60 through 3.8-62, the Del Rio Road Commercial Area Specific Plan establishes development standards and landscaping guidelines. Such requirements include the provision of landscaping along the project frontages with El Camino Real and Del Rio Road, street trees along Obispo Road. DEIR Exhibits 2-10a and 2-13 depict the conceptual landscape plans for the Walmart and Annex sites, respectively. The Specific Plan would serve as the overlay zone for...
both the Walmart and Annex sites. As such, its provisions are legally enforceable upon the property owner and tenants.

Response to PERKINS.1-16

The author claimed that several studies from researchers at the University of Iowa and the University of California (UC) Berkeley have found that the arrival of a Walmart results in closure of two local grocery stores and associated job loss. The author stated that Kmart is also in danger of closing. The author inquired how the DEIR can discount these studies and what will be done to protect local grocery stores and merchants.

Because the comment does not cite specific studies, it is difficult to determine their relevance to the proposed development under consideration here. The Iowa studies are likely the studies conducted by Dr. Kenneth Stone, Professor of Economics & Extension Economist at Iowa State University. These studies were largely conducted in smaller towns in rural or semi-rural areas (in states such as Iowa and Mississippi) with limited big-box retail pre-dating Walmart’s entry into the areas studied, unlike San Luis Obispo County, where there are larger, urbanized nodes and where chain and big-box retail (including Walmart) have been part of the commercial landscape for many years.

The Berkeley studies referred to are likely studies conducted by UC Berkeley’s Labor Center; these studies are analyses of labor market conditions such as wages and jobs, which are not urban decay-related or CEQA impacts. Refer to Master Response 10 for further discussion.

In summary, none of the studies cited by the author provides specific insight into the local Atascadero retail landscape or the proposed project’s impacts on competitive businesses. Thus, the urban decay analysis did not reference them.

Regarding impacts to Kmart and other businesses, refer to Response to PERKINS.1-17.

Response to PERKINS.1-17

The author noted that grocery stores and Kmart anchor local shopping centers and closure of the anchor store would likely result in other businesses closing. The author inquired about what the City and applicant can do to keep this urban blight from occurring.

The urban decay analysis in Section 3.12, Urban Decay assessed the potential for competing stores to close. The analysis found that although certain competing businesses such as Kmart would be expected to lose sales in the near term, the losses would be unlikely to be substantial enough to cause store closure. Because competing businesses are expected to remain operational, no significant urban decay impacts would occur. Thus, blight or physical deterioration of shopping centers is not considered a foreseeable consequence of the project.
From: Carol Phillips [mailto:carol.bear100@live.com]
Sent: Friday, March 18, 2011 2:14 PM
To: Warren Frace; carol.bear100@live.com
Subject: Del Rio property

Dear Mr. Frace, PLEASE...for the future of Atascadero and for everything that is peace of mind, PLEASE STOP THE WALMART PROJECT.

The whole project is totally un-needed and a total waste of time and energy. Everything that is needed by families that live in Atascadero has already been built. The beautiful Mission Oaks development is the anchor for what is upscale...have Staples move into the last remaining large storefront and all systems are working finally for that shopping center...Now with the empty building next to Home Depot, the food market can finally come to the north end...problem solved. It is so simple...now you ask...what shall we do with the property on the corner...bring in a working farm concept as a showcase for the public...similar to what Sunset Magazine did with the ranch out in Santa Margarita...have events and include an equestrian arena that embrace the horse people who will come and support horse activities. ALSO...the two colony homes that are in the neighborhood...the big one needs to be a safe house for teens...There are a lot of kids floating around that need a place to go and something to do...they could work the farm and grow the crops to feed the colony...just like E.G.Lewis wanted to do and did...the beautiful little house nestled in the bosom of the stellar property across the street could become a wonderful little place for private gatherings in the name of the good old boys...really create something that is worth stopping for. Also the property could be a sanctuary for the older horse that needs a safe place...another working venue the teens could keep an eye on... teach responsibility and caring for others...Mr. Frace...the world is so cock-eyed these days...saving the very charm of Atascadero should be the crying song for everyone. The little town is so precious. Please think of the future and what the place will look like in twenty, thirty years down the road. The property with the beautiful natural setting needs to be left alone as a monument to the King's Highway. The Native Americans have also stated their desire to keep the land as it is. Honor their wishes, please.

Sincerely, Carol Eastman-Phillips
Carol Eastman-Phillips (PHILLIPS)

Response to PHILLIPS-1

The author expressed opposition to the proposed project and indicated a preference for the project site to be developed as a working farm (with equestrian arena) and safe house for teenagers. The author indicated that the “Native Americans have also stated their desire to keep the land as it is,” and asked that the City respect those wishes.

DEIR Section 5, Alternatives to the Proposed Project, on pages 5-1 through 5-28 analyzed alternatives to the proposed project. Consistent with CEQA Guidelines Section 15126.6(a),(f), the DEIR analyzed a reasonable range of alternatives to the project that could feasibly obtain most of the basic project objectives of the project while avoiding or substantially lessening any of the significant effects of the project. The project application on file with the City of Atascadero proposes to develop the uses contemplated by the Del Rio Road Commercial Specific Plan; refer to DEIR Section 2, Project Description. The Specific Plan does not propose to develop the uses identified by the author. In addition, these uses would not constitute a feasible alternative pursuant to CEQA Guidelines Section 15126.6, as they would not fulfill any of the basic project objectives outlined on page 2-71 of the DEIR. Finally, neither the existing nor the proposed General Plan and zoning designations for the project site allow the type of agricultural uses envisioned by the author. As such, the author’s proposal is not considered a feasible development concept for the project site.
CITY OF ATASCADERO

Wal Mart / Annex Draft EIR Comment Card

DATE
March 18, 2011 7:39 pm

NAME
Ike and Marilyn Pieters

ADDRESS
2455 Rio Rita St

PHONE
805-610-9566

EMAIL
mpieters@calpoly.edu

COMMENTS
The Walmart project EIR only listed two properties along Rio Rita St. as "receivers" of the project impacts. The property owners, beginning from the intersection of rio rita with dol rio are; Moore, Shannon, Clark and Pieters. We all purchased our properties because of the rural atmosphere, quiet days and nights, dark (star-gazing skies), and have continued to embrace all that our investments promised. For some reason, the EIR doesn't reflect all four of the property owners, as receivers of the impacts of this project. Beyond the lights, noise, traffic, is the consolidated air pollution. The natural wild life (deer, jack rabbits, quail) that currently surround us from day to day, will likely be driven away. Our beautiful night-time view of the west-side hills and sky will be obscured by all the lights. Our quiet mornings will be disrupted by the back-up bolls of delivery trucks. Our property values will likely plummet, so this is a lose/lose for us, and doesn't seem to be of paramount concern for those in charge of the EIR.
Lee and Marilyn Pieters (PIETERS.1)

Response to PIETERS.1-1

The authors indicated that they reside on Rio Rita Road and noted that the DEIR’s noise analysis only identified two of the four residences on the roadway as receivers. The authors expressed general concern about light and glare, traffic, air pollution, and biological resources. The authors asserted that their property values will “likely plummet,” which they claimed “doesn’t seem to be of paramount concern for those in charge of the EIR.”

Noise impacts are addressed in Master Response 3.

Light and glare are addressed in Master Response 5.

The DEIR evaluated traffic impacts in Section 3.11, Transportation; air pollution impacts in Section 3.2, Air Quality and Greenhouse Gases; and biological resources impacts in Section 3.3, Biological Resources. The authors did not provide specific comments on these topical areas.

Property values are addressed in Master Response 10.
February 19, 2011 4:04 pm

John Ritter

jw805@charter.net

Proposed revisions to the Del Rio Intersection includes roundabouts at all ramp intersections. This construction would result in non-standard configurations leading to non-defendable law suits implemented by motorist involved in accidents who allege their misfortune was the result of the roundabouts. This situation could become extremely hazardous as the roundabout traffic would be subject to the volume of accidents that would not have occurred with standard signalized intersections.
John Ritter (RITTER.J)

Response to RITTER.J-1

The author referenced the proposed roundabouts on Del Rio Road and stated that these features could result in higher numbers of accidents than more conventional traffic control devices. The author noted that this could expose the City to liability for traffic accidents.

Roundabouts are addressed in Master Response 1.
DATE
February 21, 2011 11:03 pm

NAME
Mary Ritter

ADDRESS

PHONE
(805) 461-0215

EMAIL
mj805@charter.net

COMMENTS
In lightly reviewing the EIR I believe that the traffic issue of Del Rio and San Anselmo are of the biggest concern. I live on the west side off Del Rio. From Del Rio and Monterey Road, there aren’t many traffic choices. My feeling economically is that we need Wal Mart yesterday. Many, many people shop outside Atascadero because of the limited retail offerings. That is a real shame and has cause real financial problems for this City....no thanks to some past Council Members who would rather see the City die a slow death then "bring it to life". Thank goodness most of them are gone! Let’s get this done and keep improving the down town area....Atascadero is finally starting to look like a TOWN!!
Mary Ritter (RITTER.M.1)

Response to RITTER.M.1-1

The author indicated that her biggest concern with the proposed project is impacts to Del Rio Road and San Anselmo Road. The author expressed support for the proposed project.

Various intersections on Del Rio Road and San Anselmo Road (South) were studied in the DEIR. These intersections include Del Rio Road/Ramona Road, Del Rio Road/US 101 Southbound Ramps, Del Rio Road/US 101 Northbound Ramps, San Anselmo Road (South)/US 101 Southbound Ramps, and San Anselmo Road (South)/US 101 Northbound Ramps. Of these intersections, the Del Rio Road/US 101 Southbound Ramps, the Del Rio Road/US 101 Northbound Ramps, and the San Anselmo Road (South)/US 101 Southbound Ramps were projected to be significantly impacted by project-related traffic; all other intersections would operate at acceptable levels. Mitigation measures were proposed to improve operations to acceptable levels. Refer to Master Response 1 for further discussion of the Del Rio Road roundabouts.
DATE
February 21, 2011 11:09 pm

NAME
Mary Ritter

ADDRESS

PHONE
(805) 461-0215

EMAIL
mj805@charter.net

COMMENTS
I am sorry that the Auto Section had to be scrapped. The number one "need" is the grocery section.....please, please do not reduce the square footage of this area.....increase it if possible! We at the North End have had to put up with 5+ grocery stores at the South End.....what were they thinking. And even now, they fight to keep it that way. Those retailers had their chance to put a store at the North end and did not do so.....thank you Wal-Mart for your VISION!!
Mary Ritter (RITTER.M.2)

Response to RITTER.M.2-1

The author expressed disappointment that the Tire & Lube Express component is no longer proposed for inclusion in the Walmart store. The author indicated that there is a need for additional grocery options in the north side of Atascadero and requested that the square footage of this area be increased if possible.

As shown in Table 2-3, the Walmart grocery sales space would total 21,506 square feet and the grocery support space would total 6,388 square feet. Walmart officials indicate that there are no plans to significantly alter these figures.
CITY OF ATASCADERO

Wal Mart / Annex Draft EIR Comment Card

DATE
March 14, 2011 9:46 pm

NAME
Mary Ritter

ADDRESS

PHONE

EMAIL

COMMENTS
This project has been too long in the planning stages. Unfortunately it was the fault of previous Council Members rather then City issues. The Draft EIR seems in order and although there are still issues to consider, the project needs to move forward "yesterday"! Many, many citizens of Atascadero shop outside the City. Once you travel elsewhere, you just naturally buy EVERYTHING outside the area. We have some very good businesses in Atascadero and they deserve our support, however, decisions made by our local government caused much of the lack of support. For example, the grocery stores are now lobbying against Wal-Mart. Why would that be? Those same businesses had YEARS to put a retail outlet at the North end of Atascadero and the PEOPLE begged for one. Those requests fell on DEAF ears and instead, the City approved the location of not 1, not, 2, not 3, but at least 5 grocery stores at the South end of Atascadero........WHAT WERE THEY THINKING????? Now we face a real economic problem and each week, another business goes under. If the City does not wake up and get moving, there will be no town........we'll be back under the SLO County control. Our present Council seems wise and forward thinking, so let them do their job........keep the City going and growing!! WE NEED WAL-MART NOW!!!!!
Mary Ritter (RITTER.M.3)

Response to RITTER.M.3-1

The author stated that the DEIR appears to be in order and indicated that the planning process as taken too long. The author expressed support for the project.

The project applicant formally filed an application for the Del Rio Road Commercial Area Specific Plan with the City of Atascadero in December 2009 and amended the application in April 2010. The City and consultant team commenced work on the EIR on May 2010 with the release of the Notice of Preparation. The DEIR was released for public review on February 2, 2011 and circulated for review until March 18, 2011. Following closure of the public review period, the City of Atascadero determined that portions of the DEIR needed to be recirculated. The PRDEIR was released on March 15, 2012 and circulated for public review until April 30, 2012. The Final EIR was released in May 2012; the public hearing process is scheduled to begin in June 2012. For a project with the characteristics of the Del Rio Road Commercial Area Specific Plan, a 2- to 3-year approval process is not uncommon or unusual.
CITY OF ATASCADERO

Wal Mart / Annex Draft EIR Comment Card

DATE
March 18, 2011 12:13 pm

NAME
Madeline Rothman

ADDRESS
1660 San Ramon Road

PHONE

EMAIL

COMMENTS
After reviewing the EIR on the Del Rio Road Commercial Area Specific Plan, the following are some of my concerns: The proposed three roundabouts on Del Rio Road are in very close proximity to each other. Are there examples of this design of three roundabouts located very close to each other that are currently being effectively and safely used by vehicles, bicyclists, and pedestrians? How will emergency response times for Fire and Police on the west side of Highway 101 and Del Rio Road be affected by the three roundabouts on Del Rio Road compared to the present response times? The Atascadero Unified School District’s transportation center was recently relocated at Traffic Way and Potrero Road. Many school buses travel the Del Rio Road overpass in the mornings and afternoons. Will this additional bus traffic be able to safely and effectively navigate the proposed three roundabouts on Del Rio Road to access Highway 101 South and, on return trips to the transportation center, navigate the two roundabouts on Del Rio Road? I am concerned about additional traffic on San Ramon Road by delivery trucks and vehicles traveling to the Del Rio Road Commercial Area. My husband and I have lived on San Ramon Road for 38 years and have seen many, many instances of very dangerous situations on this road, some resulting in accidents, caused by drivers of all types of vehicles, including large, heavy tractor-trailers, traveling at unsafe speeds on this narrow, winding road, that includes a hill with a very short sight distance. This is a residential neighborhood with children and adults walking, jogging, and biking on this road and residents going to the street to pick up their mail, trash and recycling containers, delivery packages, etc. Additionally, I am concerned about the increase in noise levels on San Ramon Road by vehicles and tractor-trailers using this road to travel to the Del Rio Road Commercial Area. With the proposed development of Walmart, the Annex, and other commercial development at this location, I am concerned about the existing businesses that will be forced to close and the significant increase in lighting and noise levels and traffic in the area. There will be an excessive amount of land grading on the Walmart site, about 300,000 cubic feet, that will negatively alter the terrain, which is against the stated goals in the Atascadero General Plan. I am concerned about an increase in crime in the area with this development. I believe the scale of this development is too large for this area and goes against the General Plan’s stated goal of maintaining the rural character of Atascadero and will result in all the negative impacts that oversized developments bring to a community; such as crime, traffic congestion, air pollution, noise pollution, light pollution, reduction of aesthetics, and negative impacts on the downtown area. I believe that the majority of people in Atascadero want to maintain the rural character of their city. That is why it is stated as a prominent goal in our 2025 General Plan. The public believes that there are positive benefits received from maintaining a rural character and negative impacts from over-development. Madeline Rothman 3-18-11
Madeline Rothman (ROTHMAN.M.1)

Note to reader: The questions contained in this letter are similar, if not identical, to those raised in a letter submitted by Ron Rothman (ROTHMAN.1). Those responses are cross-referenced where appropriate.

Response to ROTHMAN.M.1-1

The author listed a series of questions and concerns she had about the project, which because of the format of the comment, are listed below individually:

- The proposed three roundabouts on Del Rio Road are very close proximity to each other. Are there examples of this design . . . that are currently being effectively and safety used by vehicles, bicyclists, and pedestrians?

Examples of similar roundabouts are addressed in Master Response 1.

- How will emergency response times for fire and police on the west side of Highway 101 and Del Rio Road be affected by the three roundabouts on Del Rio Road compared to present response times?

Emergency response is addressed in Master Response 1.

- The Atascadero Unified School District’s transportation center was recently relocated at Traffic Way and Potrero Road. Many school buses travel the Del Rio Road overpass in the mornings and afternoons. Will this additional bus traffic be able to safety and effectively navigate the proposed three roundabouts on Del Rio Road . . . ?

School traffic is addressed in Response to ROTHMAN.R.1-1.

- I am concerned about additional traffic on San Ramon Road by delivery trucks and vehicles traveling to the Del Rio Road Commercial Area. My husband and I have lived on San Ramon Road for 39 years and have seen many, many instances of very dangerous situations on this road, some resulting in accidents caused by drivers of all types of vehicles including large heavy tractor trailers traveling at unsafe speeds on this narrow winding road that includes a hill with a very short sight distance. This is a residential neighborhood with children and adults walking, jogging, and biking on this road and residents going to the street to pick up their mail, trash, recycling containers, delivery packages, etc.

Truck routes are addressed in Response to ROTHMAN.R.1-18.

Trucks serving the Walmart and Annex commercial uses are expected to travel to Atascadero on US 101 and exit at the Del Rio Road interchange. The trucks would then use the local routes depicted on
Exhibit 2-8 and Exhibit 2-14 of the DEIR to reach the loading docks for the Walmart and Annex commercial uses. Trucks would not use San Ramon Road on the west side of US 101 to travel to or from the project site.

Response to ROTHMAN.M.1-2
The author listed a series of questions and concerns she had about the project, which because of the format of the comment, are listed below individually:

- I am concerned about the increase in noise levels on San Ramon Road by vehicles and tractor trailers using this road to travel to the Del Rio Road Commercial Area.

Noise levels on San Ramon are addressed in Master Response 3. As discussed in Response to ROTHMAN.M.1-1, project-related truck trips would not travel on San Ramon Road on the west side of US 101.

- With the proposed development of Walmart, the Annex, and other commercial development at this location, I am concerned about the existing businesses that will be forced to close and the significant increase in lighting and noise levels and traffic in the area.

The urban decay analysis in Section 3.12, Urban Decay assessed the potential for competing stores to close. The analysis found that although certain competing businesses such as K-Mart would be expected to lose sales in the near term, the losses would be unlikely to cause store closure. Because competing businesses are expected to remain operational, no significant urban decay impacts would occur.

Noise levels on San Ramon Road are addressed in Master Response 3.

Light and glare is addressed in Master Response 5.

- There will be an excessive amount of land grading on the Walmart site . . . that will negatively alter the terrain, which is against the stated goals in the Atascadero General Plan.

Consistency with the General Plan Goal LOC 5, which concerns grading of hillsides, is addressed in Master Response 9.

- I am concerned about an increase in crime in the area within this development.

The DEIR addressed impacts to police protection on pages 3.10-15 through 3.10-17. The analysis was based on written responses provided by the Atascadero Police Department to a questionnaire about impacts to its ability provide police protection. (The written responses are provided in Appendix I.) The Police Department identified three main concerns with the proposed project (crimes of opportunity, extended truck and RV parking, and establishing arrest/crime reporting
procedures) and listed recommendations to alleviate these impacts. These recommendations are contained in Mitigation Measure PSU-2. Since all of the Police Department’s crime prevention recommendations would be implemented, it is reasonable to conclude that crime would not be a significant impact.

- I believe the scale of this development is too large for this area goes against the General Plan’s stated goal of maintaining the rural character of Atascadero and will result in all the negative impacts that oversize development projects bring to a community such as crime, traffic congestion, air pollution, noise pollution, light pollution, reduction of aesthetics, and negative impacts to the downtown area.

Consistency with the General Plan goal and policies that pertain to rural character is addressed in Master Response 9. The other issues mentioned in this comment were previously addressed in either this response or Response to ROTHMAN.M.1-1.

- I believe that the majority of people in Atascadero want to maintain the rural character of the city. That is why it is stated as a prominent goal in our 2025 General Plan. The public believes that there are positive benefits received from maintaining a rural character and negative impacts from over development.

Consistency with the General Plan goal and policies that pertain to rural character is addressed in Master Response 9.
I have the following questions and comments regarding the EIR on the Del Rio Road Commercial Area Specific Plan:

QUESTIONS:

1. The Atascadero school bus facility was recently moved to Potrero Road. Was the impact of this move on the intersection of Del Rio Road and El Camino Real considered?

2. If the impact was not considered, what would be the impact in the morning and afternoon with this additional bus traffic?

3. How many school buses would be using the El Camino Real/Del Rio Road intersection and the freeway ramps on Del Rio Road?

4. What would be the effect on emergency response times (Fire and Police) to neighborhoods west of Highway 101 with project buildout and MM TRANS-1b, 1c, and 1d in place, compared to present response times?

5. What would be the effect on emergency response times to neighborhoods west of Highway 101 with project buildout without MM TRANS-1b, 1c, and 1d?

6. What is the maximum truck length that could navigate the proposed roundabouts?

7. Would school buses be able to safely navigate proposed roundabouts as presented in Exhibits 3.11-6 and 3.11-9?

8. Have Mitigation Measures TRANS-1c and 1d been submitted to the Caltrans; and if so, have they been approved?

9. If MM TRANS-1c and 1d have not been submitted to Caltrans, what is the typical or ballpark time for processing such a project; and is public input allowed in the Caltrans process?

10. Are there any existing examples of roundabouts of similar design on highway overpasses with on and off ramps on Caltrans right-of-ways? If so, please list examples.

11. Are there any examples of roadway designs that incorporate MM TRANS-1b, 1c, and 1d that would support the conclusion that these mitigations would be successful? If so, please list examples.

12. Would proposed signalization on San Anselmo Road (MM TRANS-1e) require Caltrans approval? If so, has proposed signalization been submitted to Caltrans and has approval been given? If not, what is the typical time for the review process by Caltrans; and is public input allowed in the process?

13. Will pedestrian crosswalks in MM TRANS-5f be controlled in any way that allows safe passage to pedestrians and bicyclists?
COMMENTS:

1. I agree with the EIR statements made on Pages 3.11 52, 3.11 62, and 3.11 63, 3.11-69, and 3.11-70 and are summarized by the following statement in the EIR: "Interchange improvements shall be completed before opening of the Walmart store or any substantial piece of the project." I agree with this conclusion based on the data presented, including figures supplied in Tables 3.11-20, 3.11-21, and 3.11-22.

2. If traffic mitigation cannot be implemented and build out will result in a LOS F, as stated in the EIR, this would not conform to the City of Atascadero's adopted LOS standard contained in Policy 1.3 of the 2025 Atascadero General Plan. A LOS F is not acceptable.

3. I am concerned that Highway 101 southbound, both north and south of the Del Rio Road overpass, is currently at a LOS D, according to Table 3.11-20. The table also states that the project would increase the V/C by .04 to .05. Since Caltrans considers a .01 increase to be significant, I believe we need to have specific measures to address that problem.

4. I have concerns that San Ramon Road not be used as a route for construction vehicles because of the condition of the road, which is both narrow and has site-distance problems.

5. A truck delivery route to commercial buildings should be designated to keep commercial traffic off residential streets, such as San Ramon Road and Ramona Road.
Ron Rothman (ROTHMAN.R.1)

Response to ROTHMAN.R.1-1
The author noted that the Atascadero school bus facility was recently moved to Potrero Road and inquired whether the impact of this move on the intersection of Del Rio Road and El Camino Real considered this.

Refer to Master Response 1.

Response to ROTHMAN.R.1-2
Referencing his prior question, the author inquired what would be the impact in the morning and afternoon with this additional bus traffic.

Refer to Master Response 1.

Response to ROTHMAN.R.1-3
The author inquired about the number of school buses that would be using the El Camino Real/Del Rio Road intersection and the freeway ramps on Del Rio Road.

School bus traffic is addressed in Master Response 1.

Response to ROTHMAN.R.1-4
The author inquired about the effect the proposed Del Rio Road roundabouts would have on emergency response times (fire and police) to neighborhoods west of US 101 compared with existing response times.

Emergency response is addressed in Master Response 1.

Response to ROTHMAN.R.1-5
The author inquired about what would occur to emergency response times (fire and police) to neighborhoods west of US 101 if the proposed Del Rio Road roundabouts were not built.

Emergency response is addressed in Master Response 1.

Response to ROTHMAN.R.1-6
The author inquired about the maximum truck length that could navigate the proposed roundabouts.

Roundabouts are addressed in Master Response 1.

Response to ROTHMAN.R.1-7
The author inquired if school buses would be able to safely navigate the roundabouts as presented in DEIR Exhibits 3.11-6 and 3.11-9.

Roundabouts are addressed in Master Response 1.
Response to ROTHMAN.R.1-8

The author inquired if DEIR Mitigation Measures TRANS-1b, TRANS-1c, and TRANS-1d have been submitted to Caltrans for review and approval.

Refer to Master Response 1.

Response to ROTHMAN.R-9

Referencing his prior question, the author inquired what the typical timeframe would be for Caltrans review and approval and inquired if public input is allowed in the Caltrans process.

Refer to Master Response 1.

Response to ROTHMAN.R-10

The author inquired if there are any existing examples of roundabouts of similar design on highway overpasses with on- and off-ramps on Caltrans right-of-way and requested that examples be listed.

Refer to Master Response 1.

Response to ROTHMAN.R-11

The author inquired if there are any examples of roadway designs that incorporate roundabouts similar to those identified in DEIR Mitigation Measures TRANS-1b, TRANS-1c, and TRANS-1d that would support the conclusion that these mitigations would be successful and requested that examples be listed.

Roundabouts are addressed in Master Response 1.

Response to ROTHMAN.R-12

The author inquired if the proposed signalization on San Anselmo Road (Mitigation Measure TRANS-1b in the PRDEIR) requires Caltrans approval and, if so, has this proposed improvement been submitted to Caltrans for review and approval. The author inquired what the typical timeframe would be for Caltrans review and approval and inquired if public input allowed in the Caltrans process.

As noted on PRDEIR page 3.11-5, the El Camino Real/San Anselmo Road (North) intersection is under the exclusive jurisdiction of the City of Atascadero; therefore, Caltrans does not have jurisdiction over this intersection.

Response to ROTHMAN.R-13

The author inquired if the pedestrian crosswalks referenced in DEIR Mitigation Measure TRANS-5f are to be controlled in any way that allows safe passage to pedestrians and bicyclists.

PRDEIR Mitigation Measure TRANS-6f requires the installation of crosswalk markings across all driveway access points and the installation of high-visibility markings across the southern driveway
where it connects to the new public street. (Note that the PRDEIR modified the previous mitigation measure to remove the provision regarding installation of a high-visibility, mid-block crossing on Del Rio Road.) The pedestrian crossing locations identified by Mitigation Measure TRANS-6f are non-controlled locations; thus, there is a need for a higher level of visibility and warning to motorists for pedestrian facilities at these locations than at controlled locations (e.g., signalized intersections).

Response to ROTHMAN.R.1-14
The author indicated concurrence with the EIR statements made on pages 3.11-52, 3.11-62, 3.11-63, 3.11-69, and 3.11-70 that pertain to interchange improvements being in place prior to opening of the Walmart store or any substantial piece of the project. Refer to Master Response 1 for further discussion.

Response to ROTHMAN.R.1-15
The author stated that if traffic mitigation cannot be implemented and buildout will result in a LOS F as stated in the EIR, then the project would not conform to the City of Atascadero’s adopted LOS standard contained in Policy 1.3 of the 2025 Atascadero General Plan.

Policy 1.3 of the 2025 Atascadero General Plan reads, “...[m]aintain LOS C or better as the standard at all intersections and on all arterial and collector roads. Upon City Council approval, accept LOS D where residences are not directly impacted and improvements to meet the City’s standard would be prohibitively costly or disruptive.”

DEIR Table 3.8-4 on pages 3.8-42 to 3.8-44 evaluated project consistency with all applicable General Plan Circulation Element goals and policies, including Policy 1.3. PRDEIR Section 3.11, Transportation identifies all traffic improvements that will be needed in the area as a result of the proposed project and other growth and development, and requires that the project implement these improvements or provide proportional-share TIF to the City of Atascadero for implementation of the necessary improvements. These traffic mitigation improvements are consistent with the circulation system improvements identified in the General Plan Circulation Element and with the City’s Capital Improvement Plan (General Plan Table III-11, p. III-24). With implementation of the mitigation, traffic at all City intersections and on all arterial and collector roads will be at LOS C or better, consistent with and in furtherance of General Plan Policy 1.3.

Additionally, as described in Master Response 1, improvements to the intersections of El Camino Real/Del Rio Road and El Camino/San Anselmo Road (North) must be implemented prior to opening of the Walmart store and the US 101/Del Rio Road interchange improvements must be in place prior to the issuance of the first certificate of occupancy for the Annex commercial uses. Thus, there is certainty that traffic improvements would be implemented as described in the PRDEIR and local roadways would not experience prolonged periods of unacceptable levels of service as suggested by the author. This is consistent with the intent of Policy 1.3.
Finally, it should also be noted that state law does not require perfect conformity between a proposed project and a city’s general plan (Friends of Lagoon Valley, 154 Cal.App. 4th 807, 817 (2007); Sequoyah Hills Homeowners Assn. v. City of Oakland 23 Cal.App. 4th 704, 719 (1993)). Rather, consistency means being compatible or in harmony with the objectives, policies, general land uses and programs specified in the General Plan (Gov. Code § 66473.5; Friends of Lagoon Valley, 154 Cal.App. 4th at p. 817). Importantly, a project need not completely satisfy every policy set out in a general plan, as long as it is compatible with the objectives and goals set out in the general plan. (Sequoyah Hills Homeowners Assn. v. City of Oakland 23 Cal.App. 4th at p. 719; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco 102 Cal.App. 4th 656, 678 (2002).) The 2025 Atascadero General Plan specifically reflects this, describing that its policies are not mandatory and are intended to be compatible with and provide direction to the City in meeting the goals and objectives of the General Plan. (See 2025 General Plan, Glossary of General Plan and Housing Terms, page VI-12 (defining “Policy” as “[a] specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program.”) Further, General Plan Policy 1.3 is one of four relevant, project-specific policies intended to achieve Goal CIR 1 to “[p]rovide a balanced, safe, and efficient circulation system that serves all segments of the community, and is designed and constructed to preserve rural character.” As described in Draft EIR Table 3.8-4 on page 3.8-42, and further supported in Section 3.11, Transportation, the required roadway improvements would help to achieve CIR Goal 1 by “maintaining a roadway network that provides the safe and efficient movement of people and goods.”

Response to ROTHMAN.R.1-16

The author expressed concern that US 101 is currently operating at LOS D and noted that DEIR Table 3.11-20 indicates that the project would increase the v/c ratio by 0.4 to 0.5. The author asserted that specific measures are needed to address this impact.

To clarify, DEIR Table 3.11-20 (and PRDEIR Table 3.11-33) depicts “baseline” conditions, which represents the anticipated opening year of the project (2013). Existing freeway operations are summarized in DEIR (and PRDEIR) Table 3.11-6, which indicates that US 101 currently operates at unacceptable LOS D in the southbound direction during the PM peak hour near the Del Rio Road interchange.

US 101 operations are further discussed in Master Response 8.

Response to ROTHMAN.R.1-17

The author stated that San Ramon Road should not be used as a route for construction vehicles because of the condition of the road, which is both narrow and has sight distance problems.

As discussed on PRDEIR page 3.11-124, construction traffic would be expected to travel to Atascadero via US 101 and exit at Del Rio Road to reach the project site and not San Ramon Road.
Response to ROTHMAN.R.1-18

The author stated that truck delivery routes to the commercial buildings should avoid San Ramon Road and Ramona Road.

Trucks serving the Walmart and Annex commercial uses are expected to travel to Atascadero on US 101 and exit at the Del Rio Road interchange. The trucks would then use the local routes depicted on DEIR Exhibit 2-8 and Exhibit 2-14 to reach the loading docks for the Walmart and Annex commercial uses. Trucks would not use San Ramon Road or Ramona Road on the west side of US 101 to travel to or from the project site.
Grant Gruber - public response to draft of Del Rio EIR

Warren Frace, Community Development Director;

The Del Rio Development draft EIR indicates that the Walmart store will require 18.37 million gallons of water per year for normal operations. Given the Atascadero Mutual Water Company's current campaign to encourage water conservation in the community, and the contentious nature of water resources in northern San Luis Obispo County, it would seem prudent and forward thinking to require some form of water mitigation by Walmart Corp. to offset a portion of its water needs. Consider the following:

1. Atascadero Public Works Dept. currently spends tens of thousands of taxpayers dollars to water our park and athletic fields. The irrigation systems are old, inefficient, and costly to maintain/repair. Knowing this, why doesn't the City and AMWC insist that Walmart offset a percentage of its water requirements by replacing these systems with new, efficient, cost saving irrigation systems?

2. Atascadero Unified School District has similar issues with its playgrounds and athletic fields. Again, why isn't the City and AMWC stepping forward and requiring Walmart to pay for meaningful water conservation measures to mitigate its water needs?

The City of Atascadero is in a position to take serious and substantial steps towards conserving water. Perhaps this is a first step. If not now? When?

Respectfully,

Steve Ryburn, citizen

From: "Steven Ryburn" <sryburn7@gmail.com>
To: "Warren Frace" <wfrace@atascadero.org>
Date: 2/16/2011 3:31 PM
Subject: public response to draft of Del Rio EIR
Steve Ryburn (RYBURN)

Response to RYBURN-1

The author noted that the DEIR indicates that the proposed project would consume 18.37 million gallons of water annually and stated that it would be prudent to require the project to implement some form of water mitigation to offset a portion of its water demand.

Refer to Responses to RYBURN-2 through RYBURN-3.

Response to RYBURN-2

The author stated that the City of Atascadero spends tens of thousands of dollars a year to irrigate public parks and athletic fields and suggested that the City and Atascadero Mutual Water Company require Walmart to upgrade these irrigation systems with more efficient fixtures to reduce water consumption.

The DEIR evaluated water consumption on pages 3.10-17 through 3.10-20. The proposed project would use an estimated 18.37 million gallons of water (56.3 acre-feet) on an annual basis. The parcels comprising the project site are within the Atascadero Mutual Water Company service area and have ownership shares in the Water Company; therefore, they have existing rights to water. The “hypothetical water demand” for development under the existing General Plan land use designations and zoning for these parcels is approximately 16.12 million gallons annually. The 2005 Urban Water Management Plan’s projections account for existing and future demand from customers for its service area, and 16.12 million gallons provides a reasonable estimate of the Urban Water Management Plan’s projected annual water demand from the Specific Plan area. As described in the DEIR, Atascadero Mutual Water Company projects surpluses ranging from 568 to 2,894 acre-feet annually under all water reliability scenarios between 2010 and 2025. Therefore, the net increase in water demand from the proposed project of 2.25 million gallons (6.9 acre-feet) annually would be well within the projected surpluses.

Nonetheless, in recognition that Atascadero Mutual Water Company’s long-term water supply planning projections account for demand management measures during dry years, the DEIR proposed Mitigation Measures PSU-3a and PSU-3b, which require outdoor and indoor water conservation fixtures and practices, respectively. In particular, outdoor water conservation measures include the use of drought-resistant vegetation, water-efficient irrigation systems, and landscaping practices that maximize infiltration to avoid runoff and waste. With the implementation of these mitigation measures, impacts were found to be less than significant.

Because impacts would be fully mitigated to a level of less than significant, there is no basis for requiring additional mitigation measures, including the author’s proposal. It should also be noted that both the City of Atascadero and Atascadero Mutual Water Company were consulted about the proposed project’s water supply impacts, and neither agency indicated that (1) the applicant need to
fully offset its increase in water use or (2) offsite water conservation measures were acceptable or desirable as mitigation.

**Response to RYBURN-3**
The author stated that the Atascadero Unified School District has similar issues with playgrounds and athletic fields and suggested that the City and Atascadero Mutual Water Company require Walmart to upgrade these irrigation systems with more efficient fixtures to reduce water consumption.

Refer to Response to RYBURN-2.

**Response to RYBURN-4**
The author stated that the City of Atascadero is in a position to take serious and substantial steps towards conserving water and indicated that his proposals are a first step towards that objective.

Refer to Response to RYBURN-2.
3/15/2011

name: G Salesky
address:
phone:
email:
comments: I do not support the Wal-Mart project. I truly feel it will directly hurt the smaller businesses and as well as lose the small town "feel". Why Wal-Mart here, Paso Robles has one 10 miles just to the north. Also can anyone imagine what is going to become of the intersection of Del Rio & El Camino-it can not be pretty. Yes, I voiced these concerns, plus more at town meetings, as well as to the city council. I oblivously could go on, but the city is not listening. Hopefully, changes will be made to the project to lessen the impact of this undertaking.
G Salesky (SALESKY.1)

Response to SALESKY.1-1

The author expressed opposition to the proposed project, citing potential adverse economic impacts at competing businesses and impacts to “small town ‘feel.’”

The urban decay analysis in Section 3.12, Urban Decay assessed the potential for competing stores to close. The analysis found that although certain competing businesses such as K-Mart would be expected to lose sales in the near term, the losses would be unlikely to be substantial enough to cause store closure. Because competing businesses are expected to remain operational, no significant urban decay impacts would occur.

The DEIR addressed project consistency with all applicable General Plan goals and policies on pages 3.8-30 through 3.8-52 and concluded that the project was consistent with all provisions that pertain to community character.

Because the author did not provide specific comments on these analyses, no further response can be provided.
Rob and Marlene Shannon
4835 Del Río Road
Atascadero, CA 93422

Warren Frace, Director
City of Atascadero, Community Development Department
6907 El Camino Real
Atascadero, CA 93422

Re: Comment on Draft EIR for Del Rio Road Commercial Area Specific Plan

Dear Mr. Frace:

We live in a colony home on Rio Rita, between the designated Receiver 9 and Receiver 10 on the draft EIR for the above-named project.

This has been our family home for 36 years, and we are currently doing a complete renovation of our house from the foundation up, adhering to the historical standards, and at considerable expense. We are very concerned about the long-term noise, lights and pollution that will result from living directly behind and above a Walmart. While sound walls have been recommended in the EIR as mitigation for other areas protecting newer homes and homes that aren’t even in existence yet, none has been proposed for the boundary along Rio Rita and the existing homes there. Even though parapets on the roof and a wall behind the loading dock have been recommended as mitigations, sound travels up, and the noise, lights and pollution are going to severely change the quality of life of our home, yard and neighborhood. The embankment and a wood fence are simply not enough.

Therefore, we respectfully request that at least a six-foot permanent decorative masonry soundwall be installed at the property line all along Rio Rita. We noted that the developer of the new Jack-in-the-Box at the south end of town put in attractive sound-mitigating walls around his project, and we feel that Walmart can certainly do the same.

Thank you for your consideration,

Rob and Marlene Shannon

[Signature]

This fax was received by GFI FAXmaker fax server. For more information, visit: http://www.gfi.com
Rob Marlene Shannon (SHANNON.1)

Response to SHANNON.1-1
The authors indicated that they reside on Rio Rita Road, between residential noise receivers Nos. 9 and 10 depicted in the EIR’s noise analysis.

Refer to Master Response 3 for discussion of noise impacts.

Response to SHANNON.1-2
The authors expressed concern about operational noise impacts and light pollution from the Walmart store. The authors indicated that the DEIR identified various noise attenuation measures such as noise barriers as mitigation, but did not identify a sound wall along Rio Rita Road. The authors indicated that noise and light will travel upslope from the Walmart site towards Rio Rita Road.

Noise impacts are addressed in Master Response 3. Light and glare impacts are addressed in Master Response 5.

Response to SHANNON.1-3
The authors requested that a minimum 6-foot, permanent, decorative masonry soundwall be constructed along the Walmart property line with Rio Rita Road, similar to the one recently installed at Jack-in-the-Box.

Refer to Master Response 3 for discussion of the proposed soundwall.
Dear Warren,

Thank you so much for your help. We will get a letter to you as soon as possible.

Sincerely,
Marlene and Rob Shannon

--- On Fri, 2/4/11, Warren Frace <wfrace@atascadero.org> wrote:

From: Warren Frace <wfrace@atascadero.org>  
Subject: RE: Noise Section of EIR  
To: "Marlene Shannon" <marleneshannon@sbcglobal.net>  
Date: Friday, February 4, 2011, 2:14 PM

Hi Marlene,

I would recommend you put your following comments and requests into a formal letter addressed to me follows:

Attention:

Warren Frace
City of Atascadero
6907 El Camino Real
Atascadero, CA 93446

RE: Comment on Draft EIR for Del Rio Road Commercial Area Specific Plan
Dear Warren,

Thank you for replying so quickly - and for forwarding our comments to the City's EIR consultant. Also for bringing to our attention the mitigations that would help us, which we have studied. Our concern isn't about the construction noise, but the permanent and ongoing noise that will come from the public address system in the garden center, horns in the parking lot, and dockloading which will go on all hours. While it has been recommended in the EIR that a sound wall be built behind the loading area, and parapets for the roof noise, the general noise of everything will still travel uphill to our house and yard. We are also concerned with the light and safety. So we wish to request that a permanent eight foot decorative sound wall be put along the property line between Rio Rita and the Walmart. Can you tell us the proper channels for requesting this?

Thanks again for your assistance.

Sincerely,

Rob and Marlene Shannon

--- On Fri, 2/4/11, Warren Frace <wfrace@atascadero.org> wrote:

-----Original Message-----
From: Marlene Shannon [mailto:marleneshannon@sbcglobal.net]
Sent: Friday, February 04, 2011 1:56 PM
To: Warren Frace
Subject: RE: Noise Section of EIR

Dear Warren,

Thank you for replying so quickly - and for forwarding our comments to the City's EIR consultant. Also for bringing to our attention the mitigations that would help us, which we have studied. Our concern isn't about the construction noise, but the permanent and ongoing noise that will come from the public address system in the garden center, horns in the parking lot, and dockloading which will go on all hours. While it has been recommended in the EIR that a sound wall be built behind the loading area, and parapets for the roof noise, the general noise of everything will still travel uphill to our house and yard. We are also concerned with the light and safety. So we wish to request that a permanent eight foot decorative sound wall be put along the property line between Rio Rita and the Walmart. Can you tell us the proper channels for requesting this?

Thanks again for your assistance.

Sincerely,

Rob and Marlene Shannon
From: Warren Frace <wfrace@atascadero.org>

Subject: RE: Noise Section of EIR

To: "Marlene Shannon" <marleneshannon@sbcglobal.net>

Date: Friday, February 4, 2011, 8:30 AM

Hi Marlene and Rob,

Thank you for bringing this to my attention. Your comments will be forwarded to the City’s EIR consultant. This is a draft EIR (DEIR) at this point and the EIR consultant will prepare a response that will address your concerns as part of the Final EIR/Response to Comment document.

Although your house is not shown on the map, the DEIR contains a number of mitigation measures to reduce noise impacts along all of Rio Rita including your residence (refer to pages 3.9-47 to 48 Mitigation Measure MM NOI-1 and pages 3.9-71 to 72: Mitigation Measures MM NOI-4a, 4e and 4f.)

Warren

Warren Frace | Community Development Director | City of Atascadero |

email wfrace@atascadero.org

-----Original Message-----
> From: Marlene Shannon [mailto:marleneshannon@sbcglobal.net]
>
> > Sent: Thursday, February 03, 2011 10:21 AM
> > To: Warren Frace
> > Subject: Noise Section of EIR
>
> > Dear Mr. Frace,
>
> > We are beginning review of the EIR for the Walmart, in particular the
> > noise sections, and find that our house, a colony house on Rio Rita,
> > which is directly adjacent to the back of the Walmart, is omitted as a
> > receiver. Our next-door neighbors to our west, the Meiars, are number
> > 9, and our neighbors to our east, the Clarkes, are number 10. This
> > must be a mistake, because all the other houses around the site are
> > listed, and we are certainly closer to the Walmart than receiver
> > number 10, for example. Our house is within close proximity to the
> > loading docks, and we have been quite worried about the noise all
> > along.
>
> > Would you please check this out for us at your earliest opportunity?
> > You can call us at 466-9496 or 712-5088, or email me.
>
> > Thank you for your attention.
>
> > Sincerely,
Marlene and Rob Shannon
Marlene and Rob Shannon (SHANNON.2)

Note to reader: This comment letter consist of an email exchange between the authors and the City of Atascadero Community Development Director. Although Comment Letter SHANNON.1 reflects the outcome of this exchange, these emails are nonetheless being treated as comments since they mention issues not raised in Comment Letter SHANNON.1.

Response to SHANNON.2-1
The authors indicated that they would submit a comment letter on the DEIR to the City of Atascadero.

Refer to Responses to SHANNON.1-1 through SHANNON.1-3.

Response to SHANNON.2-2
The comment consists of a reply from the City of Atascadero Community Development Director advising the authors to submit a comment letter outlining their concerns.

Refer to Responses to SHANNON.1-1 through SHANNON.1-3.

Response to SHANNON.2-3
The authors acknowledged the Community Development Director’s reply and indicated that their primary concern was operational noise and from the Walmart site. The author expressed concern about light and glare impacts. The authors requested that a minimum 8-foot, permanent, decorative masonry soundwall be constructed along the Walmart property line with Rio Rita Road.

Noise impacts, including the proposed soundwall, are addressed in Master Response 3. Light and glare impacts are addressed in Master Response 5.

Response to SHANNON.2-4
The comment consists of a reply from the City of Atascadero Community Development Director indicating that their comments will be addressed in the Final EIR and noting that various noise-related mitigation measures are identified in the DEIR. No response is necessary.

Response to SHANNON.2-5
The authors indicated that they had begun to review the DEIR’s noise analysis and noted that their residence was not depicted as a noise receiver. The authors noted their next-door neighbors were depicted as noise receivers and inquired as to why their residence was not identified as one as well.

Noise receivers are addressed in Master Response 3.
From: CORLISS THOMAS [mailto:corlissthomas@msn.com]
Sent: Wednesday, March 09, 2011 1:42 PM
To: Warren Frace
Subject: Wal Mart

Dear Sir:

Where are we in the process for the new Wal-Mart for Atascadero?

Just this morning I spent almost $100. at the Wal-Mart store in Paso. Plus I had to drive the 20 miles round trip. With gas as high as it is, it costs nearly $4. for this trip.

I am a widow, living on a fixed income & try to watch my money closely. Please, I want this Store built.

Corliss Thomas
P.O.Box 61
Atascadero, CA
93422
Corliss Thomas (THOMAS)

Response to THOMAS-1

The author inquired about the status of the environmental review process.

Several authors inquired about the status of the environmental review process and asked if any problems had occurred that were delaying it.

The project applicant formally filed an application for the Del Rio Road Commercial Area Specific Plan with the City of Atascadero in December 2009 and amended the application in April 2010. The City and consultant team commenced work on the EIR on May 2010 with the release of the Notice of Preparation. The DEIR was released for public review on February 2, 2011 and circulated for review until March 18, 2011. Following closure of the public review period, the City of Atascadero determined that portions of the DEIR needed to be recirculated. The PRDEIR was released on March 15, 2012 and circulated for public review until April 30, 2012. The Final EIR was released in May 2012; the public hearing process is scheduled to begin in June 2012. For a project with the characteristics of the Del Rio Road Commercial Area Specific Plan, a 2- to 3-year approval process is not uncommon or unusual.
To: Warren Frace
RE: Proposed Walmart

I reside at 2405 Rio Rita Road, directly above the proposed Walmart site. I have to tell you that I believe this is a bad idea. Months of demolition of remaining structures and massive landscaping, followed by many more months of construction, with noise, traffic, and light pollution that go with any large project will significantly detract from quality of life for residents in this area.

There already exists a Walmart store less than ten miles to the north in Paso Robles, so why is one needed here?

I work at Atascadero State Hospital and am a Registered Nurse. My duties on the PM shift and mandated overtime on NOC shift mean that I need to be able to sleep somewhat atypical hours. I fear that the work involved in a project of this magnitude will cause problems for me professionally and personally. I also have doubts that the objections of one or a few residents will do little to change the outcome; Walmart has a lengthy history of forcing its way into communities across the nation to the detriment of residents and small-scale businesses/"Mom and Pop operations".

I look forward to your reply to this e-mail and hope this can open a dialogue between myself and the city I reside in.

Brian Weeks RN BSN
2405 Rio Rita Road
Atascadero CA 93422
Brian Weeks (WEEKS.1)

Note to reader: This comment letter was submitted to the City of Atascadero on January 30, 2011, prior to public release of the DEIR on February 2, 2011. Nonetheless, in the interests of addressing the author’s comments, it is being treated as an EIR comment letter.

Response to WEEKS.1-1

The author indicated that he resides at 2405 Rio Rita Road, near the rear of the Walmart site. The author expressed opposition to the proposed project, citing noise, traffic, and light and glare impacts on nearby residents. The author did not provide specific comments on the DEIR’s analysis.

The DEIR addressed light and glare impacts in Section 3.1, Aesthetics, Light, and Glare; and the DEIR and PRDEIR addressed noise impacts in Section 3.9, Noise and traffic impacts in Section 3.11, Transportation. Mitigation measures were proposed to lessen the severity of the proposed project’s impacts on these areas.

Note that noise impacts to surrounding residential receptors (including the author’s residence) are addressed in Master Response 3, and light and glare impacts are further discussed in Master Response 5.

Response to WEEKS.1-2

The author indicated that an existing Walmart store exists in Paso Robles and questioned the need for one in Atascadero.

The DEIR’s listed the project’s objectives on page 2-71, which reflect the underlying purpose and need of the proposed project. Relevant project objectives include:

- Enhance the local economy by capturing retail expenditures that are leaking to other markets.
- Provide the market area with a regionally oriented, major retail anchor that retails a wide variety of affordable everyday household items and serves as a draw for other retail and restaurant uses.
- Reduce local residents’ vehicle miles traveled by developing a major retail anchor that retails a wide variety of goods within an urbanized area currently served by existing infrastructure.

Response to WEEKS.1-3

The author indicated that he is a Registered Nurse and works hours that result in his sleeping during atypical hours. The author expressed concern that the proposed project would interfere with his professional and personal life. The author indicated objection to the proposed project, citing Walmart’s corporate practices.

Noise impacts near residential receptors are addressed in Master Response 3.

Walmart’s corporate practices are addressed in Master Response 10.
Response to WEEKS.1-4

The author provided closing remarks to conclude the letter. No response is necessary.
To: Warren Frace  
RE: WalMart in Atascadero

After looking at the EIR at the library, it appears that the noise and dust are not expected to be severe. One thing was noticeable in the EIR: there is no projected "Start Date" for construction. This leads me to believe that this project is not certain to happen. There were some projections of environmental factors in 2013 and long-term in the 2030s.

On a scale of zero to ten, with zero being 'project will not happen under any circumstances' and ten being 'inevitable no matter what residents do', how likely is it in your estimation that WalMart is coming to Atascadero? If it is certain to happen, when is the beginning of this whole thing?

Is there any sort of organized group of citizens you have heard of that opposes the WalMart project? If there is, I would like to contact them.

Thanks!

Brian Weeks  
2405 Rio Rita Rd.  
Atascadero, CA 93422  
805-944-4941
Brian Weeks (WEEKS.2)

Response to WEEKS.2-1
The author stated that he had reviewed the DEIR and noted that noise and dust impacts are not expected to be severe. The author indicated that the DEIR did not provide a “Start Date” for construction and stated that this omission prompted him to believe that the project is not certain to happen.

The DEIR identified anticipated project phasing on page 2-70. To recap, the Draft EIR and PRDEIR assumed construction of the Walmart and Annex non-residential uses could begin as early as January 2012 and these uses could open for business as early as 2013. The residential uses would be developed in a later phase, likely several years after the non-residential uses are completed.

At the time of this writing, the applicant has not indicated that it intends to withdraw the application prior to the public hearing process; therefore, it would be speculative to anticipate otherwise.

Response to WEEKS.2-2
The author inquired about the likelihood of Walmart coming to Atascadero and when it would occur.

Refer to Response to WEEKS.2-1.

Response to WEEKS.2-3
The author inquired if there is any organized group that is opposing the Walmart project and expressed interest in contacting them.

This Final EIR lists the names of all persons who submitted comments about the proposed project, including those who submitted comments expressing opposition to the project. The author is free to contact those individuals.
CITY OF ATASCADERO
Wal Mart / Annex Draft EIR Comment Card

DATE
March 18, 2011 12:11 am

NAME
Brian Weeks

ADDRESS
2405 Rio Rita Rd. Atascadero

PHONE
805-944-4941

EMAIL
bwweeks5270@att.net

COMMENTS
I believe that a WalMart in Atascadero is a terrible idea. I have read the Environmental Impact Report on file at the Atascadero library and I am not convinced that noise, dust and traffic impacts during construction are accurately represented. A net increase of only 15 dB at houses along Rio Rita Rd. to the east seems extremely conservative and optimistic. The landscaping prior to construction would require the use of massive 100+ ton earthmovers to carve out and level the hillside and destroy the large trees here. That’s even before construction of the buildings begins. A project of this magnitude would likely take one or two years to complete; that’s 365 to 730 days of disrupted lifestyle for residents in the area. Think about this in terms of your own living situation: would you want this going on in your front yard? Another relevant point: there’s a perfectly good WalMart in Paso Robles less than ten miles away. Do we really need another one? Ever hear of a concept known to economists as market saturation? It’s the point where demand drops sharply based on oversupply of a product or service. Is a town of 27,000 likely to provide the on-going income needed to keep an operation like this running? A plausible tragedy would be that WalMart abandons the store after a few years for lack of profitability after the damage has already been done! Isn’t the El Camino Real corridor commercialized enough without another huge warehouse store selling shoddy goods produced by wage-slave labor overseas? Low-cost, low-quality (along with discriminatory employment practices) is the WalMart philosophy. Does this fit with the image we want to project to the rest of the world for Atascadero? WalMart has a lengthy track record of bulldozing its way into communities to the detriment of existing small businesses and residents; how many Mom & Pop businesses with deep and lasting connections to the community will suffer and close their doors? I vote a resounding NO! to WalMart in Atascadero, and I sincerely hope you will also. Brian Weeks 2405 Rio Rita Rd. Atascadero
Brian Weeks (WEEKS.3)

Response to WEEKS.3-1

The author stated that he reviewed the DEIR and is not convinced that noise, dust, and traffic impacts are accurately represented. The author stated that a net increase of 15 decibels (dB) at residences along Rio Rita Road is extremely “conservative and optimistic” because construction activities will likely use heavy equipment in excess of 100 tons. The author indicated that it would likely take 1 to 2 years to complete construction and, therefore, would be extremely disruptive to nearby residents.

As noted in Response to WEEKS.2-2, construction of the Walmart and Annex non-residential uses is expected to be completed within 12 months. Noise impacts at nearby residences, including the reasonableness of the construction noise conclusions, are addressed in Master Response 3.

The author did not explain why the DEIR does not accurately represent dust or traffic impacts; therefore, no response can be provided.

Response to WEEKS.3-2

The author questioned the economic need for the proposed project and expressed skepticism that Atascadero could support a Walmart store. The author stated that there is the possibility that Walmart would close the Atascadero store after a few years in operation due to lack of profitability. The author expressed opposition to the proposed project, citing Walmart’s corporate practices.

The underlying purpose and need for the project was previously addressed in Response to WEEKS.1-2.

Regarding the potential for closure of the Atascadero Walmart store due to unprofitability, this is speculative and not supported by evidence. Walmart Stores, Inc. representatives indicate that the company has never closed any of its “Walmart” branded stores in California due to unprofitability. The company has completed several store relocations in California during the past decade, in which a Walmart store is moved to another location and the former site is sold to a third party that assumes ownership and upkeep responsibility. However, it should be emphasized that that this not being proposed in conjunction with the proposed project.

Walmart’s corporate practices are addressed in Master Response 10.
As an Atascadero Resident please consider this a 'vote' against the proposed Walmart project. We don't need the added traffic congestion nor do we need a big box store to take revenue away from local business.

Sincerely,
Milt Weiss
2205 San Ramon Road
Atascadero, Ca. 93422
Milt Weiss (WEISS)

Response to WEISS-1

The author expressed opposition to the proposed project, generally citing traffic congestion and potential economic impacts to competing businesses. No response is necessary.
To: Warren Frace, Director, City of Atascadero, Community Development Dept.

RE: Del Rio project -- Walmart, etc.

Our family strongly supports the Walmart company and this project, as proposed by the applicant. We strongly want a Walmart that is as large as possible including groceries, because there is economy of scale and this also brings us the most shopping choices. Walmart is also a good neighbor who donates millions in charity dollars to local charities. For the housing, I would rather see more retail on El Camino Real, and not homes, but we support the project as proposed. All homes should be built with solar panels on the roofs.

Regarding greenhouse gasses, etc. Walmart Corp. has been building new stores with solar panels on the roof. We adamantly request that this be a condition of approval if it is not already included in the project. There is no reason to have a large flat roof like that and not use it to provide electricity for the store, and the entire shopping center.

We are not concerned about biological, cultural or other resources on these pieces of land that had already been developed in the past and do not have any remaining cultural or important biological resources. That is a non-issue. The area will look significantly better after the project is completed. It looks like blight currently. Noise can be limited by having only day time truck deliveries. Parking lot lighting can be downward directed with covers.

The project should be designed however so that it looks attractive, with appropriate drought tolerant landscaping, stucco walls & tile roofs, or something similar for an upscale and attractive appearance. Decorative pressed concrete paving on sidewalks and walkways in the parking lot would add a lot as well.

Please ensure that any upgrades needed to roads, like additional turn lanes, signalization, etc. is paid for by the project.

We want this project to go forward as soon as possible. We were not happy about the delay that the requirement of the EIR created, which is always more time than originally projected. Please work with the consultant and Walmart to push this project to construction, and ribbon cutting.

P.S. We were not happy at all about the homeless shelter being built on the north end of the City. We submitted comments on this, and it was clear at the time that it was a "done deal". That shelter is causing blight in the city, and the fact that they send the bums out to walk our streets all day (with no where to go) is a huge problem. It is not safe as we all know most of these people are drug addicts, mentally ill, and alcoholics. The City needs to keep a handle on what these people are doing and problems caused by them stealing shopping carts & leaving them all over town.

P.S. The new bridge by the junior high has opened up access to homeless crazies who are in the creek polluting the water and watershed with trash, feces, urine, & endangering the students at the Junior High & Fine Arts nearby. A month ago a crazy woman mental patient was climbing the fence behind the junior high & trying to get in the junior high. The school principal had to enter the creek & talk her down. While parking at the City hall parking lot to pick up my child from junior high, I keep seeing homeless bums coming out of the creek up onto the new sidewalks when the kids are getting out of school. It is dangerous. Please meet with the police dept. and start a zero tolerance policy for allowing these people in our creek.

Thank you for the opportunity to comment. If you would like to reach me and discuss any part of the project, I can be reached at 461-3540.

Nancy S. Wickersham,
Husband, David A. Wickersham, & adult daughter, Amber E. Wickersham
3365 Liga Road
Atascadero, CA 93422-2605
Nancy, David, and Amber Wickersham (WICKERSHAM)

Response to WICKERSHAM-1
The authors expressed support for the proposed project. The authors stated that Walmart has been building new stores with rooftop solar panels and requested that the City require this as a condition of approval.

Solar is addressed in Master Response 6.

Response to WICKERSHAM-2
The authors indicated that they are not concerned about the proposed project’s biological, cultural, or other resource impacts and asserted that the project site will better after the project is completed. The authors stated that noise impacts can be mitigated by limiting truck deliveries to daytime hours. The authors noted that parking lot lighting can be directed downward with covers.

Noise impacts are addressed in Master Response 3.

Light and glare impacts are addressed in Master Response 5.

Response to WICKERSHAM-3
The authors stated that the project should incorporate drought-tolerant landscaping, stucco walls, tile roofs, and decorative pressed concrete paving for pedestrian facilities.

Mitigation Measure PSU-3a requires the use of drought-tolerant landscaping. Exhibits 2-10a and Exhibit 2-13 depict proposed plant and tree species that are consistent with this requirement.

Mitigation Measure TRANS-5e requires the installation of pedestrian facilities within the Walmart and Annex sites. The mitigation measure requires the use of pavement treatments or similar features to be installed at locations where pedestrian facilities cross drive aisles. Pavement treatments may include but do not have to consist of decorative pressed concrete.

The Del Rio Road Commercial Area Specific Plan establishes architectural design standards and guidelines for the proposed Walmart and Annex commercial uses. The standards and guidelines neither require nor preclude the use of stucco walls or tile roofs. Although the author’s preference for stucco walls or tile roofs pertain to the project design and not the EIR’s analysis, it should be noted that the DEIR provided a comprehensive evaluation of the proposed project visual character impacts on pages 3.1-8 through 3.1-24. That analysis evaluated the proposed project’s visual compatibility with surrounding uses and identified mitigation measures to reduce impacts to a level of less than significant. The analysis ultimately concluded the proposed project’s scale and contemporary architectural design (including the Walmart structure) were compatible with surrounding land uses.

Please note that the Atascadero Planning Commission and City Council will review architectural design standards as part of consideration of the Del Rio Road Commercial Area Specific Plan;
therefore, this comment is most appropriately addressed to these bodies in their respective design review capacities.

Response to WICKERSHAM-4
The authors stated that the City should ensure that any roadway improvements such as turn lanes and signals be paid for by the applicant.

Pursuant to equitable share methodology, the project applicant will pay the full cost or its proportionate share of the cost for necessary roadway improvements. Costs of traffic mitigation measures are addressed in Master Response 1.

Response to WICKERSHAM-5
The authors expressed frustration about the delays associated with the project and indicated that they would like to see the project advance as quickly as possible. No response is necessary.

Response to WICKERSHAM-6
The authors provided comments about a homeless shelter that is unrelated to the proposed project. No response is necessary.

Response to WICKERSHAM-7
The authors provided comments about the activities of homeless persons in the downtown area. No response is necessary.

Response to WICKERSHAM-8
The authors provided closing remarks to conclude the letter. No response is necessary.
2/17/2011

name: Alan & Dorothy Wilks
address:
phone:
email: awilks@charter.net
comments: We Like Everything about Walmarts Plan for Atascadero. The only thing that has bothered us, is why any city, or State for that matter, should tell a business, or limit a business, to the size that the facility can be?? The Business knows what size they want to suit their optimum profit potential, more than any outside entity!! Stay out of the way of business!
Alan and Dorothy Wilks (WILKS)

Response to WILKS-1

The authors expressed support of the proposed project and questioned why government agencies can limit the size or use of businesses.

Local governments are allowed to regulate development and land use activities in the interests of protecting public health, safety, and welfare. These regulations take the form of Zoning Ordinance requirements that identify allowable and conditional land use activities and development standards (setbacks, height limits, Floor Area Ratio parameters, etc.). The DEIR concluded that the proposed Del Rio Road Commercial Area Specific Plan complies with all applicable Zoning Ordinance requirements; refer to pages 3.8-55 through 3.8-74.
From: Robert Winslow [mailto:robert@ashleyvance.com]
Sent: Friday, March 18, 2011 11:13 AM
To: Warren Frace
Cc: srottman@compassregroup.com; Keith@therottmangroup.com
Subject: The Annex Draft EIR

Attn: Warren Frace
City of Atascadero
Community Development Department

Subject: Walmart / Annex Draft EIR

Regarding: Project Comments

Warren:

Please find attached our comments regarding the Draft EIR for the above referenced project and our proposed solutions to the comments that would meet our approval.

1. Existing structure located at 1800 El Camino Real, also known as the Rordorf Residence

Mitigation measure MM CUL-1a states:

"Prior to the start of construction activities on the 1800 El Camino Real parcel, the applicant shall relocate the Rordorf Residence to another suitable site, as determined by the City of Atascadero. The applicant shall bear the full cost of all relocation activities."

As stated on page 3.4-25 of the Cultural Resources Section of the Draft EIR:

"the property is a common example of modest Craftsman residence.....this property is not eligible for listing in the California Register under any significance criteria ..."

The Draft EIR continues by stating:
"...it is eligible for local designation, as an example of an Atascadero Colony residence ..."

Because the subject building does not meet ANY of the four tests of Threshold of Significance, per CEQA (meaning that it is not considered a historic building) and because the Atascadero General Plan only makes reference to preserving historic buildings (additional it does not require it), it is the applicants opinion that there is not sufficient cause to find a nexus for the preservation or relocation of this residence. Furthermore, the cost of relocating the residence would place an unnecessary and unfair financial burden on the project. The applicant has agreed to gift the building to the Atascadero Historical Society and is willing to continue this offer provided the following:

A. The Atascadero Historic Society must bear the full cost of the relocation of the building.
B. The Atascadero Historic Society must indemnify and hold the applicant harmless from any future use or issues relating to the building.
C. The Atascadero Historic Society must provide the “suitable land” the house will be moved to.
D. The Atascadero Historic Society must secure and pay for any required permits pertaining to the relocation of the structure.
E. The Atascadero Historic Society shall be given 120 days notice, prior to construction. If the building is not relocated within the 120 day period, the applicant will be allowed to properly document the building and apply for demolition permits.

The applicant proposes the following revisions to mitigation measure MM CUL-1a:

“The project applicant has agreed to gift the existing building located at 1800 El Camino Real, also known as the Rordorf Residence, to the Atascadero Historical Society. The applicant will give the Atascadero Historic Society 120 days notice, prior to the beginning of construction, to relocate the structure to another suitable site acquired by The Atascadero Historic Society and approved by the City of Atascadero. The Atascadero Historic Society will bear the full cost of all relocation activities and applicable permits. If the building is not relocated prior to the beginning of construction, the applicant will be granted a demolition permit for the structure after it has been properly documented per mitigation measure MM CUL-1b.”

2. Transportation Fees

Mitigation measure MM TRANS 1a states:

“Prior to the issuance of building permits for each specific plan use, the applicant shall provide the City of Atascadero with all applicable, transportation-related development fees in accordance with the latest adopted fee schedule.”

Give the current economy, it is an unrealistic request and unfair financial burden on the projects to expect these fees to be paid prior to construction. Additionally the condition should ensure that public improvements made by the project applicants, for these projects will be credited against the transportation fees.
The applicant proposed the following revisions to mitigation measure MM TRANS-1a:

“Prior to the issuance of certificate of occupancy for each specific plan use, the applicant shall provide the City of Atascadero with all applicable, transportation-related development fees in accordance with the latest adopted fee schedule. Actual cost incurred by the project applicants related to the construction of public improvements will be credited against the transportation-related development fees.”

Thank you for your time and consideration regarding these conditions. We look forward to seeing the revision made in the Final EIR document.

Regards,

Robert Winslow, PE
Principal Civil Engineer

805.545.0010 ext. 151
805.903.3202 cell
Robert Winslow (WINSLOW)

Response to WINSLOW-1
The author provided introductory remarks to preface the letter. No response is necessary.

Response to WINSLOW-2
The author cited the text of Mitigation Measure CUL-1a, which pertains to relocation of the Rordorf Residences on the 1800 El Camino Real parcel, and the discussion of the historical significance of the residence on page 3.4-25, and he disputed the conclusion that the structure meets historical significance criteria. The author stated that the analysis does not establish a nexus between significant impacts to the residence and the need for mitigation. The author indicated that the property owner has voluntarily offered the residence as a gift to the Atascadero Historical Society provided that five conditions are met, including one requiring the organization to pay the full cost of the relocation. The author proposed revisions to the text of Mitigation Measure CUL-1a, which reflects the five previously mentioned conditions and also allows the for the building to be recorded and then demolished pursuant to Mitigation Measure CUL-1b.

CEQA Guidelines Section 15064.5 (a)(4) establishes that a resource need not be listed in or determined to be eligible for listing in the California Register of Historical Resources or a local register in order to be considered a historic resource. As summarized on pages 3.4-24 and 3.4-25, although the Rordorf Residence does not meet any of the four state historic eligibility criteria, it is an example of an Atascadero Colony residence and is eligible for designation as a local historic resource. Thus, the DEIR appropriately deemed demolition of the resource to be a significant impact and required the implementation of both Mitigation Measure CUL-1a and Mitigation Measure CUL-1b to fully mitigate the impact.

Regarding the author’s proposed revisions to Mitigation Measure CUL-1a, the statement that the applicant shall be responsible for the full costs of the relocation of the Rordorf Residence has been removed. This change is noted in Section 5, Errata.

As for the author’s proposal to allow for Mitigation Measure CUL-1b to be substituted in lieu of Mitigation Measure CUL-1a, this would not fully mitigate the impact and, therefore, would result in the level of significance being significant and unavoidable. Furthermore, no evidence has been presented by the author demonstrating that Mitigation Measure CUL-1a is not feasible from an economic, technological, or other standpoint; therefore, the lead agency cannot simply dismiss this feasible mitigation measure.

Response to WINSLOW-3
The author cited the text of Mitigation Measure TRANS-1a, which requires the applicant to provide the City of Atascadero with all applicable, transportation-related fees in accordance with the latest adopted fee schedule, and stated that this is an “unrealistic request” and “unfair financial burden” to expect that these fees be paid prior to construction. The author also noted that the mitigation measure
is silent regarding fee credits for construction of public improvements. The author provided proposed revised text that would delay payment of fees until issuance of the certificate of occupancy and specifically mention fee credits for construction of public improvements.

Although the text of Mitigation Measure TRANS-1a was modified in the PRDEIR, it still requires payment of all applicable transportation-related fees prior to issuance of building permits. This reflects the interests of installing necessary traffic improvements as close to opening day as possible. The author’s proposed revision would be contrary to this objective, as buildings would be ready for occupancy at the time fees would be paid, which may result in inadequate infrastructure and service delivery. This proposal may be in conflict with several General Plan goals and policies, including but not limited to Goal LOC 15, Policy 15.3, Policy 15.6, Goal CIR 1, and Policy 1.1.

Regarding the issue of fee credits, there is no language in Mitigation Measure TRANS-1a that precludes the application of fee credits for construction of public improvements. Furthermore, as discussed in detail in Master Response 1, the City’s TIF program permits the use of fee credits. Refer to Master Response 1 for further discussion.

For these reasons, there is no need to revise the text of Mitigation Measure TRANS-1a as proposed by the author.

Response to WINSLOW-4

The author provided closing remarks to conclude the letter. No response is necessary.
<table>
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<tr>
<th>DATE</th>
<th>February 25, 2011 3:37 pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td>Tom Zirk</td>
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<tr>
<td>ADDRESS</td>
<td></td>
</tr>
<tr>
<td>PHONE</td>
<td></td>
</tr>
<tr>
<td>EMAIL</td>
<td><a href="mailto:tzirk@hotmail.com">tzirk@hotmail.com</a></td>
</tr>
<tr>
<td>COMMENTS</td>
<td>I believe the triple roundabouts at the Del Rio exit is going to be a challenge. Many people may not know how to merge and exit properly. The city and Wal Mart should consider providing free driver training and distribute detailed instructions.</td>
</tr>
</tbody>
</table>
Tom Zirk (ZIRK.1)

Response to ZIRK.1-1

The author indicated that the proposed roundabouts on Del Rio Road will present a challenge to motorists who may be unfamiliar with how to merge and exit properly. The author suggested that the City and Walmart provide free driver training and distribute detailed instructions.

Roundabouts are addressed in Master Response 1.
## CITY OF ATASCADERO

### Wal Mart / Annex Draft EIR Comment Card

<table>
<thead>
<tr>
<th>DATE</th>
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<tr>
<td>NAME</td>
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<tr>
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<tr>
<td>PHONE</td>
<td></td>
</tr>
<tr>
<td>EMAIL</td>
<td><a href="mailto:tzirk@hotmail.com">tzirk@hotmail.com</a></td>
</tr>
<tr>
<td>COMMENTS</td>
<td>Roundabout traffic would flow better if the city closed the entrance/exit from the gas station on the Del Rio side of the outlet properties. Allowing cars to pull out onto Del Rio and then immediately merge on to the roundabout will slow the whole flow.</td>
</tr>
</tbody>
</table>
Tom Zirk (ZIRK.2)

Response to ZIRK.2-1

The author indicated that the proposed roundabouts on Del Rio Road would operate better if the City closed the Mission Oaks/Shell gas station driveway on Del Rio Road, as this would prevent turning movements that may interfere with traffic flow.

Roundabouts are addressed in Master Response 1.
Megaland

CITY OF ATASCADERO
Wal Mart / Annex Draft EIR Comment Card

DATE
March 18, 2011 2:15 pm

NAME
Megaland

ADDRESS

PHONE

EMAIL

COMMENTS
I am not a huge advocate for having a Walmart here in Atascadero. I live really close by so I am afraid of how it's
going to change our quiet and serene surroundings when it's finally here. BUT with that said, I would love to have a
grocery store closer to home. It would also be nice to be able to walk to the stores/restaurants to save on gas. It would
also be nice to keep the money in Atascadero. I hate having to drive to Paso and SLO for everything. Most of the time,
I resort to shopping online because with free shipping and coupon codes, it's almost cheaper to shop from home. With
all the empty buildings all over town and businesses shutting down, I would love to see Atascadero get some life back
into it again. I understand the fears of what Walmart will do to our small town. But considering it's the only corporation
willing to invest in Atascadero (even Trader Joes opted not to, even with all the benefits offered to them), I think
Atascadero will thrive because Walmart will BRING in businesses back to the town. So many businesses choose to
go to Paso or SLO instead and it would be nice to have Atascadero start earning more tax revenue for proper growth
and to fund its services in the community. On a side note, a huge Walmart center was built by my parents' house in
San Clemente, right next to million dollar homes. People were afraid of what kind of "crowds" Walmart was going to
bring in and how much traffic there was going to be. I've been there plenty of times and it's about the same distance
from the neighborhoods as it will be here. The store and the shopping center there are super nice and they have not
had any serious problems pertaining to the Walmart.
Partial Names or Unsigned Letters

Megaland (MEGALAND)

Response to MEGALAND-1

The author expressed qualified support for the proposed project, and cited potential noise impacts as an issue of concern. The author provided commentary on local retail offerings and the effects of a Walmart store in San Clemente. The author did not provide any specific comments on the DEIR’s analysis.

Noise impacts were addressed in the PRDEIR in Section 3.9, Noise, and set forth mitigation measures to reduce impacts at nearby receptors to acceptable levels. Because the author did not provide specific comments on this analysis, no further response can be provided.
DATE
February 17, 2011 6:26 pm

NAME
No Name Entered

ADDRESS

PHONE

EMAIL

COMMENTS
If there is one thing I'd like to say to the Planning Commission and City Council, it's this: There is more to life than sales-tax revenues. Make planning decisions that contribute something of merit to Atascadero's economy for once, instead of allowing Wal-Marts to be built and companies to build new stores next to their existing locations in town which then become decrepit empty storefronts when they close (I'm looking at you, Rite-Aid). We don't need more of what we already have. This plan is not inside the central business district—it is OUTSIDE our already-dying downtown, and it will draw shoppers away from our decaying CBD. The last thing this city needs is even more vacant business space (to add to our burgeoning supply of empty storefronts downtown), especially when it is being built in part to house a corporation as ruthless and predatory as Wal-Mart, whose goal is (and has always been) to destroy its local competition, whatever the cost. Also, the "jobs" that will be created are menial jobs for high-schoolers that will contribute almost nothing to our economy, given the pittance Wal-Mart employees receive in "wages." This is not the kind of "growth" Atascadero needs.
Unsafe (UNSIGNED.1)

Response to UNSIGNED.1-1

The author expressed opposition to the proposed project, citing its location outside the Central Business District, potential adverse impacts on competing businesses, and Walmart’s corporate practices. The author did not provide specific comments on the DEIR’s analysis.

The urban decay analysis in Section 3.12, Urban Decay assessed the potential for competing stores to close. The analysis found that although certain competing businesses such as K-Mart would be expected to lose sales in the near term, the losses would be unlikely to cause store closure. Because competing businesses are expected to remain operational, no significant urban decay impacts would occur. Because the author did not provide specific comments on this analysis, no further response can be provided.

Walmart’s corporate practices are addressed in Master Response 10.
2/17/2011

name :
address :
phone :
email :
comments : I am opposed to this project and WE DO NOT NEED ANOTHER STUPID WALMART.
**Unsigned (UNSIGNED.2)**

Response to UNSIGNED.2-1

The author expressed opposition to the proposed project. No response is necessary.
3.3 - Responses to Comments on PRDEIR (March 15, 2012)

3.3.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Atascadero, as the lead agency, evaluated the comments received on the PRDEIR (State Clearinghouse No. 2010051034) for the Del Rio Road Commercial Area Specific Plan, and has prepared the following responses to the comments received. This Response to Written Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.3.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.
April 30, 2012

Warren Frace, Director
Community Development
6907 El Camino Real
Atascadero, CA 93422

Subject: Del Rio Road Commercial Area Specific Plan Re circulated Draft Environmental Impact Report

Dear Mr. Frace:

Thank you for the opportunity to review and comment upon the subject Plan’s Re-circulated Draft Environmental Impact Report (DEIR). As described within the document, the project description remains consistent with the project in the 2011 Specific Plan and DEIR. The significant undertaking in the re-circulated document appears to be the Walmart only alternative and the discussion with respect to the Del Rio Road / US 101 interchange improvement concept plan.

Based on Caltrans’ review of the re-circulated DEIR we offer the following comments:

1. Transportation: The transportation analysis and project impact discussion appear to be technically accurate, for both the project and the Walmart only alternative. This includes the derived conclusions.

2. US 101 / Del Rio Road Interchange Improvements. Similar to the previous DEIR response, anticipated improvements at the Del Rio Road / US 101 interchange include northbound and southbound ramp node roundabouts and a third roundabout at El Camino Real / Del Rio Road intersection, as well as other local road improvements. The interchange ramp node reconstruction will include ramp improvements as required to ensure Highway Design standards are satisfied.

The differences between the previous DEIR and the re-circulated DEIR appear to be those of timing and financing. Whereas the previous DEIR stipulated that “the applicant” would construct these improvements prior to opening day of the Walmart center, the re-circulated DEIR is somewhat opaque in terms of timing and financing.

A. With respect to timing of improvements, the discussion on page 3.11-55 indicates the lead agency’s perspective: “...neither the City nor the applicants have full control over the timing of completion...because (1)...the jurisdiction of Caltrans...and (2) acquisition of...rights of way...” While this is accurate on its face, the notion of not having full control must not be used as an excuse to delay formal project initiation and project development through Caltrans. Future impact fees are also discussed as an obstacle to timing.

“Caltrans improves mobility across California”
However, what remains clear is that “the project” significantly degrades the interchange (Table 3.11-20), and the first sentence on page 3.11-27. In the absence of any other metric, it is Caltrans perspective that if “the project” is approved, it must be clearly understood and stipulated that all interchange improvements will be completed prior to the certificate of occupancy or “opening day” of any land use associated with the Annex portion (if Walmart is constructed first) of the specific plan.

B. With respect to financing of the improvements it is not within Caltrans purview as to how this is accomplished. The narrative on page 3.11-29 discusses percentage - or proportional - responsibilities assigned to Walmart, to the Annex, and then the balance attributable to the City. It appears that the percentage responsibilities are guided by fair-share fee concepts referenced in *Anderson First Coalition v. City of Anderson* and *Save our Peninsula Committee v. Monterey County Board of Supervisors* (see citations on page 3.11-55).

Care must be taken to ensure appropriate application of these case law concepts. Both of these decisions materially guide the manner in which cumulative impacts can be mitigated. The principal context in these case law decisions is the cumulative condition and responsibilities.

While it is apparent that “the project” and the Walmart only alternative will have significant cumulative impacts, it remains also accurate that “the project” has significant direct impacts at the interchange (Table 3.11-20). The re-circulated DEIR should clearly discuss the differences between direct and cumulative impacts and their respective mitigation requirements.

3. US 101 / Del Rio Road Interchange Improvements. On page 3.11-26 the language is somewhat disconcerting regarding the Capital Improvement Plan (CIP) and the Del Rio Road Interchange: “If the Del Rio Road Commercial Specific Plan is approved, the City Council may consider amending the CIP to include the Del Rio Road/ US 101 interchange to address the mitigation...” (underline added). There should be no question that if the project or an alternative is approved that the interchange improvement becomes part and parcel of the CIP especially given the General Plan and other planning actions discussion on page 3.11-27.

4. US 101/San Anselmo Road Interchange and improvements. Page 3.11-93 – Table 3.11-36 indicates that Baseline + Walmart degrades both southbound and northbound ramp nodes from LOS D to LOS E. Similarly the Future (cumulative) + Walmart degrades both southbound (increasing delay which is already at LOS E) and northbound ramp node from LOS D to LOS E. Caltrans considers this a significant impact.

Footnote * in Table 3.11-36 indicates the lead agency considers this to be acceptable. Is that conclusion based on potential signalization as a solution since reference is made to signal warrants? The re-circulated DEIR should include discussion whether there are operational improvements or ramp widening which minimize this impact.

Caltrans requests that the final EIR include analysis of the San Anselmo ramp intersections as all-way stop controlled.

*Caltrans improves mobility across California*
5. Existing Conditions; Baseline Conditions. Section 15125(a) of the CEQA guidelines indicates that existing conditions and the baseline are the same. Generally, it is the environmental setting which exists at the time the NOP is published. In an effort to be more consistent with guidelines, the re-circulated DEIR should explain the “baseline” conditions using different terms.

6. Scenarios, generally. The re-circulated DEIR includes a scenario that appears to be incongruous to the alternatives. On page 3.11-74, why does “Baseline plus Project” exclude the residential uses? That is not consistent with the descriptions of “the project” or the Walmart only alternative, which both include the residential component. If this land use is omitted and the project approved based on this scenario, it appears the project has been segmented and not really phased.

Caltrans March 2011 correspondence remains relevant with particular emphasis on project design guidance, hydraulics and environmental topics. Administratively, Caltrans urges the lead agency to initiate the interchange improvement project as soon as practicable and begin discussing the parameters of a cooperative agreement for project development. Thank you again for the opportunity to provide comments on this project and re-circulated environmental document. If you have any questions about this letter I can be reached at (805) 549-3632.

Sincerely,

Chris Shaeffer
Caltrans District 5
Development Review

c:  L. Newland, CT
    P. Mcclintic, CT
    J. Fouche, CT
    F. Boyle, CT
    C. Espino, CT
    R. Thompson, Atascadero Public Works
State Agencies

California Department of Transportation (CALTRANS.2)

Response to CALTRANS.2-1
The agency provided introductory remarks and indicated that the PRDEIR primarily provides additional analysis of the Walmart Only Alternative and the Del Rio Road/US 101 interchange improvement concept plan.

The PRDEIR summarized the items that changed relative to the DEIR on pages 1-2 through 1-4. As noted on those pages, a number of items changed including the provision of additional analysis of the Walmart Only Alternative and the Del Rio Road/US 101 interchange improvement concept plan.

Response to CALTRANS.2-2
The agency indicated that the transportation analysis and project impact discussion appear to be technically accurate for both the project and the Walmart Only Alternative. No response is necessary.

Response to CALTRANS.2-3
The agency referenced the improvements proposed for the US 101/Del Rio Road interchange and reiterated prior comments from its March 18, 2011 comment letter (Comment CALTRANS.1-3). The agency noted that the differences between the PRDEIR and DEIR primary concern timing and financing and stated that the PRDEIR is “somewhat opaque” in this regard. The agency also referenced the discussion on page 3.11-55 regarding the City of Atascadero lacking jurisdictional control of the interchange and stated that this should not be used as an excuse to delay formal project initiation through Caltrans. The agency stated that the proposed project (i.e., Walmart and Annex) clearly degrade operations at the interchange; therefore, all interchange improvements must be completed prior to issuance of the first certificate of occupancy for the Annex portion of the project.

The agency also noted that the narrative on page 3.11-29 discusses the proportional responsibilities of the improvements as they relate to Walmart and the Annex and stated that this is in the context of “cumulative impacts.” The agency asserted that the project has direct impacts on the interchange as shown in Table 3.11-20 and the PRDEIR must discuses the differences between direct and cumulative impacts and their respective mitigation requirements.

These comments are addressed in Master Response 1. Note that the March 18, 2011 comments are addressed in Response to CALTRANS.1-1 through CALTRANS.1-8.

Response to CALTRANS.2-4
The agency referenced the discussion of the City’s Capital Improvement Plan (CIP) on PRDEIR page 3.11-26, which states that the Atascadero City Council may consider amending the CIP to address the US 101/Del Rio Road interchange mitigation, and stated that there should be no question about this issue if the project is approved.
The language on page 3.11-26 reflected the current disposition of the CIP at the time of PRDEIR release (March 15, 2012). The Atascadero City Council had not amended the CIP in this regard; therefore, it would have been speculative for the PRDEIR to state otherwise. Should the City Council approve the proposed project, it would be expected that the CIP will be proposed for amendment.

Response to CALTRANS.2-5

The agency referenced the analysis of intersection operations at the US 101/San Anselmo Road interchange in PRDEIR Table 3.11-36 and stated that Caltrans considers this to be a significant impact. The agency noted that a footnote at the bottom of Table 3.11-36 indicates the lead agency considers the operations at the US 101/San Anselmo Road interchange to be acceptable and inquired if this was based on the potential for signalization. The agency stated that the PRDEIR should discuss whether there are operational improvements or ramp widening which minimize this impact. The agency also requested that the Final EIR include analysis of the San Anselmo ramp intersections as all-way stop-controlled.

Both the City of Atascadero and Caltrans have a minimum LOS standard of C. Neither agency specifically indicates in their guidelines if the standard applies to the intersection as a whole or individual movements at unsignalized intersections. Using standard practice and past experience in applying these standards on state highway facilities, the LOS C standard was applied to the intersection as a whole, since application of the LOS C standard to individual movements at two or all-way stop-controlled intersections may lead to recommendations that create unnecessary delay or maintenance expenses. Mitigation measures such as a traffic signal, additional lanes, or revised right-of-way controls were only considered if operation on any single movement fell to LOS F, indicating an average delay in excess of 50 seconds, and traffic signal warrants were met. This approach was presented in the initial DEIR and is acceptable to the City of Atascadero. Based on this application, these conditions are not a significant impact.

Regarding the footnote at the bottom on Table 3.11-36, mitigation measures such as a traffic signal, additional lanes, or revised right-of-way controls were only considered if operation on any single movement fell to LOS F, indicating an average delay in excess of 50 seconds, and traffic signal warrants were met. If traffic signal warrants were not met, the LOS F conditions for a stop-controlled movement were considered acceptable. It is noted that operational improvements to minimize the impacts were considered. In general, signalization of the ramps would require widening of the overpass. Therefore, as discussed in the Atascadero Interchange Study (see Master Response 1), roundabout interchanges were ultimately selected as the accepted mitigation approach.

W-Trans provided supplemental analysis of the US 101/San Anselmo Road ramp intersections with all-way stop control in response to the agency’s comment; refer to Appendix P. All-way stop control at the US 101/San Anselmo Road ramp intersections results in traffic operation at LOS D or worse in every scenario except for existing conditions. This includes LOS D operation or worse in both intersections in the PM peak hour for all scenarios besides the Existing No Project conditions; LOS E
operation or worse in the PM peak hour in both intersections during Existing Plus Project and Baseline Plus Project conditions; LOS E operation or worse at the intersection of San Anselmo Road/US 101 Northbound Ramps during both the Am and PM peak hours under Future scenarios; and LOS F operation at the intersection of San Anselmo Road/US 101 Northbound Ramps during both the AM and PM peak hours under Future Plus Project scenarios. Because all-way stop control of the San Anselmo ramp intersections does not meet Caltrans’s intersection operation standards in any scenario besides the Existing scenario, it was not pursued as a mitigation measure.

Response to CALTRANS.2-6

The agency stated that CEQA Guidelines Section 15125(a) indicates that existing conditions and the baseline are the same and recommended that the EIR use different terminology to describe “baseline.” The term “Baseline,” as used in the DEIR and PRDEIR, signifies the opening year of the proposed project, which was assumed to be 2013; refer to PRDEIR pages 3.11-59 through 3.11-61. It should be noted that the City of Atascadero has not received any other comments expressing confusion about what the “Baseline” traffic scenario represents. As such, the City does not believe changing the name is necessary.

Response to CALTRANS.2-7

The agency inquired why the “Baseline Plus Project” scenario excludes the proposed residential uses. The agency indicated that this is not consistent with the project description and suggested that this results in a segmented analysis.

As explained in the DEIR on page 2-70, the residential uses would be constructed in later phase after the commercial uses. The DEIR and PRDEIR assumed that these uses would be constructed in 2020 and operational in 2021. As previously explained in Response to CALTRANS.2-6, the “Baseline” scenario represents 2013; therefore, it was appropriate to omit the residential uses from this scenario. Nonetheless, the residential uses were accounted for in the Future traffic scenario.

Response to CALTRANS.2-8

The agency reiterated its prior comments from its March 18, 2011 comment letter and urged the City of Atascadero to initiate the interchange improvement projects as soon as practicable. The agency provided concluding remarks.

The March 18, 2011 comments are addressed in Response to CALTRANS.1-1 through CALTRANS.1-8.

Refer to Master Response 1 for discussion of the initiation of interchange improvements.
April 30, 2012

Warren Frace
Community Development Director
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

SUBJECT: APCD Comments Regarding Del Rio Road Commercial Area Specific Plan Partially Recirculated Draft Environmental Impact Report (Walmart/Annex DEIR)

Dear Mr. Frace,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located in northern Atascadero on the east side of the Del Rio Road & El Camino Real intersection.

This DEIR evaluates the potential environmental effects of the Del Rio Commercial Area Specific Plan. The Del Rio Road Commercial Area Specific Plan would guide the development of two separate components, Walmart and the Annex, which would have a combined development potential of 260,460 square feet of non-residential uses and 50 residential dwelling units on 39 acres.

The Walmart component consists of the development of a freestanding Walmart store, two commercial outlots, a multiple-family residential use, and associated infrastructure on approximately 20 acres. A Walmart store totaling 129,560 square feet would occupy approximately 19 acres. The Walmart store would retail groceries and general merchandise, and operate 24 hours a day, 7 days a week. Two 1-acre commercial outlots would be developed south of the Walmart store. Each outlot would have a maximum development potential of 5,000 square feet. An approximately 2.8-acre parcel would be reserved for future, multi-family residential uses that would be developed in a later phase after the Walmart and outlots. A maximum of 44 dwelling units could be developed on this parcel.

The Annex component consists of the development of commercial uses, single-family residential uses, and associated infrastructure on approximately 13 acres. Approximately
APCD Comments on the Partially Recirculated DEIR for the Atascadero Walmart/Annex Project
April 30, 2012
Page 2 of 4

120,900 square feet of commercial uses would be developed on approximately 11.3 acres. An approximately 1.7-acre parcel would be reserved for future, single-family residential uses that would be developed at a later date. A maximum of six dwelling units could be developed on this parcel.

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS
The APCD provided initial comments on for this project March 18, 2011. After meeting with you and the EIR consultant on April 14, 2011, APCD submitted a follow up letter on May 2, 2011 that recommended changes to the project's draft response to APCD's initial comment letter. With today's letter, the APCD is providing comments on the March 15, 2012 Walmart/Annex partially recirculated DEIR. As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. Please address the action items contained in this letter that are highlighted by bold and underlined text.

SLO County Clean Air Plan (CAP) Consistency
The APCD found the long-range planning information that you provided in our April 14, 2011 meeting very helpful and it gave the APCD a better perspective of how the proposed Atascadero Walmart/Annex project fits into Atascadero's General Plan. This long-range planning includes this project as an expansion of the northern commercial core and future expansion of additional multi-family units in the 10-acre neighboring parcels to the south.

The DEIR Table 3.2-9 Clean Air Plan Strategy Consistency Analysis does a good job of showing consistency with the Compact Communities land use strategy (L-1) in the CAP with the exception that the housing components of the project would ideally be built concurrently with the Walmart and Annex development schedules to offer immediate emissions/trip reductions from the mixed use aspect of the project (i.e. internal capture credit).

The traffic impact analysis indicates that at some undefined future date, the mix-use aspect of this project would provide emission/trip reduction benefit. Delaying the implementation is inconsistent with the spirit the claimed mix use, compact urban infill benefits from this project. Further, Atascadero with its mix of urban residences and extensive rural setting housing areas tends to be housing rich as opposed to jobs rich.

To ensure the prompt realization of the emission/trip reduction jobs/housing balance benefits that this project's housing components would add, the APCD recommends that the two residential project components be built at the same time as their partnering commercial components (i.e. the 44 multi-family units when Walmart is built and the 6 single family residences when the Annex is built). This will improve the project's claim of CAP consistency.
CONSTRUCTION & OPERATIONAL PHASE IMPACTS & MITIGATION

Construction Phase
The project’s construction phase impact evaluation indicates that if the Walmart and Annex phases happen concurrently, that the impacts would exceed the APCD’s construction significance thresholds. Mitigation Measures (MM) AIR-2a & 2c require the project applicant to evaluate the construction impacts of the actual construction fleet (engine HP and emission tier) and schedule in a Construction Activity Management Plan (CAMP) that is submitted to the APCD for review and approval prior to the issuance of grading permits. The applicant will need to accomplish the refined impact evaluation for the CAMP using the most recent CalEEMod model (www.caleemod.com). This land-use model is recommended by the California Air Pollution Control Officer Association and SLO County APCD. The previous URBEMIS model is not authorized for this refined evaluation. Off-model calculations may be possible in place of or in combination with CalEEMod, but would need to be pre-approved by the APCD. Impacts that exceed the APCD’s thresholds of significance even after required measures are implemented on site shall be mitigated by the applicant with offsite mitigation.

Operational Phase
The project’s operational phase impact and some of the mitigation were evaluated in the DEIR using the previous URBEMIS model. This modeling demonstrated that the project impacts will exceed the APCD’s daily significance threshold. Mitigation Measure AIR-2e requires that prior to building permits being issued that the applicant enter into an offsite mitigation agreement and pay the necessary mitigation amount to the APCD to reduce this project’s highly vehicle dependent impacts below the APCD’s daily significance threshold. The applicant will need to quantify the offsite mitigable emission impacts using CalEEMod. Some mitigation benefits may need to be calculated with off-model methods that are pre-approved by the APCD.

Offsite Mitigation for Criteria Pollutants:
The APCD continues to disagree with the following DEIR language about offsite mitigation:

However, the offsite mitigation fee recommended in the SLO County APCD CEQA Air Quality Handbook is not part of a functioning mitigation program adopted by the City of Atascadero or the SLO County APCD nor has the offsite mitigation fee undergone a public environmental review process consistent with the California Environmental Quality Act to determine whether payment of the fee will result in full mitigation of the identified impact. Because of the uncertainty in the SLO County APCD construction emission mitigation guidelines, including the efficacy of the recommended mitigation fee and the timing of SLO County APCD’s implementation of mitigation programs to achieve the required reductions, the residual significance of this impact would remain significant and unavoidable.

The construction and operational phase offsite mitigation options identified in the APCD CEQA Air Quality Handbook (Handbook) are recommended by APCD for projects countywide that cannot secure sufficient measures onsite to reduce the project impacts to a level of insignificance. The Handbook was adopted for implementation by the SLO County APCD Board on December 2, 2009.
APCD Comments on the Partially Recirculated DEIR for the Atascadero Walmart/Annex Project
April 30, 2012
Page 4 of 4

and updated by this Board with GHG thresholds on March 28, 2012. The funds identified for pollutant offsite mitigation conditions are used to fund eligible, quantifiable emission reduction projects through emission reduction programs approved by the APCD Board. When offsite mitigation is needed, applicants provide APCD the approved funding necessary to mitigate the project to a level of insignificance and those emission reductions are validated by the APCD. In addition, the applicant shall provide an additional 15% to the APCD to administer the emission reduction. Please enter this correction to the record. The use of offsite mitigation is a useful tool for project proponents to secure necessary emission reductions and ensure the project’s overall air quality impacts are fully mitigated.

Please update the offsite mitigation language identified above in the DEIR and remove the reference to the impacts remaining to be “significant and unavoidable.”

Health Risk Assessment
The APCD reviewed the operational phase health risk assessment that was added to the DEIR at our request and agree with the conclusions of acceptable risk.

Greenhouse Gas Impacts
The APCD reviewed the updated GHG evaluation in the DEIR. Page 3.2-43 states that “there is no consensus on how to analyze climate change in CEQA documents, and no specific methodology that is universally accepted.” The 2009 CEQA Air Quality Handbook provided guidance that in the absence of GHG thresholds of significance, projects were to quantify GHG impacts and mitigate to the extent feasible. On March 28, 2012 the APCD Board approved updated guidance in the form of thresholds of significance to compare projects against. While this project was processed for CEQA review prior to the APCD’s adoption of the GHG thresholds, the city of Atascadero needs to decide whether the DEIR demonstrates that the project’s impacts will be mitigated to the extent feasible by the GHG reduction measures that the project will implement.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Andy Mutziger
Air Quality Specialist

AJM/arr
Local Agencies

County of San Luis Obispo Air Pollution District (APCD.2)

Response to APCD.2-1
The agency provided introductory remarks to preface the letter. No response is necessary.

Response to APCD.2-2
The agency summarized the proposed project. No response is necessary.

Response to APCD.2-3
The agency referenced its comments dated March 18, 2011 that were submitted in response to the DIER. Those comments are addressed in Response to APCD.1-1 through Response to APCD.1-29.

Response to APCD.2-4
The agency referenced the evaluation of Clean Air Plan consistency in Impact AIR-1 and noted that it provides a better perspective on how the proposed project relates to the City of Atascadero General Plan. The agency stated that the discussion does a “good job” of demonstrating consistency with the Compact Community land use strategy, although it noted that the Walmart and Annex residential components would ideally be built concurrently with the commercial components in order to maximize the potential for emissions reductions. The agency stated that delaying the residential uses is “inconsistent with the spirit of the claimed mix use, compact urban infill benefits” associated with the project and recommended that the residential components be built concurrently with the commercial uses.

As explained on page 2-70 in Section 2, Project Description of the DEIR, the proposed project is expected to be phased as follows: (1) Walmart commercial uses, (2) Annex commercial uses, and (3) Walmart and Annex residential uses.5 Underscoring this point, the DEIR states on pages 2-33 and 2-34 and on page 2-63 that both the Walmart and Annex residential uses would be developed under a separate permit from the commercial uses (i.e., they would not be entitled concurrently with the commercial uses). This reflects the fact that there are an estimated 772 vacant existing dwelling units (as estimated by the California Department of Finance) and 366 permitted but unbuilt dwelling units in Atascadero (refer to PRDEIR Table 4-1). When summed together, there are 1,138 existing or permitted dwelling units in Atascadero. Given this amount of existing and planned supply, this suggests that there is limited to no market demand for the 50 dwelling units that could be developed on the Walmart and Annex sites in the near-term. As a practical matter, developing new residential uses in a market with limited demand for such uses would likely result in high vacancy rates, thereby achieving little to no benefit in terms of emissions reductions.

Regardless, as explained in PRDEIR Table 3.2-9 and shown in Exhibit 3.2-3, there are existing residential areas immediately to the north, east, and west of the project site. As such, persons residing

5 Nonetheless, both the DEIR and PRDEIR assume that the Walmart and Annex commercial uses would be developed concurrently in order to provide a “worst-case” evaluation of impacts.
in these areas who patronize the proposed project’s commercial uses would be able to realize the trip reduction benefits described in the “Compact Communities” strategy.

For these reasons, there is no basis for modifying the proposed project to require the Walmart and Annex residential uses to be developed concurrently with the commercial uses in order to further the “Compact Communities” strategy to a greater degree.

Response to APCD.2-5
The agency referenced the construction air emissions in analysis in Impact AIR-2 and referenced the requirements of Mitigation Measures AIR-2a and AIR-2c, which require the applicant to submit a Construction Activity Management Plan to the APCD for review and approval. The agency noted that the Construction Activity Management Plan will need to use the most recent CalEEMod Model for the refined evaluation required by the mitigation measures and stated that impacts that exceed the APCD’s thresholds after implementation of onsite mitigation will need to be mitigated via offsite mitigation.

The text of Mitigation Measures AIR-2a and AIR-2c is consistent with these comments. Refer to Response to APCD.1-16 and Response to APCD.2-6 for discussion of offsite mitigation.

Response to APCD.2-6
The agency referenced the operational air emissions in analysis in Impact AIR-2 and referenced the requirements of Mitigation Measure AIR-2e, which requires the applicant to enter into an offsite mitigation agreement with APCD and pay associated fees to reduce project impacts to below adopted thresholds. The agency noted that the applicant will need to use the most recent CalEEMod Model to quantify offsite mitigation impacts in accordance with pre-approved APCD methods. The agency reiterated a comment made in its first comment letter (see Comment APCD.1-16) expressing disagreement with the PRDEIR’s conclusion that implementation of offsite mitigation cannot be relied upon to fully mitigate the impact to a level of less than significant. The agency requested that the conclusion of “significant and unavoidable” be changed to “less than significant.”

The text of Mitigation Measure AIR-2e is consistent with these comments. Refer to Response to APCD.1-16 for further discussion of the DEIR’s and PRDEIR’s conclusions regarding offsite mitigation.

Response to APCD.2-7
The agency referenced the Supplemental Health Risk Assessment in Impact AIR-4 and concurred with the conclusion that project emissions would be within acceptable risk levels. No response is necessary.

Response to APCD.2-8
The agency referenced a sentence on page 3.2-43 stating that “there is no consensus on how the analysis climate change in CEQA documents” and that “no specific methodology is universally
accepted” and noted that the APCD’s 2009 CEQA Air Quality Handbook provided guidance on this issue. The agency also stated that the APCD Board approved updated guidance, including thresholds of significance on March 28, 2012, which occurred after the project was processed for CEQA. The agency stated that the City of Atascadero needs to determine whether the PRDEIR demonstrates that the proposed project’s impacts would be mitigated to the extent feasible by the proposed project’s characteristics and design features.

The statement on page 3.2-43 concerning assessment of climate change impacts and the universal acceptability of related methodology was in the broader context of how this issue is addressed in CEQA documents statewide. For example, state agencies, local air districts (including the APCD), and professional organizations have issued guidance regarding greenhouse gas emissions evaluation that widely vary from each other. Thus, the PRDEIR sought to disclose this fact in the interests of informed decision-making. Nonetheless, the APCD’s December 2009 greenhouse gas guidance is described on pages 3.2-41 and 3.2-42 and was used as the basis for assessing impacts in Impact AIR-7.

The City of Atascadero reviewed and approved the PRDEIR’s evaluation of greenhouse gas emissions prior to public release on March 15, 2012. As acknowledged by APCD, the new greenhouse gas thresholds were adopted on March 28, 2012, following the release of the Notice of Preparation of the EIR on May 13, 2010 and the PRDEIR on March 15, 2012. Because the PRDEIR relied upon the most recent adopted guidance issued by the APCD, the City of Atascadero affirms the conclusion that the proposed project’s characteristics and design features would result in less than significant impacts on greenhouse gas emissions and that no mitigation is necessary.

Response to APCD.2-9

The agency provided closing remarks to conclude the letter. No response is necessary.
To Whom It May Concern:

Regarding the DEIR Report -

I am opposed to any of our tax money (no matter what you call it) being spent to help Walmart.

If we have so much money, use it to fix taxpayer streets.

We do not need any more traffic here in our town. San Luis & Pond Parker have them and they have a lot more traffic than we do.

We have here less than 50-year-old taxpayers and properly use it.

Sincerely,

Mary Buehler

Mrs. M.J. Baysdorfer
1325 San Ramon Rd
Atascadero CA 93422-1346
Individuals and Organizations

M.J. Baysdorfer (BAYSDORFER)

Response to BAYSDORFER-1

The author expressed opposition to the proposed project, citing the potential use of taxpayer monies for traffic improvements and disapproval of the use of roundabouts.

Roundabouts are addressed in Master Response 1.
to: City of Atascadero  
Community Development Department  
Director, Warren Frace  
(via email)  
(acknowledgement of receipt requested)

re: Wal-Mart Only Partially Re-Circulated Draft Environmental Impact Report (Del Rio Road Commercial Area Specific Plan)  
• Focus - Transportation

date: 4-30-12

Director Frace;

These comments are based on an examination of the 3-15-12 PRDEIR documents regarding transportation impacts, mitigations and mitigation cost burden distribution, including Executive Summary, Overview, Section 3.11 Transportation, Appendix O Revised Transportation Impact Analysis, and RCS: Proportional Share of Circulation Improvement Analysis; corresponding sections of the 2-2-11 DEIR; as well as relevant events.

These comments will briefly address some governmental and contextual matters and PRDEIR structural problems which unnecessarily hinder the ability of the public to submit informed comments on the PRDEIR. These comments will also address specific issues relative to transportation impacts, mitigations and associated financial obligations.

GOVERNMENTAL AND CONTEXTUAL MATTERS

The PRDEIR was released for public and agency review on 3-15-12. The PRDEIR Notice of Availability provides the legal minimum comment period of 45 days, closing on 4-30-12.

Given the complexities of the PRDEIR and the issues involved, it is uncertain that interested and responsible agencies will have adequate time to agendize and discuss the PRDEIR and respond comprehensively.

Given the fact that, on 3-27-12, the City Council refused to schedule a requested study session or workshop on the PRDEIR, the ability of the general public to comment competently on the various and complex issues in the PRDEIR is significantly and unnecessarily diminished. It is noted that the City Council has previously scheduled such public meetings on another major project in Atascadero (Eagle Ranch) and intends to schedule more in the future. While the Council’s efforts to accommodate public participation in that proposal are commendable, its negligence in this case is inexcusable.

The restriction of the comment period to the bare legal minimum time frame, and refusal to assist the public in understanding the PRDEIR, are counterproductive to effective decision-making.

Furthermore, the PRDEIR fails to incorporate the $6.2 million bank lawsuit against the Rottman Group reported more than four months (10-28-11) prior to the 3-15-12 release of the PRDEIR. The culmination in the Rottman $4.2 million default
and foreclosure on the Annex property (reported on 3-28-12) could not have been incorporated into the PRDEIR. However, the fact remains that predictable and unforeseen events have significantly altered the circumstances into which this PRDEIR has been introduced. The PRDEIR, therefore, cannot be used as the exclusive basis for conclusions about the proposed "Wal-Mart Only" project. Decision-makers are required to take all these factors into consideration when deliberating on outcomes.

**Recommendation:**
The above procedural and informational deficiencies should be rectified by extending the comment period to 90 days (closing on 6-21-12), and conducting a public study session or workshop before the comment deadline. The purpose of these actions would be to enhance the ability of the public to submit informed comments on the PRDEIR and the "Wal-Mart Only" proposal. The credibility of the Final EIR will be diminished to the degree public participation has been hindered.

**PRDEIR STRUCTURAL PROBLEMS**
This is a very poorly written and organized document. Although repeatedly publicly promoted as a "Wal-Mart Only" document, and repeatedly asserted as such within the document itself, the impact analyses, mitigations, responsibilities for mitigation, and "proportional-share" funding arrangements for mitigations are so interwoven with non-Wal-Mart matters (e.g., "projects", "Annex"), the PRDEIR makes it extremely difficult to discern which matters pertain to the "Wal-Mart Only" alternative, and which pertain to unrelated scenarios.

There is no outline or index directing readers to those sections or pages of the PRDEIR relevant to the "Wal-Mart Only" alternative. Numerous sections of the PRDEIR address the combined impacts and mitigations of both the Wal-Mart and Annex projects. Others address the construction of two roundabouts on the Del Rio Road / US 101 interchange and expansion of San Anselmo Road between US 101 and El Camino Real, both of which have been eliminated as a requirement for the "Wal-Mart Only" alternative.

This negligence in explicitly segregating "Wal-Mart Only" impacts, mitigation, construction, implementation and funding responsibilities from non-"Wal-Mart Only" scenarios unnecessarily and inexcusably confuses PRDEIR readers, complicates the capacity to comprehend it, and hinders the ability to make intelligent comments on it.

**Recommendation:**
The above documentary deficiencies should be rectified by producing a document explicitly focused on the "Wal-Mart Only" project proposal, exclusive of the Annex and its potential consequences currently included in the PRDEIR. Failure to do so would constitute obstruction of public participation.

**ABSENCE of ANALYSIS of ALTERNATIVES to ROUNDBOUDTS**
Both the 2-2-11 DEIR and 3-15-12 PRDEIR fail to address any mitigations for the Del Rio Road / US / 101 interchange other than building roundabouts. CEQA requires analysis of feasible alternatives.
Neither the City, nor the EIR consultants, know what type of changes Cal-Trans will ultimately approve for this infrastructure project. This also makes it impossible for anyone to estimate the eventual cost of mitigation. The only cost estimated is $4.5 million for the roundabouts. The City has reportedly estimated the cost of rebuilding the bridge at $10 million.

These uncertainties are exacerbated by the fact that the City has failed to initiate preliminary discussions with Cal-Trans to determine what mitigations would meet Cal-Trans criteria. Cal-Trans made it clear to the City that they may not approve roundabouts as adequate mitigation.

No PIF submitted to Cal-Trans

Although Cal-Trans provided the City with a PIF (Project Initiation Form) on March 2, 2011 to begin the process of determining mitigation alternatives, the City has failed to submit one.

Excerpts from emails and a letter between the City and Cal-Trans, released pursuant to a California Public Record Act request, demonstrate the fact that the ignorance about feasible alternative mitigations is due to City failure to initiate negotiations with Cal-Trans. Excerpts from those emails are below (emphasis added).

- **2-16-11 Email - Cal-Trans to City**
  Subject: RE: Walmart Meeting / Del Rio Rd Interchange Atascadero
  ... although the roundabouts are on the table, there is no guarantee yet, implied or otherwise, that this is THE solution. Its an alternative, are likely the preferred alternative for the applicant / City. But Caltrans has yet to really look at the details beyond the concepts. ...

- **3-2-11 Email - Cal-Trans to City**
  Subject: Project Initiation Form for the Del Rio improvement
  ... Enclosed is the Project Initiation Form (PIF)...

- **3-18-11 Letter - Cal-Trans to City**
  Subject: Del Rio Road Commercial Area Specific Plan Draft Environmental Impact Report ...
  1. Transportation... The City and applicant should begin project initiation as soon as practicable...
  Caltrans urges the lead agency to provide a project initiation form and begin discussing the parameters of a cooperative agreement for project development. ...

- **10-14-11 Email - City to Cal-Trans**
  Subject: Re: Del Rio Road Specific Plan Final ErR
  ... Please e-mail us a Project Initiation Form...

- **10-14-11 Email - Cal-Trans reply to above**
  Subject: Re: Del Rio Road Specific Plan Final ErR
  ... [deleted] can send you a PIF

**Recommendation:**

The PRDEIR should include an analysis of possible alternative to roundabouts as mitigation for the Del Rio Road / US 101 interchange, as required by CEQA. The City should forego any hearings and decisions on this project until after it has obtained information from Cal-Trans on potential mitigation alternatives likely to
meet Cal-Trans criteria, including estimated costs. The City should begin the process by submitting a PIF immediately.

Failure to follow this recommendation will unnecessarily obstruct decision-makers’ and the general public’s ability to comment on this project in an informed manner.

**MITIGATION COST BURDEN SHIFT**

**• Del Rio Road / US 101 Interchange Roundabouts**

**History:**
For years, Atascadero City officials and the general public have been assured that project applicants would fund the construction of two roundabouts at the Del Rio Road / US 101 interchange.

In 2005, City Manager Wade McKinney informed council member George Luna that, “Walmart is expecting to deal with the Del Rio interchange and pay impact fees.” In response to Luna’s question, “What will be the impact fees charged Walmart to upgrade the Del Rio interchange?” McKinney also wrote, “we are far short of the funds for an interchange” and that another SLO County city was likely to forego a road project, “freeing up another $17 million in COG money. We are going to be ready to vie for some of that.” (1)

In 2007, Wal-Mart attorney Ellen Berkowitz informed the council and public that project applicants would pay for the roundabouts in a power-point display stating, “Mitigation measures... will be funded by Applicant... traffic upgrades.” (2)

At the 6-14-11 City Council meeting, however, Wal-Mart switched its position. Wal-Mart attorney Berkowitz stated they would only pay a “fair share” of the costs ($1.7 million of an estimated $4.5 million) because corporate “finances are extremely tight”. (3)

**DEIR – PRDEIR Changes:**
The 2-2-11 DEIR assigns full responsibility to the project applicant to fund the Del Rio Road / US 101 roundabouts, and gives the City full discretion as to the applicant’s financial obligation for this mitigation (emphasis added) (4):

Del Rio Road/US 101 Northbound Ramps... Del Rio Road/US 101 Southbound Ramps

... the project applicant shall be responsible for funding these improvements. The City shall have the final determination of financial obligation in considering the traffic impact fees to be generated by the project and the cost of the improvements.

The 3-15-12 PRDEIR describes the scope and intensity of the project’s effects on local traffic as “significant and unavoidable”, cites applicant fees as a source of funding mitigations, uncertainties about implementing mitigation measures some of which are unavailable, and places the burden on the City to mitigate temporary congestion and delays (emphasis added) (5):

Executive Summary...

Significant Unavoidable Adverse Impacts...
Existing plus Project Traffic... Baseline plus Project Traffic... Future plus Project Traffic: The proposed project would generate vehicle trips that would contribute to unacceptable intersection, roadway, and freeway operations, and queuing deficiencies... Mitigation is proposed that would require the applicant to contribute fees to fund necessary improvements; however, there is uncertainty regarding actual implementation of the improvements. As such, the residual significance of this impact is significant and unavoidable.

Short-Term Construction Traffic and Road Closures: The proposed project would generate short-term construction traffic and result in temporary road closures that would cause congestion and delays on surface streets in the project vicinity. Mitigation is proposed that would require the City to implement temporary measures to alleviate congestion and delays; however, feasible improvements are not available for all affected locations. As such, the residual significance of this impact is significant and unavoidable.

The PRDEIR, in contrast with the DEIR which placed full financial responsibility on the applicant, reduces that obligation to a so-called “proportional share” of about $1.3 million of the estimated $4.5 million cost of the roundabouts. This shifts at least a $3.2 million burden onto Atascadero business people and taxpayers, as costs escalate over time. The following PRDEIR excerpts exclude mention of the Annex due to the fact that the property is in foreclosure and up for auction, and the Rottman Group is being sued by one of its creditors for $6.2 million, as cited above, making it extremely unlikely the Annex will be built (emphasis added) (6).

“The Del Rio Road/US 101 interchange roundabout improvement project is estimated to cost approximately $4,500,000...”

The RCS analysis determined that the Walmart project’s proportional share of the cost to construct the contemplated roundabout improvements is 28.7 percent or estimated at $1,292,798. ...

The City is committed to obtaining the remaining funds for the interchange roundabout improvements as soon as reasonably possible through the continued imposition of the City’s CIP and TIF program previously described.

The PRDEIR makes clear the lack of City funding for the roundabouts, the burden that will be placed on future businesses, and the uncertainty of future funding (emphasis added) (7).

Del Rio Road/US 101 Northbound Ramps... Del Rio Road/US 101 Southbound Ramps

This interchange is part of the City’s TIF program, but it is not currently funded....

Furthermore, the City cannot guarantee with certainty when the remainder of the traffic impact fee funding paid by future developers will be available. ... there is a reasonable expectation that these impacts will be mitigated through the TIF program in the future.

Recommendation:
In light of the facts that:

1. The City has discretion over the amount Wal-Mart will be required to pay for the roundabouts, as reported in the DEIR; and
2. For seven years, Wal-Mart has told the City that Wal-Mart would fund the roundabouts, as cited above; and
3. The City lacks the funds to construct the roundabouts and certainty about when and if it will acquire them; and
4. The City has acquired no information from Cal-Trans as to what construction alternative Cal-Trans will approve or what the ultimate cost will be, as cited above;

The City should reject the, at least $3.2 million, shift in financial burden of the roundabouts onto either or both the City’s business community and taxpayers. The PRDEIR should include an analysis of the consequences of that rejection on roundabout funding.

MITIGATION CONSTRUCTION BURDEN SHIFT

- Del Rio Road / US 101 Interchange Roundabouts

  For years, Atascadero City officials and the general public have been assured that Wal-Mart and other project applicants would be responsible for constructing the two roundabouts at the Del Rio Road / US 101 interchange. The PRDEIR shifts that responsibility from Wal-Mart to the City.

  The DEIR placed complete and exclusive responsibility on the applicant to construct these roundabouts (emphasis added) (4).

  Del Rio Road/US 101 Northbound Ramps... Del Rio Road/US 101 Southbound Ramps

  To mitigate this impact, the applicant shall convert the intersection to a single-lane modern roundabout. ...

  To mitigate this impact, the applicant shall construct a five-legged, single-lane modern roundabout that incorporates Ramona Road as the fifth approach.

  The PRDEIR, however, shifts the full burden for constructing the roundabouts onto the City (emphasis added) (6 & 7).

  the City will agree to construct the Del Rio/US 101 interchange roundabout improvements... (page 3.11-29)

  the City shall convert the intersection to a single-lane modern roundabout.

  ... The City will construct this regional improvement ... (page 3.11-54)

  the City shall construct a five-legged, single-lane modern roundabout that incorporates Ramona Road as the fifth approach. ... The City will construct this regional improvement... (page 3.11-55)

  Additionally, the PRDEIR shifts the responsibility for obtaining approval from Cal-Trans for the roundabouts from the applicant to the City. The DEIR placed this burden strictly on the applicant (emphasis added) (4).

  Del Rio Road/US 101 Northbound Ramps... Del Rio Road/US 101 Southbound Ramps
Because the improvements are within Caltrans’s right-of-way, the project applicant will need to coordinate with Caltrans to gain its approvals for final design and implementation of the roundabouts. The PRDEIR, however, places this burden on the City (emphasis added) (6).

The City of Atascadero understands that it is responsible for the design, permitting and construction of the Del Rio Road/US 101 interchange project... is committed to moving expeditiously to obtain permits and a construction schedule from Caltrans.

**Recommendation:**
The City should reject the shifts in roundabout construction and permitting burdens onto either or both the City’s business community and taxpayers. The PRDEIR should include an analysis of the consequences of that rejection on roundabout funding.

**MITIGATION COMPLETION TIMING SHIFT**
The DEIR established that these roundabouts would be completed before Wal-Mart would be allowed to open its store for business, and that doing so would reduce impacts to less than significant. (emphasis added) (4).

**Del Rio Road/US 101 Northbound Ramps**

Del Rio Road/US 101 Northbound Ramps... Del Rio Road/US 101 Southbound Ramps

As noted previously, the interchange improvements should be completed before opening of the Walmart store and/or any substantial piece of the project... The improvements should be in place before opening of any part of the project to allow for acceptable operating conditions and minimizing impacts to the San Anselmo Road interchange to the south.

**Del Rio Road/US 101 Northbound Ramps**

Del Rio Road/US 101 Northbound Ramps... Del Rio Road/US 101 Southbound Ramps

These improvements would result in acceptable LOS A or B operation during all peak hours analyzed, reducing the impact to a level of less than significant.

The PRDEIR, however, shifts the timing of roundabout completion to an undetermined time in the future, abandons finishing them prior to Wal-Mart opening for business. Failing to construct the roundabouts results in significant and unavoidable impacts (emphasis added) (6 & 7).

Further, based on the need for the roundabout improvements identified in the EIR, the City Council will consider ranking the interchange roundabout improvement project to first priority in the CIP in order to advance the timing of the construction of the improvements. This ranking will help ensure that TIF funds become available so that the contemplated interchange roundabout improvements will be constructed as soon as is reasonably feasible.

**Del Rio Road/US 101 Northbound Ramps**

the City cannot assure with certainty that improvements will be in place prior to the opening of the Walmart store.

**Del Rio Road/US 101 Southbound Ramps**
the City cannot guarantee... funding... will be available... the City cannot assure... improvements will be in place prior to the opening of the Walmart store. ... In view of this uncertainty, this analysis considers these impacts to be significant and unavoidable.

**Recommendation:**
The City should reject this shift in timing of roundabout construction completion due to the documented significant and unavoidable impacts to other routes of travel within the area which will occur during the shutdown of the Del Rio Road / US 101 interchange for construction. The PRDEIR has these documented the impacts.

**SUMMARY**
Although there are a number of other significant issues worthy of detailed comment, e.g., traffic impacts of shutting down the Del Rio Road / US 101 interchange after Wal-mart opens for business, the unknowns regarding the costs of mitigations at the San Anselmo / El Camino Real intersection and San Anselmo / US 101 interchange, I've refrained from doing so in this format. I would simply recommend that the PRDEIR include information on those costs, and which parties would be required to fund them. Without such information, the public cannot adequately assess the consequences of this project the way it is arranged in the PRDEIR.

David Broadwater
Atascadero

References:
1. Councilmember/City Manager 2005 Emails (*emphasis* added)
   -----Original Message-----
   From: George Luna [mailto:luna@XXXX]
   Sent: Tuesday, September 06, 2005 9:19 PM
   To: Wade McKinney
   Subject: $$ for interchanges
         How much developer money have we collected through impact fees for the upgrade of the interchanges (For example, the Dove Creek project and the Santa Barbara interchange). Are we ready to go with funding for PSRs on any of the interchanges other than 41/101? What will be the impact fees charged Walmart to upgrade the Del Rio interchange?
         George

   From: "Wade McKinney" <wmckinney@atascadero.org>
   Date: September 7, 2005 7:52:50 AM PDT
   To: "George Luna" <luna@XXXX>
   Subject: RE: $$ for interchanges
   Hi George,
   I met with Greg Albright of Cal Trans trying to work out a better, cheaper, faster way to do the PSR's and we are working on it. I don't know how much has been collected in the impact fees, although I know we are far short of the funds
for an interchange. Walmart is expecting to deal with the Del Rio interchange and pay impact fees. I suspect we will get some meaningful improvements in that area. At last week's City Manager’s meeting Pismo City Manager, Kevin Rice mentioned that he thought the Pismo Council was likely to turn down the Price Street project freeing up another $17 million in COG money. We are going to be ready to vie for some of that.

Wade

2. City Council minutes 10-23-07 (emphasis added)
http://www.atascadero.org/media/council/ca74dbeA-1att-CCDraftMinutes102307.pdf
ITEM NUMBER: A-1
DATE: 12/11/07
CITY OF ATASCADERO CITY COUNCIL DRAFT MINUTES Tuesday, October 23, 2007 – 7:00 P.M.

... City Council Meeting
10 23 07
Transcript by DEB from AGP Video (slo-span) – traffic mitigation funding

• Mitigation measures will be identified and will be funded by Applicant.
  - Public improvements and traffic upgrades.
3. 6-14-11 Atascadero City Council meeting video (http://www.slo-span.org/atas/atas_meeting1.html).
4. DEIR, Section 3-11 Transportation, pages 3.11-63 & 64
5. PRDEIR Executive Summary, pages ES-2 & 3
6. PRDEIR, Section 3.11 – Transportation, page 3.11-29
7. PRDEIR, Section 3.11 – Transportation, pages 3.11-54, 55 & 56
8. PRDEIR, Appendix O: Revised Transportation Impact Analysis, page 16
(http://www.atascadero.org/files/CD/Walmart_PDEIR/App%20O%20%20Revised%20Transportation%20Impact%20Analysis.pdf)
David Broadwater (BROADWATER)

Response to BROADWATER-1
The author provided introductory remarks and summarized the items addressed in his letter. No response is necessary.

Response to BROADWATER-2
The author requested that the PRDEIR public review period be extended to 90 days to June 21, 2012, due to the complexity of the issues evaluated in the document. The author also noted that the City of Atascadero declined to schedule a study session or workshop of the PRDEIR, which it has done for other projects such as Eagle Ranch. The author also alleged that the PRDEIR fails to discuss a recent lawsuit filed against the Rottman Group. The author acknowledged that the PRDEIR could not have addressed the foreclosure proceeding initiated against the Annex property on March 28, 2012 after the document release on March 15, 2012, but stated that “the fact remains that predictable and unforeseen events have significantly altered the circumstances into which this PRDEIR has been introduced.”

The author stated that the “PRDEIR cannot be used as the exclusive basis for conclusions about the proposed ‘Walmart Only’ project,” and that decisions makers are required to take all of these factors into consideration when deliberating on outcomes.

CEQA Guidelines Section 15105(a) establishes that when a DEIR is submitted to the State Clearinghouse (as is the case with the DEIR and PRDEIR), the minimum public review period is 45 days. The same section also establishes that the review period for an EIR should not be longer than 60 days “except under unusual circumstances.”

The PRDEIR circulated for public review between Thursday, March 15 and Monday, April 30, for a total of 47 days. It should be noted that PRDEIR consists of changes to eight sections of DEIR that was previously circulated for public review between Wednesday, February 2, 2011 and Friday, March 18, 2011. Thus, these eight sections were made available for a second round of public review, albeit with changes.

Aside from citing the “complexity” of the PRDEIR’s analysis, the author has not presented any evidence demonstrating “unusual circumstances” that would justify his proposed 45-day extension of the public review period to June 21, 2012. As such, the City of Atascadero finds no basis to grant this extension.

Regarding the author’s comments about the City declining to hold a study session or workshop on the PRDEIR, CEQA Guidelines Section 15087(i) establishes that such events are elective and at the discretion of the lead agency; they are not required. It should be noted that the City did not hold a study session or workshop on the DEIR when it was circulated for public review in 2011. Regarding Eagle Ranch, it should be noted that the CEQA process for that project has yet to be initiated; therefore, the study sessions and workshops held for that project were not for the purpose of soliciting testimony on the EIR.
As for the comments on the lawsuit against the Rottman Group and the foreclosure proceedings on the Annex property, those issues are outside of the scope of the EIR, as they do not involve physical impacts on the environment.

Finally, regarding the statement that the “PRDEIR cannot be used as the exclusive basis for conclusions about the proposed ‘Walmart Only’ project,” the purposes of the DEIR and PRDEIR are to evaluate the proposed project’s physical impacts on the environment, identify feasible mitigation measures to lessen the severity of this impacts, and assess feasible alternatives to the proposed project. The scope of these documents is limited to environmental impacts; decision-makers have the ability to consider issues outside of the scope of the DEIR and PRDEIR when rendering a decision.

Response to BROADWATER-3
The author asserted that the PRDEIR is very poorly written and organized, and is unclear regarding what analyses and mitigation measures pertain to Walmart and the Annex. The author stated that PRDEIR lacks an outline or index. The author asserted that “segregating ‘Walmart Only’ impacts, mitigation, construction, implementation, and funding responsibilities from non-‘Walmart Only’ scenarios unnecessarily and inexcusable confuses PRDEIR readers, complicates the capacity to comprehend it, and hinders the ability to make intelligent comments on it.” The author recommended that the PRDIER should be revised to include a document explicitly focused on the “Walmart-Only” project proposal exclusive of the Annex.

To clarify, both the DEIR and PRDEIR evaluate the environmental impacts of the Del Rio Road Commercial Area Specific Plan, which contains the Walmart and Annex components. As such, the “project” evaluated in the DEIR and PRDEIR consists of both the Walmart and Annex components. In recognition that the Walmart component is expected to precede the Annex, both the DEIR’s and PRDEIR’s traffic analysis evaluated scenarios in which only the Walmart component was in place; refer to Master Response 1 for further discussion of the scenarios. This was to determine what traffic improvements needed to be in place prior to opening of the Walmart and which ones could be implemented later. To correct a misstatement by the author, there are no “separate” traffic mitigation measures for the Walmart and Annex; rather, mitigation is tied to specific events such as the issuance of the certificate of occupancy for the Walmart store.

Regarding the author’s desire for the PRDEIR to evaluate a “Walmart-Only” proposal, this is provided in Section 5, Alternatives to the Proposed Project; refer to Alternative 3 – Walmart Only Alternative on pages 5-11 through 5-21.

Response to BROADWATER-4
The author asserted that the PRDEIR failed to address other alternatives to the roundabouts and noted that CEQA requires analysis of feasible alternatives. The author asserted that neither the City nor the EIR consultants “known what type of changes Caltrans will ultimately approve,” which makes it impossible to estimate the eventual cost of mitigation. The author then noted that the roundabouts are
reported to cost $4.5 million and replacing the Del Rio Road overcrossing is estimated to cost $10 million. The author also claimed that the City has failed to initiate preliminary discussions with Caltrans to determine what mitigations would meet its criteria and that Caltrans has made it clear that they may not approve roundabouts as adequate mitigation. The author noted that Caltrans provided the City with a Project Initiation Form on March 2, 2011 and City has failed to submit one to the agency. The author recommended that (1) the PRDEIR include an analysis of possible alternatives to roundabouts; (2) the City delay public hearings on the project until it receives information from Caltrans regarding potential mitigation alternatives; and (3) the City begin the process of submitting the Project Initiation Form immediately.

Refer to Master Response 1 for discussion of alternatives to roundabouts.

As for consultation with Caltrans, the agency was provided copies of both the DIER and PRDEIR and submitted comments to the City of Atascadero (see Comments CALTRANS.1-1 through CALTRANS.1-8 and Comments CALTRANS.2-1 through CALTRANS.2-8). Both letters make clear that Caltrans is supportive of the roundabout concept and is willing to work with the City of Atascadero to implement them in order to mitigate the project’s impacts on interchange operations. As such, the author’s characterization of Caltrans’s position on the roundabouts is not supported by the agency’s comments on the DEIR and PRDEIR.

Finally, regarding the Project Initiation Form, the City of Atascadero will only submit this to Caltrans if the project is approved, as it requires a deposit and commits the City to implementing the improvement.

Response to BROADWATER-5
The author recited past events associated with the Del Rio Road interchange improvements and summarized changes that occurred between the DEIR and PRDEIR’s traffic analysis. The author alleged that the revisions in the PRDEIR shifts at least $3.2 million of the cost of the roundabouts from the applicant to Atascadero taxpayers and businesses. The author recommended that City reject using public funds for the roundabouts and the PRDEIR evaluate the consequences of that rejection.

The changes between the DEIR and PRDEIR’s traffic analysis and mitigation measures are addressed Master Response 1.

Regarding the author’s statement that the PRDEIR should evaluate what would occur if the City elected not to implement the roundabout improvements using funds collected by the TIF program, this is effectively represented by Alternative 1 – No Project/No Development Alternative. The applicant is on record stating that it will provide is fair share for the cost of the interchange improvements, but will not pay for costs outside its fair share, as this would be disproportionate to its impacts. Thus, if the City decided to require the applicant to fund the full cost of the interchange
improvements, the applicant would be expected to withdraw its application, leaving the project site in its current condition for the foreseeable future.

**Response to BROADWATER-6**
The author stated that the PRDEIR shifts the burden of constructing and implementing the roundabouts from the applicant to the City of Atascadero and recommended that the City reject this approach. The author stated that the PRDEIR evaluate the consequences of that rejection.

Traffic impacts and mitigation are discussed in Master Response 1.

Refer to Response to BROADWATER-5 for discussion of the consequences of the rejection.

**Response to BROADWATER-7**
The author stated that the PRDEIR shifts the timing of roundabout completion from prior to opening of the Walmart store to a future, undetermined date. The author recommended that the City reject this approach because of the impacts that would occur during closure of the Del Rio Road interchange.

Traffic impacts and mitigation are discussed in Master Response 1.

**Response to BROADWATER-8**
The author summarized the points in his letter. Refer to Response to BROADWATER-2 through Response to BROADWATER-7.

**Response to BROADWATER-9**
The author included copies of emails and references cited in his comments. No response is necessary.
April 27, 2012

Via Federal Express and Electronic Mail

Mr. Warren Frace
Director
City of Atascadero
Community Development Department
6907 El Camino Real
Atascadero, CA 93422
wfracc@atascadero.org

Re: Del Rio Road Commercial Area Specific Plan; Partially Re-circulated Draft Environmental Impact Report (PRDEIR)

Dear Mr. Frace:

The Center for Biological Diversity (the “Center”) submits the following comments concerning the Partially Re-circulated Draft Environmental Impact Report (“PRDEIR”) prepared for the City of Atascadero (the “City”) for the Del Rio Road Commercial Area Specific Plan (the “Project”). The Center is a non-profit environmental organization dedicated to the protection of imperiled species, their habitats, and the environment through science, policy, and environmental law. The Center has over 350,000 members and online activists throughout the United States. The goal of the Center’s Climate Law Institute is to reduce U.S. greenhouse gas emissions and other air pollution to protect biological diversity, the environment, and public health. Specific objectives include securing protections for species threatened by the impacts of global warming, ensuring compliance with applicable law in order to reduce greenhouse gas emissions and other air pollution, and educating and mobilizing the public on global warming and air quality issues.

The Project has two components: the Walmart site and the Annex site. The Walmart component contemplates development of a freestanding Walmart store, two commercial outlots, a multiple-family residential use with a maximum of 44 dwelling units, and associated infrastructure on approximately 26 acres. The Annex component proposes the development of commercial uses, single-family residential uses with a maximum of six dwelling units, and associated infrastructure on approximately 13 acres. As explained in more detail below, the PRDEIR does not consider all feasible mitigation measures to reduce or eliminate potentially significant greenhouse gas emissions from these components of the Project. Accordingly, the PRDEIR fails to comply with CEQA.

Before the City may approve the Project, it must certify an EIR that complies with the substantive and procedural requirements of the California Environmental Quality Act.
Mr. Warren Frace  
Re: Del Rio Road Commercial Area Specific Plan PRDEIR  
April 27, 2012

(“CEQA”). An EIR is “the heart of CEQA.” It serves as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its actions. Because the EIR must be certified or rejected by public officials, it is a document of accountability.” When an EIR fails to fully and accurately inform decision-makers and the public of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute.

CEQA requires that an EIR propose “feasible” mitigation measures “to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.” Mitigation of a project’s significant impacts is one of the “most important” functions of CEQA. Therefore, the City cannot approve the Project “if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen [its] significant environmental effects.”

Moreover, the CEQA Guidelines specifically require a discussion of potentially feasible mitigation measures for greenhouse gas impacts. As the Court of Appeal in Communities for a Better Environment v. City of Richmond confirmed, greenhouse gas mitigation measures may not be put off for future study, but rather must be incorporated into a project and fully effective before approval is granted: “In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons ‘that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an account-able arena.”

The PRDEIR concludes that no mitigation measures are necessary because greenhouse gas emissions from the Project will be less than significant. This conclusion, however, depends on various “project design features” that reduce greenhouse gas emissions in comparison to a hypothetical “business as usual” emissions baseline. The

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2 Laurel Heights Improvement Ass’n v. Regents of University of California, 47 Cal. 3d 376, 392 (1988) (citations omitted).
3 Id. (citations and internal quotations omitted).
8 CEQA Guidelines § 15126.4(c).
10 See PRDEIR at 3.2-166 3.2-124. The PRDEIR treats the design features in a contradictory fashion, noting that they are not required mitigation measures, but nonetheless providing that they will be included in the Project’s Mitigation Monitoring Plan. Id. at 3.2-116.
PRDEIR finds that without these measures, the Project would result in approximately 15,645 MTCO₂e of operational greenhouse gas emissions per year.¹¹ Emissions at that “business as usual” baseline would constitute a significant environmental effect under the threshold of significance evaluated in the PRDEIR. The PRDEIR estimates that the design features reduce the projected emissions from the Project by 5,167 MTCO₂e, or approximately 33 percent below the hypothetical “business as usual” baseline, resulting in total operational greenhouse gas emissions of 10,478 MTCO₂e.¹²

The PRDEIR thus reveals that without these “project design features,” the Project would emit significant amounts of greenhouse gases.¹³ Accordingly, the City therefore must consider not only the proposed “project design features,” but all feasible mitigation measures that could reduce or eliminate this potentially significant effect.

The PRDEIR failed to do so. In particular, the PRDEIR neglected to analyze the feasibility of photovoltaic solar panels for electricity generation and solar water heating, measures that would reduce the significant environmental impacts of the Project’s estimated greenhouse gas emissions, and glaring omissions given Walmart’s prior practice of promoting solar energy generation in California. Solar water heating is a particularly important consideration in the residential component of the Project, although its feasibility should be evaluated for all Project components. Failure to evaluate the feasibility of solar energy is inconsistent with CEQA, the CEQA Guidelines, guidelines issued by the Governor’s Office of Planning and Research, the California Attorney General’s Office, the California Air Pollution Control Officer’s Association, and Walmart’s own policies. The City cannot approve this Project unless and until it recirculates a revised draft EIR that evaluates the feasibility of photovoltaic solar panels, solar water heating, and the related greenhouse gas reductions achieved through solar energy.

Several resources identify solar panels and solar water heating as feasible mitigation measures at the project level. In a 2008 Technical Advisory, the Governor’s Office of Planning and Research recommends “[i]ncorporating on-site renewable energy production, including installation of photovoltaic cells or other solar options” as a measure to reduce greenhouse gas emissions.¹⁴ The California Attorney General’s Office (“AG”) also issued guidance addressing climate change at the project level, advising installation of solar panels on unused roof and ground space and over carports and

¹¹ See PRDEIR at 3.2-115. Note that the PRDEIR also estimates the Project would result in 2,613 MTCO₂e of emissions from construction of the Walmart commercial portion, the Annex commercial portions and the residential sites.

¹² See PRDEIR at 3.2-130.

¹³ To assess the impact of a proposed project on the environment, the lead agency examines the changes to existing environmental conditions that would occur in the affected area if the proposed project were implemented. See CEQA Guidelines § 15126.2(a).

parking areas.^{15} In addition, the AG’s office advises installing solar, wind and
geothermal power systems and solar hot water heaters.^{16} The California Air Pollution
Control Officers Association recommends that a CEQA analysis of a project’s projected
energy use include opportunities for clean power generation, including solar.^{17}

Walmart’s own policies demonstrate that solar energy generation is a feasible
mitigation measure. In a 2009 press release, Walmart announced an expansion of its
solar power program in California.^{18} In particular, Walmart planned to add solar panels
to 10 to 20 additional Walmart facilities over the following eighteen months.^{19} These
plans doubled Walmart’s solar energy use in California at the time, adding to the existing
18 solar arrays at Walmart facilities. Walmart estimated its total solar installations would
generate up to 32 million kilowatt hours of renewable energy per year, avoid producing
more than 22,500 MTCO₂e per year, and provide 20 to 30 percent of each location’s total
electric needs.^{20}

In September 2011 Walmart announced a plan to install solar panels on up to 60
additional stores in California, which would expand the company’s solar portfolio to
more than 75 percent of its stores in the state. The increased use of solar energy would
generate up to 70 million kilowatt hours of clean, renewable energy per year, the
equivalent of powering more than 5,400 homes; avoid producing more than 21,700
MTCO₂e per year; and provide 20 to 30 percent of each facility’s total electric needs.^{21}
Walmart’s practice of installing solar panels at its stores shows solar panels are
technologically feasible in the context of generating energy for Walmart facilities, and its
plan to install additional solar arrays in California indicates that it is economically
feasible to incorporate them in the Project.

The PRDEIR does not show that photovoltaic solar panels and solar water heating
are technologically, economically, or otherwise infeasible. Rather, the PRDEIR simply

^{15} CALIFORNIA ATTORNEY GENERAL’S OFFICE, ADDRESSING CLIMATE CHANGE AT THE PROJECT LEVEL 5
^{16} Id. at 4.
^{17} CALIFORNIA AIR POLLUTION CONTROL OFFICERS ASSOCIATION, CEQA & CLIMATE CHANGE:
EVALUATING AND ADDRESSING GREENHOUSE GAS EMISSIONS FROM PROJECTS SUBJECT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT 19 (January 2008), available at
http://www.capcoa.org/documents/.
^{18} Walmart Corporate Press Room, Walmart to Nearly Double Solar Energy Use in California: Expansion
expected to generate energy equal to powering more than 1300 homes annually, April 22, 2009,
^{19} In September 2010 Walmart announced a plan to add solar generating systems to another 20 to 30 sites in
California. See Walmart Corporate Press Room, Walmart Uses Innovative Thin Film Solar Technology to
10303.aspx.
^{20} Walmart Corporate Press Room, Walmart to Nearly Double Solar Energy Use in California: Expansion
expected to generate energy equal to powering more than 1300 homes annually, April 22, 2009,
^{21} Walmart Corporate Press Room, Walmart to Generate Solar Energy at More than 1/3 Percent of its
Mr. Warren Frace  
Re: Del Rio Road Commercial Area Specific Plan PRDEIR  
April 27, 2012

fails to discuss or evaluate solar panels or solar water heating as a measure to reduce greenhouse gas emissions. Without incorporation of all feasible efforts to reduce greenhouse gas emissions, the Project would result in significant environmental impacts related to climate change. Accordingly, the EIR must evaluate the feasibility of solar panels and solar water heating to reduce greenhouse gas emissions. A revised and recirculated draft EIR must identify the greenhouse gas reductions that could be achieved by solar panels and solar water heating and must consider their feasibility in accordance with CEQA’s requirements. Because the public has not had an opportunity to participate in this crucial part of the CEQA process, the PRDEIR must be revised and recirculated.

Thank you for your consideration of our comments. Please do not hesitate to contact us at (415) 436-9682 with any questions or concerns.

Sincerely,

Katie Annand  
Legal Fellow

Kevin P. Bundy  
Senior Attorney
Center for Biological Diversity (CBD)

Response to CBD-1
The organization provided introductory remarks. No response is necessary.

Response to CBD-2
The organization summarized the proposed project and stated PRDEIR fails to comply with CEQA because it does not consider all feasible mitigation measures to reduce or eliminate greenhouse gas emissions. The organization recited various CEQA Guidelines requirements and referenced an Appellate Court decision (Communities for a Better Environment v. City of Richmond) that involved greenhouse gas emissions.

The organization’s specific comments regarding the PRDEIR’s evaluation of greenhouse gas impacts are discussed in Response to CBD-3.

Response to CBD-3
The organization referenced the PRDEIR’s conclusion that project characteristics and design features would result in less than significant impacts on greenhouse gas emissions and that no mitigation was necessary, and noted that this was based on comparing “business as usual” emissions to emissions after implementation of design features. The organization claimed that this conclusion reveals that without project design features, the project’s emissions would be significant; therefore, the City must implement all feasible mitigation measures. The organization proceeds to cite various reasons why solar energy and solar water heating constitute feasible greenhouse gas emissions measures, including Walmart’s pilot program for solar energy systems at various stores in California and Hawaii. The organization stated that without requiring solar energy or solar hot water systems as mitigation, the PRDEIR cannot conclude that project impacts on greenhouse gas emissions would be reduced to a level of less than significant.

Solar energy and greenhouse gas emissions are addressed in Master Response 6.

Response to CBD-4
The organization provided closing remarks. No response is necessary.
Dear Mr. Frace and Atascadero City Council,

I am concerned about the PRDEIR regarding Wal-Mart and the Del Rio Commercial Area. New changes seem to place a huge tax burden on the Atascadero Taxpayers.

I would like to know why the city would think it is acceptable for taxpayers and businesses (other than Wal-Mart) to pay for road improvements from the Del Rio Development which Wal-Mart had previously agreed to pay for?

What will the City do about traffic congestion on Del Rio, San Anselmo, San Ramon and El Camino if the traffic mitigation is not completed before Wal-Mart goes in? As someone who drives that area frequently and has a brand new driver in my household I am greatly concerned about this.

Also why is the City so willing to do business with a company that is backing down on its' word. I wonder what other surprises are in store for the City? This should come as no surprise if one reads up on Wal-Mart's record.

I would greatly appreciate a response.

Thank you.

Sincerely,

Nancy Cohn

"Everybody needs beauty as well as bread, places to play in and pray in where nature may heal and cheer and give strength to the body and soul."

-- John Muir
Nancy Cohn (COHN)

Response to COHN-1
The author expressed concern that the proposed project would place a burden on Atascadero taxpayers. The author inquired why it is acceptable for taxpayers and other business to pay for road improvements for the proposed project that Walmart previously agreed to pay for.

Refer to Master Response 1.

Response to COHN-2
The author expressed concern about traffic congestion that would occur on Del Rio Road, San Anselmo Road, San Ramon Road, and El Camino Real if traffic mitigation is not implemented before Walmart opens.

Refer to Master Response 1.

Response to COHN-3
The author inquired why the City is willing to do business with a company that has backed out of its commitments in terms of traffic mitigation. This comment does not pertain to the environmental review process. No response is necessary.

Response to COHN-4
The author indicated that she would appreciate a response to her questions.

The author was provided the notice of availability of the Final EIR, which provides a response to her comments.
From: Tom Comar Comar <razzledazzle2005@hotmail.com>
To: Warren Frace <wfrace@atascadero.org>
Date: 4/30/2012 10:32 AM
Subject: Comments on PRDEIR for the Del Rio Area Specific Plan

By E-Mail
Warren Frace, Director
Community Development Department
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422
Email: wfrace@atascadero.org
Re: Del Rio Road Commercial Area Specific Plan --
Partially Recirculated Draft Environmental Impact Report

Dear Mr. Frace,
I would submit the following questions:

What are the data and specifics that now support the PRDEIR's claim that the three roundabouts do not need to be constructed in tandem, as supported in the DEIR? (and supported by the comments of Cal Trans and SLOCOG).

Why did the City take on the responsibility of the construction and funding of the two roundabouts on the south and north ramps of 101 and Del Rio? On whose authority was this decision made? Did the City Council approve of this decision, before it was presented to Brandman & Associates?

What are the data and specifics that now justify the opening of businesses before all the traffic mitigations are completed? A contention unsupported in the DEIR at least 10 times. (and had the agreement of Cal Trans and SLOCOG)

Thank-you,
Tom Comar
5525 Cascabel Road
Atascadero, Ca. 93422
805-610-0367
Tom Comar (COMAR.2)

Response to COMAR.2-1
The author inquired about the “data and specifics” that support the PRDEIR’s claim that the three roundabouts on Del Rio Road do not need to be constructed in tandem as previously stated in the DEIR.

Refer to Master Response 1.

Response to COMAR.2-2
The author inquired why the City of Atascadero took on the responsibility of construction and funding the two roundabouts associated with the US 101/Del Rio Road interchange and asked who made the decision.

Refer to Master Response 1.

Response to COMAR.2-3
The author inquired about the “data and specifics” that justify allowing Walmart to open before all traffic mitigation measures are completed. The author asserted that this was a contention “unsupported in the DEIR at least 10 times” and had the “agreement” of Caltrans and SLOCOG.

Refer to Master Response 1.

Note that there are no statements in either the PRDEIR or DEIR indicating that the City of Atascadero had any established agreements with Caltrans or SLOCOG concerning the US 101/Del Rio Road interchange roundabouts.
# CITY OF ATASCADERO

## Wal Mart Draft EIR Comment Card

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<th>DATE</th>
<th>April 29, 2012 - 5:45 pm</th>
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<tr>
<td>NAME</td>
<td>Andrea and John Euphrat</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>8705 Balboa Road</td>
</tr>
<tr>
<td>PHONE</td>
<td>466-4330</td>
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<tr>
<td>EMAIL</td>
<td><a href="mailto:jeuphrates@gmail.com">jeuphrates@gmail.com</a></td>
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**COMMENTS**

In addition to our comments submitted with the original draft EIR, we are concerned with the proposed mitigation in MM Trans 1d and 1e that shift the burden of completing necessary improvements from the applicant to the City. It is also unclear on the timing of when the road improvements would be completed? It should be made clear that they be done prior to occupancy of the commercial buildings.

Similar to MM Trans 1b and 1c, they should be done by the applicant, not the City. The applicant should then have the ability to be reimbursed for costs beyond their share as future development is completed. This is a time tested method commonly used by agencies and takes the risk away from the City. In these times of economic uncertainty, this is far too great a risk for the City to be undertaking.

We were also not aware that Walmart was proposing to be open 24/7 hours per day. Based upon this, our prior comments about using state of the art techniques to reduce the building and parking lot lighting impacts to uphill neighborhoods to the west and to the night skies are even more important.

Thank you for consideration of our comments.
Andrea and John Euphrat
Andrea and John Euphrat (EUPHRAT.2)

Response to EUPHRAT.2-1

The authors expressed concern that Mitigation Measures TRANS-1d and TRANS-1e would be implemented by the City of Atascadero and inquired about the timing of the improvements. The authors stated that these improvements should be undertaken by the applicant.

Refer to Master Response 1.

Response to EUPHRAT.2-2

The authors indicated that they were unaware that Walmart was proposing 24 hour operations and reiterated their prior comments (Comment EUPHRAT.1-1) about light and glare impacts.

The DEIR indicated on page 2-19 that the Walmart store would operate 24 hours a day, 7 days a week. This project characteristics have not changed. Refer to Response to EUPHRAT.1-1 and Master Response 5.

Response to EUPHRAT.2-3

The authors provided closing remarks to conclude the letter.
From: "Fred Frank" <pm9@stbglobal.net>
To: <warace@atascadero.org>
Sent: Friday, April 13, 2012 12:37 PM
Subject: PRDEIR

Mr. Warren Frace, Director,

I'm writing to comment on the recently released Partially Re-circulated Draft Environmental Report (PRDEIR). The Wal-Mart only proposal is a major change in the EIR. It requires public funding for the 101 Del Rio round-about and allows Wal-Mart to open before its completion. The original proposal calls for mitigation of traffic impacts prior to Wal-Mart's opening. Further, it was understood that Wal-Mart would fund these costs upfront.

It is unacceptable that the City taxpayers will be required to fund these mitigations for one of the largest corporations in the world. The fact that the Rottman Group is no longer shaming the costs of mitigation should not oblige the City to do so.

A better approach would be for Wal-Mart to fund the mitigations and when subsequent development occurs on the Rottman property an agreement could be made to allow the City to reimburse Wal-Mart for costs. (The reimbursements could be made in the form of tax relief.) Wal-Mart, as a hugely profitable corporation, is in a better position to fund these improvements than is the debt-ridden City of Atascadero.

If Wal-Mart is really serious about this project they should put up the money for the needed mitigations in advance. The original EIR indicated that roundabouts would be needed on Del Rio at 101 and on El Camino, as well as, improvements at San Anselmo and 101. It is recognized that the Wal-Mart only project will reduce peak traffic flows to some degree but it will be impossible to build roundabouts on 101 without creating unacceptable traffic congestion. As Councilman Jerry Clay said, "If the traffic mitigations are not done before Wal-Mart opens, it would be a nightmare."

I would hope that you would strongly represent the citizens of Atascadero in further negotiations with Wal-Mart. The proposed PRDEIR project does not serve in the interest of the citizens of the City.

Sincerely,

Patricia Frank
Atascadero

Please reply.

4/13/2012
**Patricia Frank (FRANK)**

**Response to FRANK-1**

The author stated that the PRDEIR now requires public funding for the US 101/Del Rio Road roundabouts, whereas the previous DEIR indicated that Walmart would fund the improvements. The author stated it was unacceptable that taxpayers would be required to fund these improvements and instead, Walmart should fund them subject to reimbursement from other development projects. The author also suggested that Walmart should provide the costs of the improvements in advance so that they can be installed prior to significant traffic impacts occurring.

Refer to Master Response 1.
DATE: April 24, 2012

TO: Mr. Warren Frace, Director  
City of Atascadero, Community Development Department  
6907 El Camino Real; Atascadero, CA 93422  
Sent via Fax: 805-470-3489

FROM: Roger Gambs; 7460 Encinal Ave.; Atascadero, CA 93422

SUBJECT: Concern, Questions and Request for Statements of Overriding Considerations pertaining to: City of Atascadero - Del Rio Road Commercial Area Specific Plan, Partially Recirculated Draft EIR (PRDEIR)

Thank you for the opportunity to comment on this important document.

As you know, CEQA requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing (i.e. a statement of overriding considerations) the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

This letter requests that the City of Atascadero provide detailed Statements of Overriding Considerations for the following three (3) areas in the PRDEIR that pose potential or unavoidable Significant Adverse Economic, Financial, Safety, Environmental or Health Impacts to the City, the Residents of the City; and/or the Public at large, below:

1. SIGNIFICANT ADVERSE ECONOMIC IMPACT TO THE CITY OF ATASCADERO AND ITS RESIDENTS - The actual short-term and long-term costs of road improvements identified in the PRDEIR to both the City of Atascadero and Residents of Atascadero appear to be large, uncertain and only loosely described.

   Please provide a Statement of Overriding Considerations concerning these adverse economic impacts that clearly describes: (a) the reasons and rationale for accepting these adverse impacts, (b) the short-term and long-term costs and indebtedness that will be incurred by the City of Atascadero at final build out of this project and (c) the pro-rated short-term and long-term costs and indebtedness that will be incurred by individual residents and businesses in the City of Atascadero at final build out of this project.

2. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACT TO AIR QUALITY AND GREENHOUSE GAS EMISSIONS - The PRDEIR indicates that the projects construction and operational emissions exceed SLO County APCD thresholds. Furthermore, because the effectiveness of the proposed emissions mitigations is uncertain, the project would still carry a significant, unavoidable adverse impact to air
quality and greenhouse gas emissions. Depending upon the severity of Air Quality Impacts, the City and its residents could be subject to fines or restitution for violating SLO County APCD thresholds.

Please provide a Statement of Overriding Considerations concerning these adverse Air Quality and potential Economic impacts that clearly describes: (a) the reasons and rationale for accepting these adverse impacts, (b) additional short-term and long-term mitigation measures that would reduce these impacts to less than significant, and (c) the source of financing that would exist to cover the cost of fines or restitution connected to violation of SLO County APCD thresholds. Because of the stated uncertainty of proposed mitigations for Air Quality and Greenhouse Gas Emissions in the PRDEIR, it would be prudent to initiate a comprehensive Air Quality Monitoring program that will produce actual data on the degree of adversity from this impact.

3. SIGNIFICANT UNAVOIDABLE ADVERSE TRANSPORTATION IMPACTS TO FREEWAY, INTERSECTION AND ROADWAY OPERATION, QUEING AND SAFETY:

I have partitioned my Concern, Questions and Request for Statements of Overriding Considerations into four (4) categories below:

A. Road Closures, Traffic Diversions, and intersection improvements at the neighboring San Anselmo and San Ramon intersections with Highway 101 and El Camino Real should be completed prior to beginning work at the Del Rio intersections with Highway 101 and El Camino Real.

If construction on the San Anselmo and San Ramon intersections occurs simultaneously with or after construction on the Del Rio intersections, please provide a Statement of Overriding Considerations that includes the reasons and rationale for accepting these unnecessary adverse impacts and risks to public safety.

B. Despite three (3) Roundabouts proposed for the Del Rio intersection and Highway 101 and El Camino Real, the PRDEIR states that unacceptable, significant, unavoidable adverse impacts to intersection, roadway, freeway operations and queuing will continue to plague transportation to and from the Wal-Mart project.

Please provide a Statement of Overriding Considerations that includes (a) the reasons and rationale for accepting these unacceptable, significant, unavoidable adverse impacts concerning transportation and (b) delaying the completion of some of these roadway and intersection projects until after the Wal-Mart project opens for business.

C. Because the Levels of Significance After Mitigation for Impacts TRANS-1, TRANS-2 and TRANS-3 are stated as "Significant Unavoidable impacts", I disagree with the "Less than significant impact" conclusion on the Level of Significance After Mitigation for Impact TRANS-4. In addition to Transportation overload and
congestion anticipated in the PRDEIR, I believe there is a concomitant significant, unavoidable adverse risk to public safety and associated liability from property damage, personal injury or death connected to the transportation impacts of this project.

Please provide a Statement of Overriding Considerations that (a) explains the different conclusions on post-mitigation levels of significance between TRANS-4 versus TRANS-1 thru 3 and (b) includes the reasons and rationale for accepting the TRANS-4 post-mitigation level of significance as "Less than significant impact" as it pertains to public safety and liability.

D. To minimize the stated impacts due to overloading, congestion, poor operation and queuing of traffic at intersections, roadways, and the freeway, it is essential to ensure that ALL of the intersection modifications, roundabouts, and other Transportation Mitigation Measures set forth in the DEIR and PRDEIR be implemented BEFORE approving the Wal-Mart project to open for business.

Please provide a Statement of Overriding Considerations that includes the reasons and rationale for accepting the increased significant, unavoidable adverse impacts risks and liability that would accompany a plan that does not provide all of the Transportation Mitigation Measures prior to opening the Wal-Mart project for business.

Thank you again for the opportunity to comment on this important matter.

Respectfully,

Roger D. Gambs
7460 Enclinal Ave.
Atascadero, CA 93422
Roger Gambs (GAMBS)

Response to GAMBS-1

The author referenced CEQA requirements for adoption of a Statement of Overriding Considerations for approval of projects that involve one or more significant unavoidable impacts. The author requested that the City of Atascadero provide “detailed Statements of Overriding Considerations for the following three (3) areas in the PRDEIR that pose potential or unavoidable Significant Adverse Economic, Financial, Safety, Environmental or Health Impacts to the City, the Residents of the City and/or [sic] Public at large.”

In cases where an EIR identifies one or more significant unavoidable impacts and the lead agency has elected to approve the project, CEQA Guidelines Section 15093 requires the lead agency to adopt a Statement of Overriding Considerations that balances the economic, social, technological, and other benefits of the project against unavoidable environmental risk in determining whether to approve a project. The Statement of Overriding Considerations is prepared independently of the EIR and is made publicly available prior to the public hearing(s) at which EIR certification and project approval will be considered. Note that the CEQA Guidelines do not require the Statement of Overriding Consideration to be included in the DEIR or Final EIR.

The City of Atascadero will include a draft version of the Statement of Overriding Considerations in the Staff Report for the Planning Commission and City Council meetings at which EIR certification and project approval will be considered. The decision-makers will have the opportunity to review, modify (as necessary), and ultimately adopt or reject the Statement of Overriding Considerations. Again, this will occur independently of the EIR process; therefore, this Final EIR need not incorporate any aspects of the Statement of Overriding Considerations.

Regarding the author’s assertion that the PRDEIR identifies significant unavoidable impacts that pose “Significant Adverse Economic, Financial, Safety, Environmental or Health Impacts to the City, the Residents of the City and/or [sic] Public at large,” this statement is not supported by any conclusions in the PRDEIR. The PRDEIR identifies various significant impacts that cannot be mitigated to a level of less than significant; refer to pages ES-2 and ES-3. However, this does not necessarily mean that these impacts would cause significant harm in terms of economic; financial; environmental; or health, safety, and welfare impacts on the public. Instead, it means that the City of Atascadero cannot conclude that these impacts would be fully mitigated to a level of less than significant in accordance with the legal principles that underpin CEQA.

As an example, because of the uncertainty surrounding the APCD’s offsite mitigation program for air pollution impacts, the PRDEIR concludes that this impact is significant and unavoidable, even though the project applicant is required to participate in this program and the APCD itself has asserted that

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6 Note that the CEQA Guidelines requires that only one Statement of Overriding Considerations need be adopted to address all of the significant unavoidable impacts, not individual “Statements of Overriding Considerations” as stated by the author.
this would fully mitigate this impact to a level of less than significant (see Comment APCD.2-6). Likewise, the conclusions regarding traffic impacts are largely based on the uncertainty of timing for the necessary improvements, not lack of feasible mitigation.

In summary, the PRDEIR does not contain any statements that the proposed project’s five significant unavoidable impacts would result in significant harm on the public; rather, the conclusions in this regard reflect CEQA legal principles that require lead agencies to conservatively conclude that impacts are significant and unavoidable because of factors outside its control.

Response to GAMBS-2
The author requested a Statement of Overriding Consideration concerning “significant adverse economic impact to the City of Atascadero and its residents” regarding the “actual short-term and long-term costs of road improvements” identified in the PRDEIR. The author requested that the Statement of Overriding Consideration identify the reasons and rationale for accepting these impacts; the short-term and long-term indebtedness that would be incurred by the City from the improvements; and pro-rated, short-term and long-term indebtedness that would be incurred by individual residents and businesses.

To clarify, the PRDEIR did not identify “actual short-term and long-term costs of road improvements” as a significant unavoidable impact; therefore, the City of Atascadero would not be required to adopt a Statement of Overriding Considerations for this impact. Refer to Master Response 1 for discussion the PRDEIR’s conclusions regarding traffic impacts. In addition, refer to Response to GAMBS-1 for further discussion of CEQA requirements for the Statement of Overriding Considerations.

Response to GAMBS-3
The author requested a Statement of Overriding Consideration concerning “significant unavoidable adverse impact to air quality and greenhouse gas emissions.” The author alleged that depending on the severity of air quality impacts, the City could be subject to fines or restitution for violation APCD thresholds. The author requested that the Statement of Overriding Consideration identify the reasons and rationale for accepting these impacts, additional short-term and long-term mitigation measures that would reduce these impacts to a level of less than significant, and the source of financing that cover the cost of fines and restitution associated with violation of APCD thresholds. The author stated that the City should undertake a “comprehensive Air Quality Monitoring program” that will produce actual data on the degree of adversity from this impact.

The PRDEIR outlines the reasons for why the proposed project’s impact associated with air quality was found to be significant and unavoidable on pages 3.2-84 through 3.2-86. To recap, the conclusion is based on the uncertainty of the APCD’s offsite mitigation fee program and not because of a lack of feasible mitigation measures that would reduce emissions to within adopted thresholds.
The PRDEIR requires implementation of all feasible mitigation measures (Mitigation Measures AIR-2a through AIR-2e) and, therefore, is consistent with CEQA requirements in this regard.

Regarding the author’s assertion that the City could be subject to fines or restitution for violation APCD thresholds, there are no statements in the PRDEIR or in the APCD’s two comment letters that support this claim. As such, there is no evidence to support the author’s assertion that the City would be subject to fines or restitution associated with the proposed project’s related significant unavoidable impact.

Furthermore, there are no statements in the CEQA Guidelines stating that projects that exceed thresholds of significance (air quality, noise, public services, transportation, etc.) are subject to criminal or civil penalties. Instead, the CEQA Guidelines require disclosure and implementation of feasible mitigation for significant impacts and the adoption of a Statement of Overriding Considerations if the lead agency chooses to approve a project with significant unavoidable impacts. Thus, CEQA clearly establishes that decision-makers have the ability to reject a project if they feel the significant unavoidable impacts outweigh the benefits.

Refer to Response to GAMBS-1 for further discussion of CEQA requirements for the Statement of Overriding Considerations.

Response to GAMBS-4
The author stated that the improvements at the San Anselmo Road and San Ramon Road interchanges should occur before the Del Rio Road interchange improvements. The author requested a Statement of Overriding Consideration concerning “significant unavoidable adverse transportation impacts to freeway, intersection, and roadway operation, queuing, and safety” associated with road closures and traffic diversions at the US 101 interchanges with San Anselmo Road and San Ramon Road in the event that improvements at these locations occurs concurrently with or after construction of the Del Rio Road interchange improvements.

To correct a misstatement in this comment, the PRDEIR does not identify any required mitigation measures for the US 101/San Ramon Road interchange; therefore, no modifications would be made to this facility.

The residual significance of Impact TRANS-7 has been changed from “significant and unavoidable” to “less than significant,” reflecting the changes to Mitigation Measures TRANS-1d and TRANs-1e, which now require that the Del Rio Road interchange improvements be in place prior to issuance of the first certificate of occupancy for the Annex commercial uses. Thus, this impact does not require a Statement of Overriding Considerations. Refer to Master Response 1 for further discussion.

Regarding the US 101/San Anselmo Road interchange, Mitigation Measures TRANS-7b and TRANS-7c require implementation of temporary traffic control measures at or near this interchange during closure of the Del Rio Road interchange.
In summary, the author’s comment is predicated on erroneous assumptions about planned traffic improvements.

Refer to Response to GAMBS-1 for further discussion of CEQA requirements for the Statement of Overriding Considerations.

**Response to GAMBS-5**

The author stated that the PRDEIR states that unacceptable, significant, unavoidable adverse impacts to intersection, roadway, freeway operations, and queuing would continue to plague transportation to and from the Walmart project after the implementation of the three roundabouts on Del Rio Road. The author requested Statement of Overriding Consideration concerning “significant unavoidable adverse transportation impacts to freeway, intersection, and roadway operation, queuing, and safety” associated with delaying the completion of roadway improvements until after Walmart is open.

To correct a misstatement in this comment, the PRDEIR concludes that the implementation of the roundabouts on Del Rio Road would yield acceptable intersection operations and queuing on surface streets; refer to pages 3.11-54 through 3.11-56. In the case of freeway impacts, the issue is the lack of planned capacity improvements for the US 101 corridor in Atascadero; the Del Rio Road roundabouts have no direct bearing on freeway mainline operations; refer to Master Response 8 for further discussion.

Refer to Master Response 1 for discussion the PRDEIR’s conclusions regarding traffic impacts, including the timing of mitigation.

Refer to Response to GAMBS-1 for further discussion of CEQA requirements for the Statement of Overriding Considerations.

**Response to GAMBS-6**

The author expressed disagreement with the conclusion in Impact TRANS-4, which concerns roadway safety impacts, stating that he believes there is a “concomitant, significant, unavoidable adverse risk to public safety and associated liability from property damage, personal injury or death connected to the transportation impacts of this project.” The author requested a Statement of Overriding Consideration explaining the different conclusions on post-mitigation levels of significance between Impact TRANS-4 and Impacts TRANS-1 through TRANS-3.

Impact TRANS-4 assesses the potential for the proposed project to substantially increase roadway safety hazards that are due to design features or incompatible uses (CEQA Checklist Item d; see page 3.11-42), while Impacts TRANS-1 through TRANS-3 address whether the proposed project’s traffic would exceed the capacity of the existing circulation system based on an applicable measure of effectiveness (CEQA Checklist Item a; see page 3.11-42). These are two separate issues and the conclusions of one have little to no bearing on the other.
In the case of roadway safety, project impacts were evaluated in the context of (1) site access and interior circulation; (2) truck traffic; and (3) railroad grade crossings, as these are the roadway safety issues most relevant to the proposed project. The analysis found that there was a need for southbound left-turn lane on El Camino Real and requires this as Mitigation Measure TRANS-4. With the implementation of mitigation, impacts were found to be less than significant. Note that the author did not provide any evidence disputing the conclusions associated with any of these topics.

Regarding the broader issue of potentially unsafe conditions being created by unacceptable operations on local roadways, it should be noted that this is (1) limited to peak periods and (2) generally involves traffic moving at slower speeds on roadway segments or experiencing more wait time at intersections. Slower speeds or longer wait times would be unlikely to create significant risks to the public. Nonetheless, such unacceptable operations are only projected to occur until the Del Rio Road interchange roundabouts are completed, at which point surface streets would operate at acceptable levels.

Refer to Response to GAMBS-1 for further discussion of CEQA requirements for the Statement of Overriding Considerations.

Response to GAMBS-7
The author stated that it is essential that all of the intersection modifications, roundabouts, and other transportation mitigation measures set forth in the DEIR and PRDEIR be implemented before the Walmart store opens for business. The author requested a Statement of Overriding Consideration explaining the reasons for not implementing all of the transportation-related mitigation measures prior Walmart opening.

Refer to Master Response 1 for discussion the PRDEIR’s conclusions regarding traffic impacts, including the timing of mitigation.

Refer to Response to GAMBS-1 for further discussion of CEQA requirements for the Statement of Overriding Considerations.

Response to GAMBS-8
The author provided closing remarks to conclude the letter. No response is necessary.
CITY OF ATASCADERO

Wal Mart Draft EIR Comment Card

DATE        March 21, 2012 - 1:09 am

NAME        Michelle Kaul

ADDRESS       4905 San Jacinto Ave

PHONE         8054611225

EMAIL         mkaul@cuesta.edu

COMMENTS      Our family at 4905 San Jacinto Ave, Atascadero, does not support the Walmart
development project. Considering that now the city is being requested to share the
financial burden of the development project, we think this should be seriously
reconsidered. Not only is this going to impact local business and the quality of our
city, but now it will also be a drain on the city’s finances which are needed for
more important improvements and maintenance. I beg you to help keep our city
beautiful and unique to future generations and use the city finances wisely. My
great regret is that my husband and I were not able to vote on the initial Walmart
project as we were just settling into our new home here in Atascadero.
All the best,
Michelle Kaul and family
Michelle Kaul (KAUL)

Response to KAUL-1

The author expressed opposition to the proposed project, generally citing traffic impacts, economic impacts on competing businesses, and fiscal impacts. No response is necessary.
CITY OF ATASCADERO

Wal Mart Draft EIR Comment Card

DATE        April 12, 2012 - 8:52 pm

NAME        Brian Kennelly

ADDRESS     5449 Via Ranchitos

PHONE       4609941

EMAIL       bkennell@calpoly.edu

COMMENTS    Will sidewalk improvements extend both south and north of the proposed Walmart development area. As somebody potentially impacted by traffic who lives just north of the Del Rio/El Camino Real intersection, I want to ensure that sidewalk improvements will extend from Del Rio all the way to the Home Depot parking lot (on both sides of the street). It is already treacherous walking on that stretch of road and will likely get even more dangerous with the added Walmart traffic.
Brian Kennelly (KENNELLY)

Response to KENNELLY-1

The author stated that he lives north of the project site along El Camino Real inquired if sidewalks would extend both north and south of the project site. He stated that it is “treacherous” for pedestrians along the segment of El Camino Real between Del Rio Road and Home Depot and indicated that he would like to see sidewalks installed along this segment of roadway.

Although sidewalks currently do not exist on El Camino Real between Del Rio Road and Home Depot, there is sufficient paved and unpaved area on either side of the roadway to allow safe pedestrian travel. As such, the City does not believe that this segment of roadway is inherently unsafe for pedestrians.

In accordance with the City of Atascadero’s improvement standards, Mitigation Measure TRANS-6e requires the installation of pedestrian facilities along the proposed project’s frontages with El Camino Real and Del Rio Road. These facilities are required to comply with the Americans With Disabilities Act.

Pedestrian facilities would not be installed offsite, including along El Camino Real north of the project site, as these properties are not part of the proposed project. As a condition of any future development on these properties, the City of Atascadero would require installation of curb, gutter, and sidewalk. Again, the City maintains that pedestrians can safely travel along this segment of El Camino Real.
From: Gary Kirkland <gary.garykirkland.kirkland81@gmail.com>
To: Warren Frace <wfrace@ataascadero.org>
Date: 3/25/2012 4:37 PM
Subject: Website Comment/Question - PRDEIR-Wal Mart/Annex

03/25/12

City of Atascadero Staff

wfrace@ataascadero.org

Dear Staff:

The following are reasons the city should pay some of the cost of the improvements for the new Wal-Mart project. First, many more people will use the streets than those shopping at Wal-Mart. This includes those shopping at other stores in the area. The sales tax receipts the city collects from increased commerce in the area will defray some or all the cost of the improvements. Other stores and citizens should bear some of the cost.

Second, the fact that the Rottman Group dropped out of the project is not Wal-Mart's fault and they should not have to pay the costs that the other group promised to pay. Government required the Environmental Impact Report that determined the cost of the improvements. Government, therefore, should pay some of the costs.

Third, the city government wants very expensive roundabouts. Therefore, the city should pay the increased costs for them.

Fourth, the city has subsidized other projects in town, including the theatre complex. If justice is blind and government is fair to all then the city should subsidize the Wal-Mart project.

Thank you.

Sincerely,

Gary L. Kirkland

gary.l.kirkland@gmail.com
Gary Kirkland (KIRKLAND.2)

Response to KIRKLAND.2-1

The author stated that it is appropriate for the City of Atascadero to pay for a portion of the traffic improvements for the proposed project given (1) that this would be offset by the sales tax revenues generated by the project; (2) the Rottman Group’s unwillingness to contribute its share; (3) the expensive nature of the roundabouts; and (4) subsidies received by other projects such as the theatre complex.

Refer to Master Response 1 for discussion of traffic mitigation. None of the author’s other comments pertain to the PRDEIR’s analysis and, therefore, no response is necessary.
From: Doug Kuykendall <todamslo@sbcglobal.net>
To: Warren Frace <wfrace@atascadero.org>
Date: 4/28/2012 7:52 AM
Subject: Opposition to Walmart

I adamantly oppose the use of any city funding for this project.

Walmart and the Annex (if still viable) should seek mediation if they cannot agree on how the cost should be split.

If Walmart can spend millions on bribes, they can easily fund this project.

Respectfully,
Merry Kuykendall
2780 Alturas Rd.
Atascadero, CA
805-975-6077
Merry Kuykendall (KUYKENDALL)

Response to KUYKENDALL-1

The author indicated opposition to the use of City funds for the proposed project and stated that Walmart and the Annex should enter mediation if they cannot resolve cost sharing arrangements. No response is necessary.
CITY OF ATASCADERO

Wal Mart Draft EIR Comment Card

DATE April 04, 2012 - 12:40 pm

NAME Joseph LaFayette

ADDRESS 9030 Junipero Ave, Atascadero

PHONE 805-423-0168

EMAIL calflyer@hotmail.com

COMMENTS I would like to express strong objection to the City of Atascadero contributing city funds to the $4.5M of road improvements required for this development. Only the current developers of whatever portion of the project should be required to fund such improvements in total and if there are future developers that benefit from the overall improvement, some form of prorata reimbursement for the original payees should be accomplished through some form of deferred participation agreement. Our City is already in a tenous financial state and while I encourage a more business friendly environment in general, feel it is necessary in this economic environment to require developers to pay their own way. If some incentive is needed to encourage such development, it should be in the form of incentives of softening the City taxation of future successful business performance rather than hard front end costs which may never be recoverable should the businesses fail prematurely.
Joseph LaFayette (LAFAYETTE)

Response to LAFAYETTE-1

The author indicated opposition to the use of City funds for the proposed project’s traffic improvements. The author stated that the project applicant should fund all necessary improvements subject to reimbursement for costs outside its fair share from other future developers. No response is necessary.
TO: Warren Frace, Director
City of Atascadero
Community Development Department

Regarding the PRDEIR report: April 30, 2012

This new document poses more questions than it answers. It demands that we ask ourselves what we are trying to achieve by allowing WalMart into our town. This new document is rife with such comments as: “impacts are significant and unavoidable,” “that freeway operations on US 101 will remain significant and no feasible improvements or projects are available to reduce this impact to less than significant,” “the cost of the potential mitigation measures would be economically infeasible.” If the reason we want WalMart in our community is to increase city revenues, then I question whether the net income will be positive, after financing all of the mitigations.

The study indicates that our city will extend to the applicant “fee credits” for various mitigations (signal at San Anselmo north and El Camino Real, Del Rio/ Camino Real roundabout). I assume this means that the taxpayers will ultimately need to reimburse these credits to WalMart. This new document also states that the City will be responsible for collecting fees for construction of the roundabouts at San Anselmo / 101 and Del Rio/ 101 and that the City will be responsible for the construction of these mitigations. It appears that our costs are going up!

The mitigations will be needed whether the Annex is developed or not; but will only be more essential if and when the Annex is developed. And if the mitigations are delayed because only WalMart is currently being built, then we better require that they pay up-front for the eventual improvements, or we’ll never see the funding. Those funds could then be saved for the eventualty.

With regards to the effects of the WalMart development on traffic in the northeast neighborhood of Atascadero (including the freeway), please drive through the area to appreciate the impact. A drive down Del Rio, east of EL Camino Real, will be seriously impacted. Pedestrian and bicycle traffic will further complicate negotiation of this road segment, not to mention the truck traffic at the Del Rio/Obispo road intersection. To avoid this, many of us in the neighborhood will exit via Traffic Way to San Ramon to enter US 101 north. But no comment about Traffic Way in this area is mentioned, other than that it is currently a “minor arterial” with speed limit of 25 mph. Cars and pick-ups currently drive 40-50 mph on this road. Traffic Way is already in dire need of resurfacing and has several problem areas. And the entrance to US 101 north at San Ramon is already treacherous, not only for those entering the freeway, but for those already on the
freeway heading northbound. And it enters right into the curve in US 101 where innumerable accidents have occurred during my 26 years in residence here. Any increase in traffic at this location will jeopardize life and property.

All of my concerns stated here are simply stacked upon my concerns stated in my response to the original EIR (May 17, 2011; copy forwarded herewith). Many of those concerns have not been adequately answered to this date either; particularly the question as to why the main access to WalMart is not off El Camino Real. And it is abundantly clear that some of the traffic problems, especially the US 101 corridor, "will remain significant and no feasible improvements or projects are available to reduce this impact to less than significant".

If it is really felt that a WalMart in our community will be an economical asset, then I request a clearly written (so that the general citizenry can understand it) balance sheet of the anticipated revenues and costs to be produced. I suspect that it will show, at best, a wash with regards to overall income. And this does not even address the intangible, but very real, disruption effect on the local neighborhood and the anticipated closing of other currently existing businesses. It appears that the location of this venture is too small and that the development of safe and adequate access is not economically "feasible".

Respectfully,

Randolph S. Lawrence, MD
4600 Obispo Road
Atascadero, CA 93422
805 461-3867
randolphmd@charter.net
Randolph Lawrence (LAWRENCE.2)

Note to reader: The author reattached his previous comments (Comments LAWRENCE.1-1 through LAWRENCE.1-17) to this letter. In the interests of avoiding redundancy, they have not been reproduced.

Response to LAWRENCE.2-1
The author cited various statements in the PRDEIR regarding the residual significance of impacts and the feasibility of mitigation measures and rhetorically questioned whether net economic effects of the project would be positive.

Refer to Master Response 10.

Response to LAWRENCE.2-2
The author cited several statements in the PRDEIR regarding fee credits for implementation of various traffic improvements and the collection of fees from the applicant for development of the US 101/Del Rio Road roundabouts and stated that “It appears that our costs are going up!”

Refer to Master Response 1.

Response to LAWRENCE.2-3
The author stated that the traffic mitigations will be needed whether or not the Annex is developed, but will be more essential if the Annex is developed. The author stated that the City should require the applicant to provide the full cost of the necessary traffic improvements up front, which would provide funds for the improvements triggered by the Annex portion of the project, if built.

Refer to Master Response 1.

Response to LAWRENCE.2-4
The author reiterated prior comments about impacts at the intersection of Del Rio Road/Obispo Road (LAWRENCE.1-15), pedestrian and bicycle traffic (LAWRENCE.1-16), speeding vehicles on Del Rio Road (LAWRENCE.1-8), and the “tricky curve” on US 101 north of San Ramon Road (LAWRENCE.1-5). The author suggested that project-related traffic is likely to use Traffic Way to reach the US 101/San Ramon Road interchange and also indicated that Traffic Way was in need of resurfacing and implied that this condition would be exacerbated by the proposed project.

Refer to Response to LAWRENCE.1-5, Response to LAWRENCE.1-8, Response to LAWRENCE.1-15, and Response to LAWRENCE.1-16.

As shown in Table 3.11-14, 5 percent of project-related trips are projected to use Traffic Way east of Potrero Road, and 6 percent of project-related trips are projected to use Traffic Way west of Potrero Road. In contrast, Table 3.11-14 shows that 25 percent of project-related trips would get on northbound US 101 at the Del Rio Road interchange. These trip distribution percentages are
unpinned by the logical assumption that most motorists would seek the shortest and most direct route to their destination. Thus, it is doubtful that motorists destined to or coming from northbound US 101 would travel via Traffic Way to reach the US 101/San Ramon Road, since that involves a much more circuitous route that would incur significant time penalties relative to using the US 101/Del Rio Road interchange.

Regarding the existing condition of Traffic Way, maintenance and upkeep activities are funded by the City of Atascadero’s General Fund. The proposed project would generate new revenues that would accrue to the City of Atascadero that could be used for these types of maintenance and upkeep activities, although such a decision is at the discretion of the Atascadero City Council.

Response to LAWRENCE.2-5
The author referenced his prior comments (LAWRENCE.1-1 through LAWRENCE.1-17) and stated that many of those questions and comments have not been adequately addressed to date, specifically why the main access to Walmart is not located on El Camino Real or the issue of significant unavoidable impacts to the US 101 corridor.

All of the author’s questions and comments are addressed in this Final EIR. Refer to Master Response 1 and Master Response 4, as well as Response to LAWRENCE.1-1 through Response to LAWRENCE.1-17.

Response to LAWRENCE.2-6
The author requested a “balance sheet” of anticipated revenues and costs as they relate to the proposed project, and speculated that it would show a “wash” with regards to net income. The author asserted that this analysis would not address the “intangible, but very real disruption effect on the local neighborhood” and the anticipated closings of existing businesses. The author suggested that the EIR demonstrates that the project site is too small to accommodate the proposed project and that the development of safe and adequate access is not economically “feasible.”

A Fiscal Impact Analysis will be provided as part of the Staff Report for the proposed project. Note that this report is independent of the CEQA process, as it does not involve physical impacts to environment. Refer to Master Response 10 for further discussion.

Regarding the issue of impacts on the surrounding neighborhood, the DEIR and PRDEIR evaluated impacts on these uses in the context of aesthetics, light, and glare; air quality and greenhouse gases; land use; noise; public services and utilities; and transportation; and identified feasible mitigation measures for these impacts. Aside from traffic impacts, the author does not provide any specific comments on these analyses; thus, no further response can be provided to this comment.

Section 3.12, Urban Decay of the DEIR addressed potential impacts on competing business and the potential for store closure. The analysis found that competing businesses were not expected to experience significant lost sales such that store closure was likely to occur. The author does not
provide any specific comments on this analysis, so no further response can be provided to this comment.

Finally, there are no statements in either the DEIR or PRDEIR indicating that the project site is too small to support the proposed project or that the development of safe and adequate access is not economically “feasible. To the contrary, Impact LU-1 in Section 3.9, Land Use of the DEIR demonstrates that the Floor Area Ratio of the Specific Plan’s commercial uses (0.25) is within the General Plan’s limit of 0.30, thereby indicating that building square footage is within proportion to the lot size. Furthermore, the roadway safety analysis in Impact TRANS-4 in Section 3.11, Transportation of the PRDEIR demonstrates that adequate ingress and egress can be provided to and from the project site; there are no statements that safe access is “infeasible.”
April 25, 2012

Warren Fracc, Director
Community Development Department
City of Atascadero
6907 El Camino Real
Atascadero, California 93422

Subject: Partially Recirculated Draft EIR
Del Rio Road Specific Plan

Dear Mr. Fracc,

Following are comments related to the Recirculated Draft EIR.

The new Draft remains silent regarding the impact on Del Rio Road east of the project (Obispo Road to Potrero Road). The report fails to acknowledge that this segment functions as a collector street providing a way for heavy truck traffic to and from the industrial area and the 101 Freeway. The development of any new commercial projects at El Camino Real and Del Rio Road will most certainly increase traffic on this segment. Presently this segment may have a ten foot paved travel lane but in instances there is no shoulder or pedestrian capability. Which City adopted street standard for a collector street will be recommended for this section? To do nothing will only increase conflicts between pedestrians, bicycles, cars, buses and trucks. Any new development which will attract trips over this segment certainly has a role in the upgrading.

The new Draft continues with the old base information. The intersection volumes are dated 2010 and since that time a new successful grocery store has opened in the Mission Plaza Development. Why was a reevaluation of the traffic not undertaken?

Traffic Impact Fees are normally based on projects that are needed to implement the General Plan. The three roundabouts were not indicated in the General Plan and therefore a new mechanism for funding their construction must be developed. The Developer is requesting that the City rezon an additional thirteen acres of residential land to commercial so that a large retail center can be constructed. In considering such a request, the City has every right to condition an approval that all traffic impacts be constructed and in operation before any opening of any business, this would include City Streets and the three Roundabouts. “Reasonable” and “Feasible” only open the door to argument and the result may be that the improvements never get built. Under the present scheme, future development is programmed to pay fees implement those projects identified in the General Plan. Will those fees now be redirected to satisfy the impacts created by this new commercial development? By fronting the money, the City may actually offering a loan to someone, who? What guarantees will be in place to assure that the moneys will be replaced? At this economic time it may be poor judgment to enter into such an agreement.

Respectfully Submitted,

Harri and Indi Nielsen

Nielsen
4950 Del Rio Road
Atascadero, Ca. 93422
**Hardy and Judi Nielsen (NIELSEN.2)**

*Response to NIELSEN.2-1*

The authors claimed that the PRDEIR is silent regarding the impact on Del Rio Road between Obispo Road and Potrero Road and fails to acknowledge that this segment functions as a collector street that facilitates truck traffic from Traffic Way to US 101. The authors asserted that the proposed project will increase traffic on this roadway segment and the proposed project should provide upgrades.

Del Rio Road east of El Camino Real is addressed in Master Response 2.

*Response to NIELSEN.2-2*

The author asserted that the PRDEIR relies on the same “base information,” which include traffic volumes from 2010. The authors noted that Grocery Outlet opened in the Mission Oak shopping center since the counts were taken and inquired why new traffic volumes were not taken.

Refer to Master Response 1.

*Response to NIELSEN.2-3*

The author stated that Transportation Impact Fees (TIF) are “normally based on projects that needed to implement the General Plan.” The authors stated that the three proposed roundabouts are not indicated in the General Plan; therefore, a new funding mechanism must be developed. The authors stated that the project characteristics warrant the City to condition installation of the three roundabouts prior to project opening. The authors inquired if TIF fees will be “redirected to satisfy the impacts created by this new commercial development” and if the City is in effect offering a load to the applicant by fronting the money for the improvements. The authors asked if there are any guarantees that would assure that the moneys will be reimbursed.

The PRDEIR provides description of the City’s TIF program on pages 3.11-24 through 3.11-30. Contrary to the authors’ claims, the General Plan Circulation Element does contemplate improvements to the Del Rio Road interchange, which are also reflected in the City’s Capital Improvement Plan. As such, the interchange improvements are eligible for TIF monies; thus, a separate financing mechanism is not necessary.

Refer to Master Response 1 for further discussion of the Del Rio Road interchange improvements.
April 16, 2012

TO:

Warren Frace, Director
City of Atascadero, Community Development Department
6907 El Camino Real, Atascadero, CA 93422
Phone: (805) 470-3488 • Fax: (805) 470-3489 • Email: wfrace@atascadero.org

FROM: LEE PERKINS
5525 CASCABEL RD.
ATASCADERO CA 93422
805 466-2448

RE: Del Rio Road Commercial Area Specific Plan—Partially Re-circulation of the Draft EIR (PRDEIR):

QUESTIONS TO BE ADDRESSED:

Why doesn’t the Project Objectives include road and parking safety monitoring in and around the residential neighborhoods directly adjacent to the WalMart development? WalMart is known for a high crime rate in their parking lots. Will the applicant and/or City monitor the WalMart Parking area?

Why isn’t sound and light pollution from this development addressed beyond being significant and unavoidable? Has it been considered that WalMart not be open midnight to 4:00 am to avoid delivery truck and the need for night lighting and traffic during those hours?

What is the evidence that the Air Quality Standards, Projected Traffic, temporary road closures and congestion be labeled simply as significant but unavoidable?

How will the city guarantee safety of vehicles entering the congestion created by the WalMart development and how will the city address greenhouse gas emissions for the homeowners in the area?

How will the EIR mandate that the City guarantee that:

- Plant drought-tolerant native shade trees along southern exposures of buildings to reduce energy used to cool buildings in summer.
- Utilize green-building materials (materials which are resource-efficient, recycled, and sustainable) available locally, if possible.
- Demonstrate that buildings incorporate all feasible energy efficiency measures with a goal of exceeding the minimum Title 24 efficiency standards by 20 percent or more.
- Utilize energy efficient streetlights.
- Utilize energy efficient interior lighting.
- Install energy-reducing programmable thermostats.
- Use roofing material with solar reflectance values meeting the EPA/DOE Energy Star rating to reduce summer cooling.

How will the EIR mandate safety for residential neighbors by requiring:
- Construction activities shall be limited to the hours between 7 a.m. to 9 p.m. daily. The City of Atascadero shall not permit construction activities to occur outside of allowable hours.
• All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction features were installed by the manufacturer, then the contractor shall require that at least a muffler be installed on the equipment.
• Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence (e.g., a heavy equipment breakdown).
• Prior to commencement of grading activities, a 12-foot high construction noise barrier shall be installed on the portions of the perimeter of the project site that are within 50 feet of any offsite residential structure, and a 10-foot high construction noise barrier shall be installed on the portions of the perimeter of the project site that are within 50 to 150 feet of any offsite residential structure. The noise barrier shall consist of a material that provides attenuation of at least 15 dB. This can be achieved through the use of half-inch plywood.

What measures will be taken to provide safety in and around the development during construction for the safety of traffic and local residents?

Costs of Project to the City of Atascadero:

What will be the total cost of the off site road improvements? What will be the City's share?

What will be the City share of the Del Rio/101 Interchange Roundabouts? What criteria will be set up to trigger construction of the roundabouts and 101 Interchange improvements?

What will be the cost to the City of the closure of the Del Rio Interchange:
  Detours signs
  temporary signage
  Traffic directors
  Temporary road pavement

How did EIR contractor replace the applicant (WalMart) with responsibility for the Del Rio Interchange construction as mandated in the DEIR with the responsibility to the City in the PRDEIR?

What will be the interchange closure cost to the City?

How can the EIR justify construction of the roundabouts until after the opening of WalMart considering there is expected to be 7,000 car visits a day?
Lee Perkins (PERKINS)

Response to PERKINS.2-1
The author inquired why the project objectives do not include “road and parking safety monitoring” in and around the surrounding residential neighborhood. The author claimed that Walmart parking areas are known for their high crime rate and inquired who would monitor the parking area.

This comment is similar to Comment PERKINS.1-9. Refer to Response to PERKINS.1-9.

Regarding project objectives, CEQA Guidelines Section 15124(b) establishes that project objectives reflect the “underlying purpose of the project” and assists the lead agency in identifying a reasonable range of alternatives and aid in preparation of the Findings of Fact or Statement of Overriding Considerations, if necessary. As such, the project objectives listed in Section 2, Project Description of the DEIR reflect the expected economic, fiscal, environmental, planning, and social benefits of the proposed project. Likewise, they do not discuss mitigation measures, such as proposed security measures, as these do not reflect the underlying purpose of the project.

Response to PERKINS.2-2
The author inquired why “sound and light pollution from this development addressed beyond being significant and unavoidable? [sic]” and asked if closing Walmart between 12 a.m. and 4 a.m. was considered to avoid light and noise impacts during these hours.

To clarify, both the DEIR and PRDIER concluded that light and glare and noise impacts could be fully mitigated to a level of less than significant. As such, neither topical area was found to have a significant and unavoidable impact. Because all impacts could be fully mitigated to a level of less than significant, there is no need to require additional mitigation measures such as closure of the Walmart store during the early morning hours.

Response to PERKINS.2-3
The author inquired about the “evidence that the Air Quality Standards, Projected Traffic, temporary road closures and congestion be labeled simply as significant but unavoidable [sic]?”

Discussion is provided in Section 3.2, Air Quality and Greenhouse Gas Emissions and Section 3.11, Transportation supporting the significant and unavoidable conclusions. To briefly recap, air quality impacts were found to be significant and unavoidable because of uncertainty regarding the APCD’s offsite mitigation program, while transportation impacts were found to be significant and unavoidable because of the uncertainty regarding implementation of necessary improvements (operational impacts) or the lack of feasible improvements (short-term road closures).

Response to PERKINS.2-4
The author inquired how the City will guarantee the safety of vehicles on roadways impacted by project-related traffic and how the City will address greenhouse gas emissions for homeowners in the project vicinity.
Roadway safety impact were addressed in Impact TRANS-4 in Section 3.11, Transportation of the PRDEIR. The analysis found that impacts would be less than significant after mitigation.

Regarding the issue of safety at congested intersections, it should be noted that the project applicant is required to install improvements at the El Camino Real/San Anselmo Road (North) and El Camino Real/Del Rio Road intersections prior to opening day for the Walmart store. As such, these locations would not be expected to experience congestion. Regarding the US 101/Del Rio Road interchange, the northbound and southbound ramps are expected to operate at acceptable levels in the near term under the “Plus Walmart” scenarios. As discussed in Master Response 1, Mitigation Measures TRANS-1d and TRANS-1e have been modified to require installation of the interchange improvements prior to issuance of the first certificate of occupancy for the Annex, thereby providing certainty that the interchange would operate at acceptable levels. Nonetheless, in the unlikely event that congestion were to occur prior to completion of the interchange improvements, vehicles would be expected to experience more delay and travel at slower speeds relative to uncongested conditions; however, this is not inherently unsafe. Refer to Response to GAMBS-6 for further discussion.

Regarding greenhouse gas emissions, this comment is similar to Comment PERKINS.1-12. Refer to Response to PERKINS.1-12.

Response to PERKINS.2-5
The author referenced the various provisions of Mitigation Measure AIR-2d and inquired how the City would guarantee that these items would be implemented.

CEQA Guidelines Section 15097 requires lead agencies to adopt and implement mitigation monitoring and reporting programs in conjunction with approved projects. As such, the City of Atascadero will use a Mitigation and Monitoring Report that identifies (1) the final text of each mitigation measure; (2) the required action; (3) the timing of each measure; and (4) the responsible party for verification to ensure that all mitigation measures are implemented.

Response to PERKINS.2-6
The author recited the provisions of Mitigation Measure NOI-1 and inquired how the EIR will mandate safety for nearby residential receptors. The author inquired about what measures would be taken to provide safety in and around the development during construction as it relates to traffic and nearby residences.

The City of Atascadero would use a Mitigation Monitoring Reporting Program to enforce the provisions of Mitigation Measure NOI-1. Refer to Response to PERKINS.2-5 for further discussion of this issue.

Regarding the issue of safety precautions during construction, Mitigation Measure NOI-1 requires the installation of a 12-foot-high noise barrier along portions of the project site that are within 50 feet of an offsite residential receptor, and a 10-foot-high noise barrier along portions of the project site that
are within 50 to 150 feet of an offsite residential receptor. The noise barrier would be constructed of ½-inch plywood. The barrier would serve to attenuate construction noise and also provide a secure perimeter around the project site. Portions of the project site that are more than 150 feet from residential receptors would be secured with either a similar type of barrier or a chain link fence.

As for traffic safety during construction, Mitigation Measures TRANS-7a through TRANS-7c require the implementation of various traffic control measures during construction that would serve to protect public safety.

**Response to PERKINS.2-7**
The author inquired about the total cost of offsite road improvements and what the City’s share of those costs would be.

Refer to Master Response 1.

**Response to PERKINS.2-8**
The author inquired about the City’s share of the US 101/Del Rio Road interchange roundabouts and what criteria would trigger installation of the roundabouts.

Refer to Master Response 1.

**Response to PERKINS.2-9**
The author inquired about the City’s cost as it relates to the closure of the US 101/Del Rio Road interchange, including detour signs, temporary signage, traffic control personnel, and temporary pavement.

Refer to Master Response 1.

**Response to PERKINS.2-10**
The author inquired how the EIR preparer had the authority to change various mitigation measures to require the City of Atascadero to undertake improvements instead of the applicant.

The PRDEIR is an official City document, and the City of Atascadero provided direction on changes to mitigation measures, and reviewed and approved all changes contained in the PRDEIR prior to public release. Refer to Master Response 1 for further discussion.

**Response to PERKINS.2-11**
The author inquired about the interchange closure cost to the City.

Refer to Master Response 1 for further discussion.
Response to PERKINS.2-12

The author inquired how the EIR can justify delaying the construction of the roundabouts until after Walmart opening given that there are expected to be 7,888 car visits per day.

To clarify, the peak-hour trip values reported in Tables 3.11-10 through 3.11-13 were used to assess traffic impacts; the daily trip values were reported for informational purposes and have no bearing on the impacts or mitigation measures. As such, there is no nexus between daily trip generation and the timing of the roundabouts. Refer to Master Response 1 for further discussion.
# CITY OF ATASCADERO

## Wal Mart Draft EIR Comment Card

<table>
<thead>
<tr>
<th>DATE</th>
<th>April 25, 2012 - 1:37 pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td>marilyn Pieters</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>2455 Rio Rita Rd</td>
</tr>
<tr>
<td>PHONE</td>
<td>805-610-9666</td>
</tr>
<tr>
<td>EMAIL</td>
<td><a href="mailto:mpieters@calpoly.edu">mpieters@calpoly.edu</a></td>
</tr>
<tr>
<td>COMMENTS</td>
<td>Walmart should be held financially responsible for all the costs for roadway mitigation and traffic accommodation of this project. The adjacent residential occupants will be adversely affected by the noise, lights and fuel emissions emanating from this development (particularly those living on Rio Rita Rd, which directly and proximally borders the project. At the very least, those residents should be accommodated by a sound barrier along Rio Rita, but even that is incapable of protecting them from the glare and pollution generated by the development. The proposed residential development extending from the commercial project upward to Rio Rita Rd will create an infringement of overwhelming proportions to the current residents who located there with no indication that the privacy they so value would be taken away from them, especially due to the previously zoned 2 1/2 acre minimum lot size.</td>
</tr>
</tbody>
</table>
Marilyn Pieters (PIETERS.2)

Response to PIETERS.2-1

The author indicated that Walmart should held financially liable for all costs of traffic mitigation measures. The author reiterated prior comments about project impacts associated with light and glare, traffic, air pollution, and noise (see Comment PIETERS.1-1) and stated that residents along Rio Rita Road should be protected with a sound barrier. The author also stated that the Walmart residential multi-family residential use would create an “infringement of overwhelming proportions” to residences along Rio Rita Road and intrude into those residents’ sense of privacy.

Traffic impacts and mitigation are addressed in Master Response 1.

Noise impacts are addressed in Master Response 3, including the author’s request for a sound wall.

Light and glare are addressed in Master Response 5.

Air pollution impacts are evaluated in Section 3.2, Air Quality and Greenhouse Gases. The author did not provide specific comments on this analysis.

Finally, regarding the Walmart multi-family residential use, as explained on pages 2-33 and 2-34 of the DEIR, the project applicant is reserving this area for future residential use but is not pursuing development at this time. As such, no information is available at the current time about building characteristics (layout, height, setbacks, etc.); therefore, it would be premature to describe it as disproportionate to surrounding land uses. Any future residential development proposals for this portion of this site would be subject to a separate review process, which would include evaluations of consistency with applicable Specific Plan development standards.
From: Mickey Reilly <mickycyrilly@charter.net>
To: Warren Frace <wfrace@atascadero.org>
Date: 4/29/2012 9:28 PM
Subject: Wal-Mart draft EIR comments

Dear Mr. Frace:

I am very alarmed by the draft EIR for the Wal-Mart project. How can a project with so many "significant unavoidable impacts" be actually under consideration? And aren't the Wal-Mart project and the "No Project/Existing Land Use Designations" alternative apples and oranges? Wal-Mart would be completed within a couple of years; build-out under "existing land use designations" would take many more years and would provide us with multiple opportunities to adjust to current circumstances. Helping an out-of-state corporation build a huge store in the middle of a semi-rural community, versus letting that community evolve through multiple smaller projects over years and decades: How are those two alternatives comparable? Having the Wal-Mart-only alternative come out with all "less" and "similar" impacts seems absolutely counter-intuitive.

I also do not see a correlation anywhere between what Wal-Mart would be asked to pay and the total costs of infrastructure and mitigations. It looks like the city would charge Wal-Mart certain fixed fees, whereas the actual costs of the project to Atascadero, are unknown. Are Atascadero citizens supposed to simply cover whatever those costs are?

Another very problematic area for me is the projection of tax revenues. That seems to be the reason we're supposed to think this project is a great idea. But Wal-Mart's interests are in no way the same as a community's interests. How prudent is it to tie the long-term well-being of Atascadero citizens to the fortunes of a corporation whose business is based so heavily on current international conditions and long-distance transportation? If Wal-Mart decides after a few years that it's in their best interest to leave Atascadero—which has happened time and again to other communities—what would we do with a huge, vacant building like that? Who would bear the financial and environmental costs of an abandoned site? And don't we have enough vacant buildings already?

It seems clear that "significant...impacts" are in fact avoidable: simply by saying no to this project.

One final note: I tried a couple of times to post comments on the website, but I received an error message when I tried to submit. I hope such glitches were not common place and did not diminish the number of responses you receive.

Sincerely,
Mickey Reilly
Atascadero
Mickey Reilly (REILLY)

Response to REILLY-1

The author stated that he was alarmed at the number of significant unavoidable impacts. The author inquired about the difference between the Walmart Only Alternative and the No Project/Existing Land Use Designations Alternative, and suggested that it would be more desirable if the latter alternative were pursued.

The No Project/Existing Land Use Designations Alternative is described on pages 5-4 and 5-5 of the PRDEIR and represents the hypothetical buildout of the project site under the current General Plan and zoning designations. The Walmart Only Alternative is described on pages 5-11 and 5-12 of the PRDEIR and consists of the Walmart component of the Del Rio Road Commercial Area Specific Plan. The No Project/Existing Land Use Designations Alternative does not require any changes to General Plan land use designations or zoning, while the Walmart Only Component requires General Plan and zoning changes to its portion of the project site in order to allow the level of commercial development contemplated by this alternative.

Furthermore, it should be emphasized that the No Project/Existing Land Use Designations Alternative is “hypothetical”; there are no applications on file with the City of Atascadero to actually develop the uses outlined by this alternative. As discussed in Section 3.6, Hazards and Hazardous Materials of the DEIR, the project site has historically been characterized by rural residential uses, small-scale commercial uses, and undeveloped land; as such, it has generally been under-utilized relative to its General Plan and zoning designations. This would suggest that the parcelized nature of the project site and “patchwork” land use designations serve as obstacles to developing each individual property to its highest-and-best use.

Finally, it is important to note that the project site is located within the City’s Master Plan of Development Overlay Areas, identified in Table II-5 of the Atascadero General Plan. Specifically, Overlay Area Number 5 on the Annex site and Number 6 on the Walmart site each specifically call for a “master plan[ned] commercial center” not to exceed 150,000 square feet. Consistent with these requirements, the project is proposing a master planned development in the form of a Specific Plan. Additionally, the Walmart project, consisting of approximately 139,560 square feet of commercial uses (including 6,448 square feet outdoor garden center), and the Annex project, consisting of approximately 120,900 square feet of commercial uses, are consistent with the type of use (master plan commercial center) and density contemplated in the General Plan for this area.

Response to REILLY-2

The author stated that he did not see a “correlation” between what Walmart would pay for infrastructure costs and mitigation. The author noted that the City would assess Walmart fees and stated that the costs are unknown. The author inquired if the citizens are expected to pick up the balance of the costs.
Traffic mitigation is discussed in Master Response 1.

Note that the project applicant is responsible for the full cost of utility infrastructure necessary to serve the proposed project; refer to Section 3.10, Public Services and Utilities of the DEIR.

Response to REILLY-3
The author expressed concern about the possibility of Walmart vacating the Atascadero store at a later date and inquired about the disposition of the vacant store site.

Walmart officials indicate that the company has never closed a “Walmart”-branded outlet in California because of performance. The company has relocated existing stores to other sites within the same market; one example is Gilroy. This has resulted in the company selling the vacated store site to a third party, which then assumes ownership and responsibility for maintenance and upkeep. In the case of the Gilroy store, the building was used for temporary activities for several years, before being tenanted by a recreational vehicle dealership in 2011. Note that the vast majority of Walmart stores in California have maintained their original location, with the company reaffirming its commitment to maintaining its presence at many of these sites for the foreseeable future via expansion or remodeling. In summary, it would be speculative to predict that Walmart would close the Atascadero store.

Response to REILLY-4
The author stated that the proposed project’s significant and unavoidable impacts could be avoided by denying the project. No response is necessary.

Response to REILLY-5
The other described difficulty he experience in attempting to post comments on the City’s website.

The author’s comment letter was received by the City of Atascadero.
From:  "Dan Rich" <djrich9133@sbcglobal.net>
To:    Warren Frace <wfrace@atascadero.org>
Date:  4/12/2012 11:34 PM
Subject: Wal-Mart and traffic improvements

Mr. Warren Frace, Director
City of Atascadero, Community Development Department

Dear Mr. Frace:
As a local taxpayer and resident of Atascadero for over fifty years, I would hope that the local taxpayers will not be footing any part of traffic improvements required by the increased traffic associated with a new Wal-Mart shopping center.

While I am not overjoyed with the way Wal-Mart has been willing to divide the city and pit neighbor against neighbor, I am not opposed to Wal-Mart itself. What I am adamantly opposed to is taxpayer money being used to provide traffic upgrades that would not have been required if the store did not locate here.

It will be Wal-Mart that is profiting from the store, so I can’t see any rational reason why they should not pay for required traffic improvements.

Thank you very much for your attention and consideration.

Sincerely,

Dan Rich
7500 Devon Ct
Atascadero, CA 93422
Dan Rich (RICH)

Response to RICH-1

The author stated that local taxpayers should not pay for any traffic improvements required for the proposed project and that the applicant should pay the full cost of such improvements.

Traffic improvements and mitigation are addressed in Master Response 1.
April 28, 2012

Warren Frace, Director
Community Development Department
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

Re: Partially Recirculated Draft EIR
Del Rio Road Specific Plan

Dear Mr. Frace:

I believe the Walmart/Annex project, as described in the DEIR and the PRDEIR, is out of scale and in conflict with several goals of the city’s General Plan, specifically with LOC 1 goal of maintaining the small-town, rural atmosphere that exists in Atascadero. Because of the massive grading necessary to site the buildings, I believe that it does not meet the goals of LOC 5, which is to preserve the contours of the hills and that buildings be built on hillside to conform to the topography. While the project tries to meet the goals of the General Plan in regard to economic development and jobs, we don’t need a project of this size to accomplish those General Plan goals. There are other methods of achieving economic development and jobs without being in conflict with the General Plan goals stated above. Such measures should include: retaining the unique character of our town in order to attract a vibrant tourist industry and building on the assets of our community (our creeks, stadium park, our zoo, our central location, etc.) to attract unique business opportunities that will further attract visitors to our community. There are many advantages to making our community a distinct community that will further the goal of increasing the tax base without resorting to projects of the scale proposed that would not further our goal of maintaining our character and capitalizing on that asset. Many people came to Atascadero for its rural character that we value greatly, and that is a goal that is very high on our priority list and cannot be sacrificed.

Another concern of mine is that this project, as described, does not further the goal of a walkable, bicycle-friendly community. The proposed roundabouts will not have crosswalks controlled by a light or signaling device, which will create a very dangerous situation for children and adults who will have to determine when it is safe to enter the crosswalks. To travel from the neighborhoods on the west side of US 101 to the project, an adult or child would have to navigate six such crosswalks (not controlled by a light or signaling device) to get to the east side of El Camino Real. I am gravely concerned for the safety of pedestrians and bicyclists forced to maneuver through the roundabouts.
Also, the Del Rio bridge does not have a bicycle lane. The existing two lanes are very narrow and difficult to accommodate bicyclists and large trucks. I am a long-time resident living in the neighborhood west of this proposed project, and I walk on the Del Rio bridge overpass several times a week. It has been my experience that children riding bikes on the bridge always ride their bikes on the pedestrian walkway to provide them with some safety but to the potential detriment of pedestrians on the walkway. The added traffic associated with this project would only increase the level of danger for bicyclists and pedestrians who would be severely restricted from using the bridge safely. In addition, using the bridge are many large vehicles, trucks, and motor homes with large side mirrors that extend out toward the walkway on the bridge and that present a very serious danger to pedestrians and bicyclists on the bridge. On numerous occasions my safety has been jeopardized by these extended mirrors, where I’ve been forced to quickly move closer to the bridge railing on this narrow walkway, that I am frequently sharing with bicyclists. It certainly does not give any walker a feeling of safety and enjoyment walking across the bridge overpass as it now exists, and it will certainly become much more problematic with the increased traffic from the proposed Walmart/Annex development.

All this points to the need for interchange improvements that address these issues to be in place before Walmart opens because of the increased hazards from the additional traffic.

Sincerely,

[Signature]
Madeline Rothman
1660 San Ramon Road
Atascadero
Madeline Rothman (ROTHMAN.M.2)

Response to ROTHMAN.M.2-1
The author reiterated prior comments (ROTHMAN.M.1-1) regarding project inconsistency with General Plan Goal LOC 1 and Goal LOC 5. The author expressed general opposition to the project and expressed a preference for other, unidentified development projects that are more compatible with Atascadero’s character.

Refer to Master Response 9.

Response to ROTHMAN.M.2-2
The author stated that she was concerned about the safety of pedestrians and bicyclists traveling through the proposed roundabouts, particularly since they would not be controlled by signals. The author stated that this would not further the goal of a walkable, bicycle-friendly community.

Refer to Master Response 1.

Response to ROTHMAN.M.2-3
The author expressed concern about the existing characteristics of the Del Rio Road overcrossing, which has two narrow lanes and no bicycle lanes. The author stated that children using the overcrossing will ride their bikes on the sidewalk, to the detriment of pedestrians using the sidewalk. The author also stated that vehicles with extended side mirrors also present a hazard to pedestrians using the sidewalk. The author expressed concern that the proposed project would increase vehicular traffic on the overcrossing, and resulting safety risks for pedestrians using the sidewalk.

The existing Del Rio Road overcrossing has a 15-foot-wide travel lane in the westbound direction, a 14-foot-wide travel lane in the eastbound direction, and a 5-foot-wide sidewalk parallel to the eastbound lane. These lane and sidewalk dimensions meet or exceed acceptable standards for both the City of Atascadero and Caltrans.

Regarding bicyclists riding on sidewalks, Atascadero Municipal Code Title 4, Chapter 2, Article 10 prohibits this practice. Although the author indicates that children riding bikes routinely violate this prohibition, it is doubtful that this constitutes a significant safety risk given the size and weight of the riders and their bicycles, and the low speeds at which they are riding. Furthermore, this is an existing condition and one that would unlikely be exacerbated by the proposed project.

As for vehicles with extended side mirrors posing hazards to pedestrians, this generally would require these vehicles to be traveling as close to the sidewalk as possible. Since there is an existing 14-foot-wide lane in the eastbound direction, there is sufficient space for all vehicles (including mirrors) to be wholly contained in the travel lane. Although it is possible that inattentive drivers of vehicles with extended mirrors could drive especially close to the curb, causing mirrors to intrude into the sidewalk space, this would be considered a rare and infrequent event, and one that could also occur on nearly
any improved public street. Any such occurrences are also unlikely be exacerbated by the proposed project.

*Response to ROTHMAN.M.2-4*

The author stated that her aforementioned comments demonstrate the need for the proposed interchange improvements to be in place prior to opening of the Walmart store.

Refer to Master Response 1.
April 28, 2012

Warren Frace, Director
Community Development Department
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422

Re: Partially Recirculated Draft EIR
Del Rio Road Specific Plan

Dear Mr. Frace:

I have the following questions and comments regarding the PRDEIR on the Del Rio Road Commercial Area Specific Plan:

QUESTIONS:

1. In the DEIR it said that even though the three roundabouts were listed as three separate mitigations, they needed to be done in tandem and that they worked together as one unit. In the PRDEIR there is no mention of the three roundabouts needing to be done in tandem. The El Camino Real roundabout would be done before the Walmart opening, and that two interchange roundabouts could be done at some later date. What led you to change your conclusion, and what new data do you have to support the PRDEIR conclusion that the three roundabouts do not need to be done in tandem?

2. The DEIR states (3.11-62) the El Camino roundabout “is needed in tandem with the roundabouts at the US 101 ramps... because of the very short distance separating these two intersections. Potential queuing impacts with traffic signal control would extend further than can be accommodated on this section.” Why is this statement no longer true? What raw data supports the new conclusion?

3. The DEIR states (3.11-63) the Del Rio/El Camino intersection is not part of the city’s traffic impact fee program, and the project would be responsible for the entire cost of constructing these improvements. The PRDEIR states (3.11-54) it is part of the city’s traffic impact fee program, and the project shall be eligible for a fee credit for the cost in excess of the project’s proportional-share. What is the rationale for changing the statement in the DEIR?

4. The DEIR made no mention of a special traffic impact fee to be used only for the Del Rio interchange. Where did this new fee come from? Is this a Michael Brandman Associates suggestion? Is this a city or applicant proposal or a combination of all of the above?
5. Is this special TIF part of a city fee program?

6. Would other new developments pay this special TIF?

7. Are the applicants (Annex/Walmart) under any obligation now to pay this fee?

8. Could this special TIF be challenged in court by Walmart/Annex, exposing the city to legal costs?

9. Would the city have to go through a hearing process to adopt this special TIF? If so, is there any indication that the city would be willing to do so?

10. Has Caltrans officially approved the roundabouts for the Del Rio interchange?

11. If not, has Caltrans approved any project for the Del Rio interchange?

12. Has the construction of a four-lane overpass been looked at and compared to the roundabout option to see which would give us the best traffic control, and why was the roundabout mitigation the only option listed for the interchange?

13. If Caltrans has not approved any project for the Del Rio interchange, how would we know what the reconstruction costs would be?

14. How do we know if the special TIF listed in the PRDEIR (3.11-29) would be adequate to fund Walmart's/Annex's fair share of the Del Rio interchange reconstruction cost if we don't know what those costs will be?

15. What happens if the Del Rio interchange actual reconstruction cost comes in more than the $4.5 million estimate?

16. The DEIR states (3.11-68) that impacts to the US 101 corridor will be mitigated by the use of TIF in accordance with the latest adopted fee schedule. These fees can be used for improvements to US 101, as well as the other measures listed in the Regional Transportation Plan. The PRDEIR (3.11-53) does not include the above statement and instead states that no feasible improvements or projects are available to reduce this impact to less than significant. Why is there a difference in the two reports?

17. Has SLOCOG been contacted, and do they agree with the above statement in the PRDEIR?

18. Does this mean that no TIF will go to the US 101 corridor?
19. If TIF will be used on the US 101 corridor, what is the anticipated amount?

20. The DEIR (3.11-52) recommends that the Del Rio Road interchange improvements be completed prior to any occupancy so that they can fully provide continuous service to project traffic. The PRDEIR states (3.11-55), "... neither the City nor the applicants have full control over the timing of the completion of the Del Rio Road/US 101 Northbound roundabout improvements." This was also the case when the statement in the DEIR was made and acknowledged as such. The DEIR recognized that the city does not have control of the timing of when the interchange reconstruction will be completed but does have the authority of when to issue occupancy permits. Realizing the above, why the change in language between the DEIR and PRDEIR?

21. What are the additional costs of closing the Del Rio Road interchange after Walmart opens versus completing the interchange before Walmart opens?

22. Who will pay for the additional costs?

23. Have all the offsite road improvement costs been identified other than the interchange cost? If so, what is that cost?

24. What is the cost of the Del Rio/El Camino Real roundabout, and what would be the city TIF share and Walmart's share?

I have concerns that if the interchange improvements are not completed prior to Walmart opening, future businesses in the Del Rio area could face years of delay before they would be granted occupancy, subject to the completion of the interchange improvements. Because of the time involved in design, obtaining Caltrans approval, acquiring funding, and constructing the interchange, future businesses would be reluctant to enter into such a lengthy process with the uncertainties involved. It would also make obtaining outside funding for future businesses in that location very problematic.

I am concerned that having to close the Del Rio Road interchange after Walmart is open will add the Walmart traffic, plus the local traffic, that will need to be diverted to San Anselmo Road and San Ramon Road; and that there are no practical mitigations for that impact.

I don't think the project and mitigations, as described, adequately address the safety needs of pedestrians and bicyclists. I do not believe the Del Rio bridge meets bicycle standards in its present state, let alone with the additional traffic generated by Walmart.

Del Rio Road, east of El Camino Real, is presently acting as a collector road, even though it is listed as a local road. The EIR does not adequately address additional...
traffic impacts on a road that is already not designed for foot or bicycle traffic. The fact that two schools are located on Del Rio Road near the project is reason for added concern.

I think there are ways to achieve our financial and job creation goals without having a project with so many unmitigatable negative impacts. Walmart would only detract from the unique qualities and small-town feel and would only duplicate what is available nearby.

Finally, the DEIR and PHDEIR are not well written and cannot easily be followed. The layout/format does not convey the information in a logical progression. The terms "project," "projects," "applicant," "applicants" are confusing and would be better referred to as Walmart or Walmart/Annex. It is often difficult to determine what is being referred to because of the terms used.

Because of the way these EIRs are written and since the data was collected before a bus transportation yard was located on Potrero Road and a grocery store has located in the Mission Oaks, across from the proposed Walmart, the EIRs do not reflect the situation as it is today. The length of time taken to complete these reports has caused the information to become stale; and, therefore, the DEIR needs to be rewritten for clarity and accuracy.

The original comments that I wrote to the DEIR were submitted in a format using a numerical sequence but were reformatted in a narrative form, which is very difficult to read. I am resubmitting it in my original format, which is as follows:

**My Response to the Draft EIR, dated 3-16-11**

I have the following questions and comments regarding the EIR on the Del Rio Road Commercial Area Specific Plan:

**QUESTIONS:**

1. The Atascadero school bus facility was recently moved to Potrero Road. Was the impact of this move on the intersection of Del Rio Road and El Camino Real considered?

2. If the impact was not considered, what would be the impact in the morning and afternoon with this additional bus traffic?

3. How many school buses would be using the El Camino Real/Del Rio Road intersection and the freeway ramps on Del Rio Road?
4. What would be the effect on emergency response times (Fire and Police) to neighborhoods west of Highway 101 with project buildout and MM TRANS-1b, 1c, and 1d in place, compared to present response times?

5. What would be the effect on emergency response times to neighborhoods west of Highway 101 with project buildout without MM TRANS-1b, 1c, and 1d?

6. What is the maximum truck length that could navigate the proposed roundabouts?

7. Would school buses be able to safely navigate proposed roundabouts as presented in Exhibits 3.11-6 and 3.11-9?

8. Have Mitigation Measures TRANS-1c and 1d been submitted to the Caltrans; and if so, have they been approved?

9. If MM TRANS-1c and 1d have not been submitted to Caltrans, what is the typical or ballpark time for processing such a project; and is public input allowed in the Caltrans process?

10. Are there any existing examples of roundabouts of similar design on highway overpasses with on and off ramps on Caltrans right-of-ways? If so, please list examples.

11. Are there any examples of roadway designs that incorporate MM TRANS-1h, 1c, and 1d that would support the conclusion that these mitigations would be successful? If so, please list examples.

12. Would proposed signalization on San Anselmo Road (MM TRANS-1e) require Caltrans approval? If so, has proposed signalization been submitted to Caltrans and has approval been given? If not, what is the typical time for the review process by Caltrans; and is public input allowed in the process?

13. Will pedestrian crosswalks in MM TRANS-5f be controlled in any way that allows safe passage to pedestrians and bicyclists?

COMMENTS:

1. I agree with the EIR statements made on Pages 3.11-52, 3.11-62, and 3.11-63, 3.11-69, and 3.11-70 and are summarized by the following statement in the EIR: "Interchange improvements shall be completed before opening of the Walmart store or any substantial piece of the project." I agree with this conclusion based on the data presented, including figures supplied in Tables 3.11-20, 3.11-21, and 3.11-22.
2. If traffic mitigation cannot be implemented and build out will result in a LOS F, as stated in the EIR, this would not conform to the City of Atascadero’s adopted LOS standard contained in Policy 1.3 of the 2025 Atascadero General Plan. A LOS F is not acceptable.

3. I am concerned that Highway 101 southbound, both north and south of the Del Río Road overpass, is currently at a LOS D, according to Table 3.11-20. The table also states that the project would increase the V/C by .04 to .05. Since Caltrans considers a .01 increase to be significant, I believe we need to have specific measures to address that problem.

4. I have concerns that San Ramon Road not be used as a route for construction vehicles because of the condition of the road, which is both narrow and has sight-distance problems.

5. A truck delivery route to commercial buildings should be designated to keep commercial traffic off residential streets, such as San Ramon Road and Ramona Road.

Sincerely,

Ron Rothman
1660 San Ramon Road
Atascadero
Ron Rothman (ROTHMAN.R.2)

Response to ROTHMAN.R.2-1
The author noted that the DIER indicated that the three proposed Del Rio Road roundabouts needed to be implemented in tandem, whereas the PRDEIR indicates that there is no mention of the three roundabout needing to be done in tandem. The author inquired about what prompted the changes to the conclusion.

Refer to Master Response 1 for discussion of the changes in the PRDEIR’s conclusions relative to the DEIR’s conclusions.

Response to ROTHMAN.R.2-2
The author referenced a statement from page 3.11-62 about the Del Rio Road/El Camino Real roundabout being needed in tandem with the US 101/Del Rio Road roundabouts because of potential queuing impacts and inquired what prompted the changes to the conclusion. The author asked about the raw data to support the conclusion.

Refer to Master Response 1 for discussion of the changes in the PRDEIR’s conclusions relative to the DEIR’s conclusions. PRDEIR Appendix O contains the Revised Transportation Impact Analysis, which includes the technical data used to support the PRDEIR’s conclusions.

Response to ROTHMAN.R.2-3
The author cited a statement from the DEIR indicating that the intersection of El Camino Real/Del Rio Road is not part of the City’s TIF program, and compared that with a statement from the PRDEIR asserting that it is part of the TIF program and that the project shall be eligible for fee credit for the costs in excess of the project’s proportionate share. The author inquired about the rationale for changing the statement.

As shown in PRDEIR Table 3.11-7, the TIF program contemplates an “intersection signal modification” improvement, while the EIR contemplates a modern roundabout. Thus, the intersection is identified in the TIF program, but with an improvement different from that contemplated by the PRDEIR. Refer to Master Response 1 for additional information on the fee credit related to the Del Rio Road/El Camino Real roundabout.

Response to ROTHMAN.R.2-4
The author stated that DEIR made no mention of a special traffic impact fee to be used only for the Del Rio Road interchange and inquired about who made this suggestion.

To clarify, improvements at the US 101/Del Rio Road interchange will be funded via the City’s TIF fee program; see pages 3.11-28 and 3.11-29. The term “separate TIF payment” used in Mitigation Measure TRANS-1a signifies that multiple TIF payments would be provided by the project applicant to fund the US 101/Del Rio Road interchange and other circulation system facility improvements identified in the Capital Improvement Plan. Refer to Master Response 1 for further discussion.
Response to ROTHMAN.R.2-5
The author inquired if this “special TIF” is part of a City fee program.

Refer to Response to ROTHMAN.R.2-4 and Master Response 1.

Response to ROTHMAN.R.2-6
The author inquired if other new developments would pay this special TIF.

Refer to Response to ROTHMAN.R.2-4 and Master Response 1.

Response to ROTHMAN.R.2-7
The author inquired if the project applicants are under any obligation now to pay this fee.

Refer to Response to ROTHMAN.R.2-4 and Master Response 1.

Response to ROTHMAN.R.2-8
The author inquired if the project applicants could legally challenge the special TIF, exposing the
City to legal costs.

The TIF payments required are proportional to the identified traffic impacts consistent with
constitutional requirements and state law. Accordingly, there is no legal basis upon which to
challenge the TIF payments. Additionally, the project applicants are aware of the proposed traffic
mitigation measures contained in the PRDEIR and the City has not received any communications
from the applicants indicating that a legal challenge to the validity of the City’s TIF program is
imminent. As such, it would be speculative to provide further response to this comment.

Response to ROTHMAN.R.2-9
The author inquired if the City will have to go through a hearing process to adopt the special TIF and
if there are any indication that the City would be willing to do so.

Refer to Response to ROTHMAN.R.2-4 and Master Response 1.

Response to ROTHMAN.R.2-10
The author inquired if Caltrans has officially approved the roundabouts for the Del Rio Road
interchange.

Caltrans has not officially approved the roundabouts for the Del Rio Road interchange. Refer to
Master Response 1 for further discussion.

Response to ROTHMAN.R.2-11
The author inquired that if Caltrans has not officially approved the roundabouts for the Del Rio Road
interchange, has the agency approved any “project” for the Del Rio Road interchange.
No other improvements have been officially approved the roundabouts for the Del Rio Road interchange.

Response to ROTHMAN.R.2-12
The author inquired if a four-lane overpass was evaluated as an alternative to the roundabouts and why was the roundabout presented as the only mitigation option.

Refer to Master Response 1.

Response to ROTHMAN.R.2-13
The author inquired how it is known what the cost of the roundabouts are if Caltrans has not approved a project for the US 101/Del Rio Road interchange.

PRDEIR page 3.11-28 describes that the construction cost estimate for the Del Rio Road/US 101 roundabouts includes costs for right-of-way acquisition, design, and permitting/processing. This estimate employs Caltrans methodology for estimating costs of concept-stage projects. The roundabout construction cost estimates are based on conceptual layouts and industry experience. Where possible, the quantities/volumes of materials required to construct the concept plan were estimated, multiplied by anticipated unit prices, and summed. The estimate includes retaining walls that would likely be required for on/off ramps to accommodate grade differences. In accordance with the Caltrans methodology, a 30-percent contingency was added to arrive at the total estimated cost. Given the comprehensive considerations that informed the estimate and the additional 30 percent contingency factor, the City believes that this estimate is both reasonable and conservative.

The PDEIR uses the term “estimate” to describe the projected costs of the roundabouts. The estimates were derived in accordance with Caltrans methodology; refer to page 3.11-28 for details on how the estimates were calculated. Note that the CEQA Guidelines do not require that EIRs disclose estimated or real costs of improvements; as such, these estimates were provided for informational purposes only.

Response to ROTHMAN.R.2-14
The author inquired if the special TIF identified in the PRDEIR would be adequate to fund the US 101/Del Rio Road interchange improvements, even if the improvement costs are unknown.

Refer to Master Response 1 and Response to ROTHMAN.R.2-4.

Response to ROTHMAN.R.2-15
The author inquired if the US 101/Del Rio Road interchange roundabouts cost more than the $4.5 million estimate.

Refer to Response to ROTHMAN.R.2-13 and Master Response 1.
Response to ROTHMAN.R.2-16
The author stated that the DEIR states that impacts to the US 101 corridor would be mitigated by the use of TIF in accordance with the latest adopted fee schedule and noted that the PRDEIR does not include such a statement, and instead states that no feasible improvements are available to reduce this impact to a level of less than significant. The author inquired about the difference between the two conclusions.

Both the DEIR and PRDEIR concluded that the proposed project would have a significant unavoidable impact on the US 101 corridor. The DEIR noted the conclusions of several regional planning documents with respect to the US 101 corridor, which acknowledge that freeway operations in the Atascadero area are projected to deteriorate to unacceptable levels over time and set forth various strategies such as parallel route development, transit investments, multi-modal investments, transportation systems management, and transportation demand management. In recognition that the City of Atascadero’s TIF program further some of these objectives—for example, improvements to surface streets that may serve as parallel routes to US 101—the analysis noted that payment of adopted transportation fees in accordance with Mitigation Measure TRANS-1a would partially alleviate these project impacts. However, because the TIF program does not identify improvements to the US 101 corridor, payment of these fees would not fully mitigate these impacts.

In recognition that Mitigation Measure TRANS-1a was revised in the PRDEIR to state that the project applicants are required to pay “all applicable traffic impacts fees for their proportional-share impact in TIF funded Circulation System Facilities other than the Del Rio Road/US 101 interchange” the statement that payment of fees in accordance with this mitigation would partially alleviate impacts on the US 101 corridor was stricken. Instead, the conclusion was simplified to state that there are no feasible improvements are available for the US 101 corridor; therefore, the impact would be significant and unavoidable. In summary, this merely represents a minor clarification to text of the conclusion and does not represent a material inconsistency between the two documents.

Response to ROTHMAN.R.2-17
The author inquired if SLOCOG has been contacted and if they agree with the statement regarding the US 101 corridor.

The City of Atascadero provided SLOCOG with a copy of the PRDEIR. To date, no comments have been received from the agency on the PRDEIR.

SLOCOG did comment on the DEIR; refer to Response to SLOCOG-1 through Response to SLOCOG-10.

Response to ROTHMAN.R.2-18
The author inquired if the changes to the PRDEIR in the context of the conclusion regarding US 101 means that no TIF will be used for this facility.
Refer to Response to ROTHMAN.2-16.

Response to ROTHMAN.R.2-19
The author inquired about the anticipated amount of TIF that would be used on the US 101 corridor.

Refer to Response to ROTHMAN.2-16.

Response to ROTHMAN.R.2-20
The author cited the DEIR’s and the PRDEIR’s conclusions regarding the uncertainty of timing of the improvements at the US 101/Del Rio Road interchange and noted the similarity between the two statements. The author questioned why the DEIR acknowledged that the City had control over issuance of occupancy permits and inquired why the PRDEIR eliminated this language.

Refer to Master Response 1.

Response to ROTHMAN.R.2-21
The author inquired about the additional costs of closing the US 101/Del Rio Road interchange after Walmart opens versus prior to completing all improvements prior to Walmart opening.

Refer to Master Response 1.

Response to ROTHMAN.R.2-22
The author inquired who would pay the additional costs associated with closing the interchange after Walmart.

Refer to Master Response 1.

Response to ROTHMAN.R.2-23
The author inquired if all offsite road improvement costs have been identified other than the interchange cost and what those estimates are.

Refer to Master Response 1.

Response to ROTHMAN.R.2-24
The author inquired about the cost of the El Camino Real/Del Rio Road roundabout, including project applicant’s proportional share and the TIF program share.

Refer to Master Response 1.

Response to ROTHMAN.R.2-25
The author expressed concern about economic impacts on businesses in the vicinity of the US 101/Del Rio Road interchange in the event that the roundabouts are not completed prior to occupancy of the Walmart. The author stated that future business may be reluctant to enter into leases in the
Responses to Written Comments

City of Atascadero - Del Rio Road Commercial Area Specific Plan
Final EIR

Responses to Written Comments

The project vicinity due to the delays associated with getting the roundabouts designed, approved, and constructed.

At the time of this writing, the Mission Oaks shopping center is almost fully tenanted. This is the primary existing commercial node in the vicinity of the US 101/Del Rio Road interchange. Given the amount of publicity regarding the Del Rio Road Commercial Area Specific Plan, it is reasonable to expect that current tenants of the Mission Oaks shopping center are aware of the potential closure of the US 101/Del Rio Road interchange. However, none of these businesses have indicated to the City of Atascadero that the potential closure of the interchange would cause them to close.

It should also be noted that the City has long since planned to improve this interchange. In particular, the General Plan and General Plan EIR identify that improvements to the interchange are required to mitigate traffic impacts caused by buildout of the General Plan. Further, the City’s 2008 “Atascadero Operational Interchange Improvement Study” concluded that the City should construct modern roundabouts in lieu of far more costly bridge widening improvements at the subject interchange; accordingly, that improvements would occur at this interchange has been publicly known for a significant period of time. The interchange improvements ultimately will improve circulation and allow the City to accommodate the long-term development goals anticipated in the General Plan. This reasonably can be considered to be a positive for business in the City.

Response to ROTHMAN.R.2-26
The author expressed concern that the closure of the US 101/Del Rio Road interchange would result in traffic diversions to the US 101 interchanges with San Anselmo Road and San Ramon Road and stated that there are no practical mitigations for that impact.

PRDEIR Impact TRANS-7 evaluated impacts associated with the closure of the US 101/Del Rio Road interchange and proposed Mitigation Measures TRANS-7a through TRANS-c to address impacts associated with the diversions. The author did not provide specific comments on this analysis or mitigation measures; therefore, no further response can be provided.

Response to ROTHMAN.R.2-27
The author stated that he does not think the proposed mitigation measures set forth in the PRDEIR adequate address the safety of bicyclists and pedestrians. The author asserted that he does not believe that the existing Del Rio Road overcrossing meets current bicycle standards in its present state, let alone with the addition of traffic from the proposed project.

This comment is similar to ROTHMAN.M.2-3. Refer to Response to ROTHMAN.M.2-3.

Response to ROTHMAN.R.2-28
The author stated that Del Rio Road east of El Camino Real serves as a de facto collector roadway even though the General Plan designates it a local roadway. The author asserted that the EIR does not
adequately address traffic impacts on a road that is already not designed for pedestrian or bicycle traffic and noted that there are two schools located on this roadway.

Del Rio Road east of El Camino Real is addressed in Master Response 1.

Response to ROTHMAN.R.2-29
The author stated that there are ways to achieve economic benefits without having a project with so many “unmitigatable negative impacts,” and asserted that Walmart would detract from the unique qualities and small-town feel and duplicate what is available nearby. No response is necessary.

Response to ROTHMAN.R.2-30
The author stated that the DIER and PRDEIR are not well written and cannot be easily followed and does not convey the information in a logical progression. The author stated that it was difficult to distinguish between the terms “project,” “projects,” “applicant,” and “applicants,” and stated that the terms “Walmart” and “Walmart/Annex” should be used for better clarity.

This comment is similar to Comment BROADWATER-3. Refer to Response to BROADWATER-3 for further discussion.

Response to ROTHMAN.R.2-31
The author stated that the PRDEIR needs to be revised to account for the relocation of the AUSD school bus facility to Potrero Road and the opening of the Grocery Outlet in the Mission Oaks shopping center.

Refer to Master Response 1.

Response to ROTHMAN.R.2-32
The author restated his comments on the DEIR (ROTHMAN.R.1-1 through ROTHMAN.R.1-1-18).

Refer to Response to ROTHMAN.R.1-1 through Response ROTHMAN.R.1-1-18.
### CITY OF ATASCADERO

**Wal Mart Draft EIR Comment Card**

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<tr>
<th><strong>DATE</strong></th>
<th>March 25, 2012 - 6:14 pm</th>
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<tbody>
<tr>
<td><strong>NAME</strong></td>
<td>Ginny Salesky</td>
</tr>
<tr>
<td><strong>ADDRESS</strong></td>
<td>4255 del rio rd</td>
</tr>
<tr>
<td><strong>PHONE</strong></td>
<td>818 6749361</td>
</tr>
<tr>
<td><strong>EMAIL</strong></td>
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<tr>
<td><strong>COMMENTS</strong></td>
<td>This is the third message I have written to the city. I am highly against the corporation of Walmart being allowed to come into Atascadero. I believe all the negative aspects of this store will eventually will directly affect the city. The council is only looking at an immediate financial fix. Business will suffer. I cannot even imagine what a nightmare is going to be created with the Del Rio exit and the traffic. Thank You Ginny Salesky</td>
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Ginny Salesky (SALESKY.2)

Response to SALESKY.2-1

The author expressed opposition to the proposed project, generally citing impacts on competing business and traffic congestion at the US 101/Del Rio Road interchange. No response is necessary.
Warren Frace, Director  
Atascadero Community Development Dept.  
6907 El Camino Real  
Atascadero CA 93422

20 April 2012

re: Paying for Del Rio intersection upgrades

Dear Mr. Frace -

I am retired, have been living in this city of over 20 years, and am concerned where my tax dollars go.

They certainly should NOT go to rebuilding an intersection that will benefit Walmart. The Del Rio intersection has worked very well since I have been in town, and I see no need to enhance it ... at taxpayer cost. If Walmart builds its superstore there, let it pay the full bill.

We are way too frivolous with taxpayer monies. Fifteen months ago we gave our police chief $125,000 to go away – with not a word of explanation to the residents of this city who provided that money. When asked about the subject, all the City Manager could do to defend himself was to bring up the political smokescreen called the Brown Act.

I fear that my city’s government does not want its citizens to know what goes on behind closed door. Which is a terrible shame.

Sincerely,

Clement Salvadori  
8240 Toloso Road  
Atascadero CA 93422

cc: Lee Perkins
Clement Salvadori (SALVADORI)

Response to SALVADORI-1

The author expressed opposition to taxpayer dollars being used to find traffic improvements triggered by the proposed project and stated that the project applicant should be required to fund the full cost of traffic improvements. The author provided commentary on other City expenditures that are unrelated to the proposed project.

Refer to Master Response 1.
From: Martha Schuman <marthaschuman@yahoo.com>
To: Warren Frace <wfrace@atascadero.org>
Date: 4/30/2012 9:23 AM
Subject: Walmart
CC: "csi@thegrid.net" <csi@thegrid.net>

It is my sincere hope that The city of Atascadero does not fund any of the proposed road improvements in connection with the Walmart project. In addition, I request a full disclosure as to who on the city council has received a political contribution from Walmart.

In light of the bribery charges in connection with Walmart, I urge the city of Atascadero to halt all dealings with Walmart. Walmart has not acted in good faith with the city nor has it practiced good corporate governance. Atascadero should be very cautious going forward. The city's reputation is at stake and the city should be prepared for a lot of scrutiny from the media as well as from the residents of Atascadero.

Sincerely,
Martha Schuman
Martha Schuman (SCHUMAN)

Response to SCHUMAN-1

The author expressed opposition to the City funding traffic improvements triggered by the proposed project. The author requested full disclosure of political contributions to City Council members from Walmart and stated that the City should halt all dealings with the company in light of its corporate practices.

Traffic improvements are addressed in Master Response 1. Walmart’s corporate practices are addressed in Master Response 10.

State law requires disclosure of political contributions. However, this is outside of the CEQA process, as it does not involve physical impacts to the environment. The author’s request is most appropriately addressed via a formal written request to the Atascadero City Clerk.
Robert and Marlene Shannon
4835 Del Rio Road
Atascadero, CA 93422

Warren Frace, Director
City of Atascadero Community Development Department
6907 El Camino Real
Atascadero, CA 93422

Re: PRDEIR, Walmart

Dear Mr. Frace and Members of the City Council:

We are writing as homeowners on Rio Rita Road who will be greatly impacted by living directly behind a Walmart. Responding to the initial Draft EIR, we asked for a sound wall in our letter of February 11, 2011, in which we pointed out that our home is located between Point Receivers No. 9 and 10 of that document. We are still not listed as a receiver in the new PRDEIR, nor were any sound measurement devices utilized on Rio Rita or anywhere on the entire east side of the project. The obvious location for a sound measuring device would have been the area directly behind Walmart near the junction of parcels A & B on Rio Rita (see Exhibit 3.9-3).

The noise mitigations given in the PRDEIR are greatly inadequate for those of us living on Rio Rita. We are especially concerned because sound travels up, and after the hillside of the Walmart property is leveled, we will be sitting up over everything. Walls around the loading area, for example, will not be enough to deal with the permanent noise of traffic, trucks, loading, and the outdoor part of the PA system. We are also concerned about the hazard and liability of children from the housing section of the development using Rio Rita, a private road, to get to San Benito School. Therefore, we request that a decorative permanent masonry sound wall be located all along Rio Rita as a required part of the project. A fence would not be enough.

It is clear that this is going to be difficult to get Walmart to do. Therefore we greatly need your assistance in getting this mitigation for our neighborhood. Please imagine it as your own neighborhood, with your long-term family home located directly behind and above a Walmart Superstore.

Respectfully submitted,

Robert and Marlene Shannon

April 23, 2012
Robert and Marlee Shannon (SHANNON.3)

Response to SHANNON.3-1
The authors reiterated previous comments about a request for a sound wall (SHANNON.2-2) and that their residence was not shown as receiver in any of the noise exhibits (SHANNON.2-5).

Refer to Master Response 3.

Response to SHANNON.3-2
The authors stated that the noise mitigations set forth in the PRDEIR are inadequate for residences along Rio Rita Road because they are located at a higher elevation than the Walmart site and, therefore, will be exposed to noise from operational activities that occur below. The authors expressed concern about safety risks and liability associated with children traveling on Rio Rita Road (a private road) from the Walmart multi-family residential development. The authors reiterated their prior request for a sound wall to be constructed along Rio Rita Road.

Refer to Master Response 3 for discussion of noise impacts, including the proposed sound wall.

As stated in Section 2, Project Description of the DEIR, the Walmart site multi-family residential component would be developed under a separate permit in a later phase. Thus, no dwelling units would be developed in the near-term. Nonetheless, as shown in DEIR Exhibit 2-8, the multi-family residential use would have access to the new public roadway that would intersect with El Camino Real. As such, it would be unlikely that vehicular or pedestrian access would be taken from Rio Rita Road. Regardless, any future development proposals for the multi-family residential use would be subject to a discretionary review process, at which time details about site access would be available.

Response to SHANNON.3-3
The authors stated that they would appreciate the City’s assistance in compelling the applicant to install the requested soundwall.

Refer to Master Response 3.
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R.D. Uhl (UHL)

Response to UHL-1

The author stated that Walmart should fund the road improvements. Refer to Master Response 1.
April 27, 2012

By E-Mail

Warren Frace, Director
Community Development Department
City of Atascadero
6907 El Camino Real
Atascadero, CA 93422
Email: wfrace@atascadero.org

Re: Del Rio Road Commercial Area Specific Plan -- Partially Recirculated Draft Environmental Impact Report

Dear Mr. Frace,

On behalf of our client Save Atascadero, an unincorporated association of Atascadero citizens, property owners and electors, please accept the following comments on the above-referenced Partially Recirculated Draft Environmental Impact Report ("PRDEIR" or "RDEIR") for the Del Rio Road Commercial Area Specific Plan Project ("Project"). Our comments are organized by topic area.

A. Traffic Impacts

1. Construction of Roundabouts

The RDEIR identifies a number of Project-caused significant traffic impacts that for which it proposes mitigation measures TRANS-1d and 1e. These measures call for the Project applicant to make “fair share” payments toward the construction of roundabouts at Del Rio Road/US 101 Northbound Ramps and Del Rio Road/US 101 Southbound Ramps. The City is to be responsible for construction of these roundabouts. The roundabouts are not funded and not included in the City’s Traffic Impact Fee program. Because of this, the impact is identified as unavoidably significant.

In the original Draft EIR from February, 2011, ("DEIR"), mitigation measures TRANS-1d and 1e called for these roundabouts to be fully constructed at the applicant’s expense prior Project occupancy, with the applicant eligible for reimbursement of payments in excess of its fair share in the future. Under the DEIR’s approach, therefore, impacts would be reduced to less than significant levels.

There is no valid justification for the abandonment of this approach in the RDEIR. CEQA requires mitigation of otherwise significant impacts where feasible. Clearly, the
approach adopted by the original DEIR was feasible, as it was identified as such. Accordingly, to address these otherwise unavoidably significant impacts, the RDEIR should be revised to restore the original DEIR’s mitigation requirements. The Project is responsible for most of the impacts that occasion the need for the roundabouts, and there is no reason that the applicant should not provide the financing to construct them subject to a reimbursement agreement. A reimbursement agreement can easily account for the cost of capital to the applicant.

2. Interim Mitigation for Impacts Prior to Project Occupancy

If for any reason the applicant does not construct the roundabouts called for in TRANS-1d and 1e prior to occupancy, the traffic analysis indicates that there will be significant unavoidable impacts until the roundabouts are constructed. The only mitigation proposed to address this interim period of degraded service before the construction of the roundabouts is Mitigation Measure TRANS-7d, which does not render impacts less than significant. (Note that Mitigation Measures TRANS-7b and 7c address the degraded service during but not before the construction of the roundabouts.)

The RDEIR should be revised to discuss and propose additional interim mitigation for impacts to the intersections at the Del Rio Road/US 101 Northbound Ramps and Del Rio Road/US 101 Southbound Ramps before construction of the roundabouts. Interim mitigation might include any or all of the following elements:

- A right turn lane on westbound Del Rio Road onto the US 101 Northbound Ramp;
- A right turn lane on eastbound Del Rio Road onto the US 101 Southbound Ramp;
- Left turn lanes on the Del Rio Road overcrossing onto the US 101 Northbound Ramp and Southbound Ramp;
- Traffic signal timing adjustments;
- Implementation of Mitigation Measure 7d, at the applicant’s expense rather than the City’s expense; and
- Implementation of Mitigation Measure 7d as soon as Walmart and the Annex portions of the Project are occupied.

3. Mitigation Before And During Ramp Closures

Mitigation Measures 7b, 7c, and 7d call for the City rather than the applicant to fund the provision of peak hour traffic control at the Del Rio Road/US 101 Northbound Ramps and Del Rio Road/US 101 Southbound Ramps intersections as well as modifications to the San Anselmo segment from El Camino Real to the US 101 Northbound Ramps. Since the need for this mitigation is primarily caused by the Project, the RDEIR should be revised to require that these measures be funded by the applicant, subject to reimbursement of payments in excess of fair shares.
The RDEIR concludes that traffic impact TRANS-7 will remain unavoidably significant because “feasible improvements are not available for all locations.” RDEIR, p. 6-2. The RDEIR does not specify which affected locations would be adequately mitigated by Mitigation Measures 7a to 7d and which would not. The RDEIR also does not specify whether the unavoidably significant impacts would occur during the ramp closures, before the ramp closures, or both. The RDEIR should be revised to specify for each affected segment and intersection whether impacts under TRANS-7 would be mitigated, and it should specify this information separately for the period before the ramp closure and during the ramp closure.

4. Exclusion of Roundabouts In the RDEIR’s Project Description

The DEIR and RDEIR are unclear and inconsistent as to whether the roundabouts at the Del Rio Road/US 101 Northbound Ramps and Del Rio Road/US 101 Southbound Ramps are part of the Project. These improvements are not included in the Project description in the DEIR, even though the DEIR called for the applicant to construct them before occupancy. The Project description should be revised to clarify whether these facilities are part of the Project.

5. Analysis Of Impacts Caused By Roundabouts

The RDEIR treats the roundabouts at the Del Rio Road/US 101 Northbound Ramps and Del Rio Road/US 101 Southbound Ramp as part of the Project in some, but not all of its impact analyses. For example, the RDEIR evaluates the short-term air quality, traffic, and noise impacts related to construction of these roundabouts, but it does not evaluate the long-term noise, hydrology, and air quality impacts of the operation of these roundabouts. These roundabout facilities are not within the development footprint identified for the Project, but they will certainly generate additional traffic noise and additional toxic air contaminants from outside that footprint, and those impacts will affect specific local receptors differently than the noise and air emissions generated from within the Project footprint identified in the DEIR.

We note also that in comments on the DEIR, Caltrans objected that the hydrology analysis omits the roundabouts.

The RDEIR should be revised to provide assessments of the long-term operational impacts of these roundabouts in each of the EIR’s impact areas, including noise, hydrology, air quality, biological resources, hazards, geology, cultural resources, land use, and aesthetics.
B. Air Quality

1. Evaluation Of Clean Air Plan Consistency

The RDEIR analysis of the Project’s consistency with the SLOAPCD Clean Air Plan (“CAP”) is inadequate because it misrepresents the nature of the Project. The CAP Strategy L-1, Planning Compact Communities, includes a policy “to encourage walking and transit use by planning neighborhoods and commercial centers at densities to allow for convenient access to and use of local and regional transit systems.” CAP, p. E-3.

The RDEIR asserts that implementation measures C6, C7, C8, and F of this policy do not apply to the Project because “this implementation applies to community-level planning efforts such as General Plan and Zoning Ordinance updates and, therefore, is not directly applicable to the proposed Project.” RDEIR, pp. 3.2-58 to 61.

This contention is unfounded. As a specific plan, the Project is a community-level planning effort, and it does in fact require updates to the General Plan and Zoning Ordinance. Furthermore, the CAP policy expressly calls for “planning neighborhoods and commercial centers at densities to allow for convenient access to and use of local and regional transit systems.” The Project includes both a commercial center and a residential neighborhood. Nothing in the CAP suggests that Strategy L-1 and its implementation measures are not applicable to the Project. We note that the SLOAPCD, the author of the CAP, also commented that the Project is inconsistent with Strategy L-1 and that the inconsistency constitutes a significant impact.

Accordingly, the provisions of the CAP Strategy L-1 implementation measures C6, C7, C8, and F do apply, and the RDEIR should be revised to acknowledge that the Project is inconsistent with these provisions. For example, the Project does not prohibit subdivisions for single family homes and will include such homes. The Project does not discourage buildings less than two stories high, and it does not attain the residential densities and floor area ratios specified.

2. Criteria Pollutants Analysis And Offsite Mitigation

The RDEIR indicates that the Project’s emissions, measured on a mass basis, will exceed significance thresholds for criteria pollutants set by SLOAPCD. This information supports the conclusion that the Project would make a considerable contribution to significant cumulative criteria pollutant impacts, for some of which the region is in non-attainment. As part of the mitigation for this impact, the Project will be required to provide offsite mitigation that would reduce emissions from sources other than the Project. However, the RDEIR fails to determine whether the Project would expose sensitive receptors in the Project vicinity to substantial pollutant concentrations or violate air quality standards, even though the RDEIR identifies these as significance criteria. This requires an analysis of pollutant concentrations, not just mass emissions.
In light of the substantial levels of criteria pollutants generated by the Project, the RDEIR should be revised to provide a localized analysis to determine whether emissions would cause significant local air quality impacts. An analysis should, at minimum, determine whether the Project would result in localized concentrations of criteria pollutants in excess of ambient air quality standards. We note that such an analysis has been required of smaller Walmart stores and even when the emissions did not exceed the air district’s mass emission standards, as they do here.

The analysis is particularly important because it will inform the necessity of focusing the off-site mitigation where it may matter most: locally. Mitigation Measure AIR-2c for construction period criteria pollutant impacts states that preference will be given to offsite emission Projects that are located in or close to the City, but only to the extent feasible. This should be revised to provide that off-site reductions must be localized as necessary to ensure that localized concentration limits are not exceeded. Furthermore, this provision should be added to Mitigation Measure AIR-2c for operational criteria pollutant impacts, since, as written, this measure does not require even a preference for localizing offsite mitigation.

If the RDEIR is unable to confirm that localized off-site mitigation is available that would avoid pollutant concentrations in excess of standards, the RDEIR should acknowledge that this constitutes another unavoidably significant impact.

3. Analysis Of Impacts From Emissions Of Toxic Air Contaminants

The analysis of toxic air contaminants relies on estimates of delivery truck activity supplied by the applicant. Please identify the factual basis of these estimates for each assumed source of delivery trucks. Please identify the factual basis of these assumptions made in the DEIR health risk assessment ("HRA") and the supplemental health risk assessment was prepared to respond to SLOAPCD comments that the DEIR improperly omitted delivery trucks and other diesel vehicles accessing the Project.

The RDEIR reports that a supplemental health risk assessment was prepared to respond to SLOAPCD comments that the DEIR improperly omitted delivery trucks and other diesel vehicles accessing the Project. Because this supplemental analysis is not included in the RDEIR, the public has no opportunity to comment on it or to verify that it is accurate. The RDEIR should be revised to include this supplemental analysis.

The RDEIR reports that the SLOAPCD prepared a screening assessment of the risk of existing and new TACs to the proposed residential component of the Project, termed a “Type B Health Risk Assessment.” Because this Type B Health Risk Assessment is not included in the RDEIR, the public has no opportunity to comment on it or to verify that it is accurate. The RDEIR should be revised to include the Type B Health Risk Assessment.
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Page 6

The RDEIR does not provide an analysis of cumulative impacts from TACs. The RDEIR should be revised to provide an assessment of the cumulative impacts of TACs to sensitive receptors in the Project vicinity.

4. Analysis Of Impacts From Greenhouse Gas Emissions

The RDEIR’s stated threshold for determining the significance of impacts from greenhouse gas emissions is “whether the Project promotes attainment of California’s goals of reducing greenhouse gas emissions” to the levels set out as goals in AB32 and Executive Order S-3-05. RDEIR, p. 3.2-50. The RDEIR concludes that emissions will be less than significant (or less than a considerable contribution to a global cumulative impact) because Project design features and regulations will result in reductions from “business as usual” conditions.

However, the RDEIR does not specify a percentage reduction from “business as usual” conditions that would not adequately “promote attainment of California’s goals of reducing greenhouse gas emissions,” much less identify an absolute level of greenhouse gas emissions that would be significant. Without some objective benchmark – either qualitative or quantitative – any Project that arguably promotes any reduction in greenhouse gas emissions could be said to meet the adopted threshold of significance. In effect, the RDEIR has not actually identified a meaningful threshold of significance. Without that, the RDEIR’s quantification of emissions and purported reductions is meaningless, because the RDEIR does not tell the public what would be a significant impact and what would not be.

The absence of a single uniform threshold of significance does not excuse the City from supporting its analysis with a meaningful threshold supported by substantial evidence. A meaningful threshold of significance for greenhouse gas impacts is available from the SLOAPCD, which has adopted numeric thresholds for CEQA evaluations. See SLOAPCD, GHG Thresholds and Supporting Evidence, March 28, 2012, available at http://www.slocleanair.org/business/pdf/2012/GHG/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf. Although those thresholds were adopted two weeks after the RDEIR was released, the standards were widely available in draft form and were presented at workshops on December 15, 2011 and February 23, 2012. Under the SLOAPCD thresholds, the Project’s impacts would clearly be significant. Meaningful thresholds supported by substantial evidence are also available from CAPCOA in its document “CEQA and Climate Change,” January 2008, cited in the RDEIR itself.

The RDEIR’s approach to evaluation and mitigation of greenhouse gas impacts is to highlight a handful of Project design features that purportedly “promote attainment” of California’s goals, but to relieve the Project from any actual obligation to reduce greenhouse gas. None of the Project design features are mandatory mitigation measures: because impacts are found less than significant there is no obligation to adopt mitigation.
Furthermore, many of the measures are associated only with the Walmart portion of the Project.

The RDEIR should be revised to provide a meaningful threshold for determining the significance of greenhouse gas emissions. If impacts are found to be significant, feasible mitigation must be adopted to reduce the impact to a less than significant level.

C. Unclear Mitigation For Traffic, Air Quality, And Greenhouse Gas Impacts

Because the RDEIR acknowledges significant unavoidable impacts related to traffic and air pollutants, it must discuss and propose all feasible mitigation.

1. Deficiencies in AIR-2d

Mitigation Measure Deficiencies AIR-2d purports to address significant air quality impacts, which are primarily caused by Project traffic. AIR-2d appears to have been uncritically cut and pasted from a list of generic measures. The list must be revised to provide performance standards and appropriate detail about how the Project itself will implement the measures. For example:

- Items #1-2, 9, 11 fail to specify precisely what must be done to facilitate pedestrian and bike access. Please provide site diagrams showing the “interconnected streetscape,” the “appropriate signalization and signage requirements,” the “good access to/from development for pedestrians, bicyclists, and transit users,” and “easements and land dedications” for walkways and bike lanes. Please identify which buildings will have 50 employees and will therefore provide lockers.

- Item #3 calls for the Project to “increase number of connected bicycle routes/lanes in the vicinity of Project.” What specifically does this mandate?

- Item #4 calls for the Project to “increase density within the urban core and urban reserve lines.” What specifically does this mandate? Please note that the SLOAPCD has concluded that the Project does not sufficiently increase density to be found consistent with the Clean Air Plan.

- Item #5 calls for providing “a buffer zone between source and receptor and plan vegetation between receptor and roadway.” What does this mean? What is referenced by “source and receptor?” What specifically does this mandate?

- Items #6, 12 call for shade trees to meet certain specifications. Please identify on the landscaping diagram which trees will meet these requirements. Please provide elevations that demonstrate the shading of southern building exposures that is required.
Item #13 requires use of local and green building materials if possible. The measure provides no standard for feasibility. The City must determine whether mitigation is feasible now, not later. Please specify the local content and green materials to be used or provide an objective standard for determining feasibility that can be administered by City staff responsible to enforce mitigation through ministerial oversight.

Item #14 sets a “goal” of exceeding Title 24 efficiency standards by 20%. This language is vague and not enforceable. As the SLOAPCD requested, the Project should be required to meet this “goal.”

Items #23, 24 refer to unspecified commute reductions and incentives without providing any performance specifications or requirements. As discussed below, the Project must adopt a specific program.

2. Additional Feasible TDM Measures

Transportation Demand Measures (“TDM”) should be adopted to mitigate traffic and air quality impacts. Furthermore, the City’s General Plan Circulation Policy 3.3 requires the City to comply with the TDM program requirements of the CAP to reduce peak hour tips. The CAP program calls for setting a specific goal in employee trip reduction, e.g., 20%, to be implemented through site-specific conditions in discretionary land use permits, including all feasible TDM measures. The RDEIR must discuss and propose a specific TDM plan for all employers at the site with a specific target for non-single-occupancy-vehicle (“non-SOV”) commute trips, enforced through monitoring and reporting to the SLOAPCD as part of the offsite mitigation program.

The RDEIR should discuss and propose the following measures:

1. Provide employer-sponsored vanpools and/or shuttles.
2. Organize employee carpooling by providing a staffed ride-matching service.
3. Provide incentives for non-SOV commute trips, e.g., cash bonus and merchandise discounts.
4. Provide vehicles and/or subsidies for employee carpooling.
5. Organize employee vanpooling.
6. Provide vehicles and/or subsidies to employees for vanpooling.
7. Provide a transit subsidy.
8. Provide carpool and vanpool loading areas.
9. Provide a guaranteed ride home program whereby employees who carpool, vanpool, bike, walk, or take transit are provided with a ride home or to an emergency location in the event that they cannot return home using the same mode due to an emergency.
10. Allow flex-time schedules for all employees with sufficiently flexible jobs so that employees can adjust their commute times to avoid peak travel times.
11. Stagger work hours to avoid or minimize employee travel at peak travel times.
12. Compress work hours so that employees work longer hours but fewer days.
13. Provide an information center for transportation alternatives that provides information about all available alternatives and measures including shuttles, carpooling, vanpooling, flex-time, and transit options.
14. Provide showers and clothing lockers for all bike/pedestrian commuters. (Note that Mitigation Measure AIR-2d item #11 only requires lockers, and only requires them for buildings with more than 50 employees.)
15. Restrict deliveries to periods other than peak hours.
16. Provide on-site child care.
17. Provide electric vehicle charging.
18. Provide for monitoring and enforcement of the TDM program by the SLOAPCD in connection with the off-site mitigation program in order to ensure that the goal to attain a specified percent of commutes through non-SOV means is met.

3. Additional Feasible Parking Measures

The following parking management measures are required to find the Project consistent with the CAP’s Strategy L4, Circulation Management Policies and Programs. The measures should be discussed and proposed by the RDEIR as mitigation for air quality and traffic impacts.

1. Allow no more than one off-street parking space per dwelling unit.
2. Allow on-street parking.
3. Place commercial parking behind buildings, and locate buildings on the street with awnings.
4. Break up parking into 300’ x 300’ maximum lots.
5. Eliminate minimum parking requirements.
6. Require bicycle parking to be located at the front of building (not just a unspecified “convenient locations.”)
7. Require bike lockers for employee commuters (not just bicycle racks, since they are not as secure.)
8. Require shared parking between commercial and residential uses.
9. Require subsurface and/or elevated parking with retail on ground floor.

In addition, the following additional parking measures should be discussed and proposed by the RDEIR as mitigation for air quality and traffic impacts:

10. Unbundle parking from rental, i.e., require that residential and commercial leases and rentals charge separately for parking.
11. Unbundle parking from residential purchases.
12. Require employers to charge employees for parking.
13. Require employers to cash out employees for not using parking.
15. Provide preferential parking for carpools, vanpools, and ridesharing vehicles.
16. Provide preferential parking for electrical and CNG vehicles.

4. Additional Feasible Mitigation For Air Quality Impacts

The following measures should be discussed and proposed by the RDEIR as mitigation for air quality impacts:

1. Require provision of on-site energy generation – e.g., solar panels and/or solar hot water
2. Require skylights, light shelves, and interior transoms.
3. Require low water use systems.
4. Require all electric landscaping equipment.
5. Require high-level (e.g., silver, gold or platinum) USGBC LEED certification for each type of construction and operation, e.g., new retail or residential construction, future renovations, future operations and maintenance.
6. Require retro-commissioning to ensure all building systems perform interactively in accordance with contract documents to optimize energy performance.
7. Require stoves be natural gas.
8. Prohibit fireplaces and wood burning.
9. Provide for a solar orientation whereby buildings face north or south with overhangs to block summer but not winter sun; and provide deciduous tree shading.
11. Require open grid paving and/or light colored paving.
12. Require low energy cooling by separating ventilation and thermal conditioning systems.

5. Deficiencies In “Mitigation” Measures Listed In Table 3.2-20

SLOAPCD comments on the DEIR appear to mistake Table 3.2-20 as mitigation for greenhouse gas impacts. As noted above, the Table 3.2-20 measures are not mitigation – because they neither required nor based on a finding that impacts are significant. However, even if these “Project design features” were mitigation, they would suffer from the following defects:

- Only Walmart is proposed to exceed Title 24 requirements. All uses should be required to do so.
- All uses should be required to exceed Title 24 standards by the 20% requested by SLOAPCD.
D. Noise Impact Analysis

The noise analysis does not include all residences that would be substantially affected by the Project's stationary and traffic noise. For example, Exhibit 3.9-3, identifying and locating the sensitive receivers that were evaluated, shows that residences at the corner of El Camino Real and Via Veneto were not included. Residences at this corner would be affected strongly by traffic and by combined traffic and stationary noise. The RDEIR should be revised to evaluate noise impacts at this location.

The existing Saturday noise data reflected in Exhibit 3.9-3 is inconsistent with the existing Saturday noise data in Table 3.9-7. For example, the graphic data in Exhibit 3.9-3 show noise levels at residences 14 and 15 in excess of 60 dB, whereas Table 3.9-7 shows those noise levels to be less than 60 dB. This must be corrected.

The noise analyses use the year 2013 rather than existing conditions as the baseline. Some areas may be below applicable standards under existing conditions but would exceed standards with the addition of Project traffic. Use of the 2013 baseline obscures the possibility that the Project will itself cause noise levels to exceed applicable standards. The RDEIR should be revised to evaluate noise impacts with reference to existing conditions.

The RDEIR presents graphic noise contour data only for the pre-mitigation scenarios, e.g., Exhibits 3.9-5 through 3.9-8 showing combined stationary and transportation noise data before mitigation. Post-mitigation noise data is presented only in table form. Please provide graphic post-mitigation noise contours to present the 4 scenarios represented in Table 3.9-45, mitigated weekday and Saturday noise levels, with and without the Project.

Please also provide graphic noise contours for both pre-mitigation and post-mitigation noise levels represented in Tables 3.9-36 and 3.9-34, weekday traffic noise levels with and without the Project for 2013 and 2035.

The RDEIR does not present a quantitative analysis of cumulative noise impacts. Please explain on what basis the RDEIR concluded that there are no significant cumulative noise impacts.
E. Conclusion

For all the foregoing reasons, the RDEIR is deficient as an informational document under CEQA. We strongly urge the City to revise and recirculate a new RDEIR that addresses these issues before taking any action to approve the Project.

Thank you for the opportunity to present these comments on behalf of Save Atascadero.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.

Mark R. Wolfe
John H. Farrow

JHF:am
Mark Wolfe (WOLFE)

Response to WOLFE-1

The author provided opening remarks to preface the letter. No response is necessary.

Response to WOLFE-2

The author referenced PRDEIR Mitigation Measures TRANS-1d and TRANS-1e, which pertain to the US 101/Del Rio Road interchange roundabouts, and stated that the PRDEIR indicates that these improvements are to be undertaken by the City of Atascadero and are not identified in the City’s TIF program. The author noted that the PRDEIR concluded that the impact was significant and unavoidable. The author referenced the DEIR’s Mitigation Measures TRANS-1c and TRANS-1d, which required applicant to install the roundabouts prior to project occupancy, and stated that these measures would fully mitigate the impact to a level of less than significant. The author asserted that there is no valid justification for requiring the City to implement the roundabouts instead of the applicant and stated that the PRDEIR should be revised to revert to the original requirements.

Contrary to the author’s comment, the DEIR concluded that impacts at the Del Rio Road/US 101 would remain significant and unavoidable after implementation of the roundabout mitigation because the interchange is under the jurisdictional control of Caltrans and because the acquisition of necessary rights-of-way relies on cooperation of third-party landowners which has not been verified. Accordingly, neither the City nor the applicant can require Caltrans to approve the mitigation or otherwise control the timing of implementation. The overall significant unavoidable determination with regard to the Del Rio Road/US 101 interchange remains unchanged in the PRDEIR; however, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, impacts on certain facilities can be fully mitigated to a level of less than significant; refer to Master Response 1 for further discussion. The author is also incorrect in asserting that improvements to the Del Rio Road/US 101 interchange are not included in the City’s TIF program. The PRDEIR on pages 3.11-24 through 3.11-30 describes in detail that the Del Rio/US 101 interchange is a planned improvement project identified in the City’s Capital Improvement Plan (“CIP”) and included in the corresponding TIF program.

Refer to Master Response 1 for further discussion of mitigation for the US 101/Del Rio Road interchange.

Response to WOLFE-3a

The author referenced the mitigation measures for the temporary closure of the US 101/Del Rio Road interchange (Mitigation Measures TRANS-7b through TRANS-7d), and noted that they do not reduce the impact to a level of less than significant. The author noted that these mitigation measures do not address the potential for degraded level of service to occur before closure of the interchange and stated that the PRDEIR should be revised to discuss and propose additional interim mitigation measures. The author listed six mitigation measures, which will be addressed in Response to WOLFE-3b.
To preface this response, the residual significance of Impact TRANS-7 has been changed from “significant and unavoidable” to “less than significant,” reflecting the changes to Mitigation Measures TRANS-1d and TRANS-1e, which now require that the Del Rio Road interchange improvements be in place prior to issuance of the first certificate of occupancy for the Annex commercial uses. This change results in the “Baseline Plus Project – Closure of Del Rio Road Interchange” scenario becoming less than significant after mitigation, thereby obviating the need for Mitigation Measure TRANS-7d. These changes are noted Section 5, Errata. Refer to Master Response 1 for further discussion.

PRDEIR Impacts TRANS-1 through TRANS-3 evaluated “Plus Walmart” and “Plus Project” sub-scenarios for the “Existing,” “Baseline,” and “Future” scenarios. The intent was to determine what mitigation measures were needed to address the traffic impacts of the Walmart component and what measures were needed to address the traffic impacts of the entire project (Walmart and Annex). The “Existing Plus Walmart” and “Baseline Plus Walmart” sub-scenarios indicated that the US 101/Del Rio Road interchange would operate at acceptable levels; therefore no mitigation was necessary.

At the request of Caltrans, Mitigation Measures TRANS-1d and TRANS-1e have been amended to require that the roundabout improvements be in place no later than the issuance of the first certificate of occupancy for the Annex commercial uses. With this requirement added to Mitigation Measures TRANS-1d and TRANS-1e, there is certainty that there would be no interim period between Walmart opening and interchange closure during which operations at the interchange would be unacceptable. Refer to Master Response 1 for further discussion.

Response to WOLFE-3b

The author listed the following improvements as potential mitigation for the interim period between Walmart opening and closure of the interchange.

- A right-turn lane on westbound Del Rio Road onto the US 101 northbound ramp
- A right-turn lane on eastbound Del Rio Road onto the US 101 southbound ramp
- Left-turn lanes on the Del Rio Road overcrossing onto the US 101 northbound and southbound ramps
- Traffic signal timing adjustments
- Implementation of Mitigation Measure TRANS-7d at the applicant’s expense rather than the City’s expense
- Implementation of Mitigation Measure TRANS-7d as soon as the Walmart and Annex portions of the project are occupied

As indicated in Response to WOLFE-3a, with the modifications to Mitigation Measures TRANS-1d and TRANS-1e, there would be no interim period between Walmart opening and interchange closure.
during which operations at the interchange would be unacceptable. As such, there is no basis for requiring interim mitigation measures. Refer to Master Response 1 for further discussion.

Response to WOLFE-4
The author referenced Mitigation Measures TRANS-7b and TRANS-7d and stated that the applicant should be required to fund these mitigation measures, and not the City, subject to reimbursement for costs outside of its fair share. The author noted that Impact TRANS-7 stated that the impact would remain significant and unavoidable because feasible improvements are not available for all locations and stated that the PRDEIR should be revised to identify which affected intersections and roadway segments would be mitigated by Mitigation Measures TRANS-7b and TRANS-7d for the periods before and during interchange closure.

To preface this response, the residual significance of Impact TRANS-7 has been changed from “significant and unavoidable” to “less than significant,” reflecting the changes to Mitigation Measures TRANS-1d and TRANS-1e, which now require that the Del Rio Road interchange improvements be in place prior to issuance of the first certificate of occupancy for the Annex commercial uses. This change results in the “Baseline Plus Project – Closure of Del Rio Road Interchange” scenario becoming less than significant after mitigation, thereby obviating the need for Mitigation Measure TRANS-7d. These changes are noted Section 5, Errata. Refer to Master Response 1 for further discussion.

As indicated in Response to WOLFE-3a, with the modifications to Mitigation Measures TRANS-1d and TRANS-1e, there would be no interim period between Walmart opening and interchange closure during which operations at the interchange would be unacceptable.

Table 3-2 lists the intersections that would experience unacceptable operations during closure of the US 101/Del Rio Road interchange, along with associated mitigation measures and the residual level of significance.

Table 3-2: Summary of Intersections and Roadway Segments Affected by Interchange Closure

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Facility</th>
<th>Mitigation Measure</th>
<th>Residual Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline Plus Walmart</td>
<td>El Camino Real/San Anselmo Road</td>
<td>TRANS-1b</td>
<td>Less than significant</td>
</tr>
<tr>
<td></td>
<td>(North)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>San Anselmo Road/US 101 Northbound Ramps</td>
<td>TRANS-7b</td>
<td>Less than significant</td>
</tr>
<tr>
<td></td>
<td>San Anselmo Road/US 101 Southbound Ramps</td>
<td>TRANS-7c</td>
<td>Less than significant</td>
</tr>
</tbody>
</table>

Response to WOLFE-5
The author alleged that the DEIR and PRDEIR exclude the US 101/Del Rio Road interchange roundabouts from the project description even though the DEIR required that they be in place prior to occupancy of the Walmart store. The author stated that the Project Description should be revised to include these improvements.

Both the DEIR and PRDEIR clearly identify the US 101/Del Rio Road interchange roundabouts as mitigation measures; refer to Master Response 1 for further discussion. As such, there is no need to revise the Project Description to include mention of the US 101/Del Rio Road interchange roundabouts.

Note that the DEIR’s mitigation measures that concern the roundabouts are superseded by the PRDEIR’s mitigation measures; therefore, any previous statements about the timing of the roundabouts from the DEIR are moot.

Response to WOLFE-6
The author noted that the PRDEIR evaluated certain aspects of short-term construction of the US 101/Del Rio Road interchange roundabouts (e.g., air quality, noise, and traffic), but does not evaluate long-term operational impacts associated with air quality, hydrology, and noise with these facilities. The author alleged that the roundabouts are outside the development footprint of the proposed project and that they would generate traffic noise and toxic air contaminants that would affect local receptors differently than air emissions and noise generated within the project footprint. The author reiterated a Caltrans comment regarding hydrological analysis of the roundabouts (CALTRANS.1-6). The author stated that the PRDEIR should be revised to evaluate the long-term operational impacts of the US 101/Del Rio Road interchange roundabouts as they relate to aesthetics, air quality, biological resources, cultural resources, geology, hazards, hydrology, land use, and noise.

As noted above, these improvements are not part of the Project Description; rather, they are mitigation measures. CEQA Guidelines Section 15126.4(a)(1)(D) states that “[i]f a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.” Consistent with this requirement, the PRDEIR analyzed (1) air quality impacts associated with roundabout construction, (2) noise impacts associated with roundabout construction, and (3) road closure impacts associated with roundabout construction.

As shown in PRDEIR Exhibit 3.11-6, the footprint of the interchange roundabouts would be largely located within the existing Caltrans right-of-way of the US 101/Del Rio Road interchange. The area to be improved with the roundabouts is characterized by paved and disturbed unpaved areas that have been committed to transportation use for more than 50 years. Thus, there is no reasonable potential for significant impacts associated with biological resources, cultural resources, geology, and hazards given the paved and disturbed character of this area. Likewise, modifying the interchange to
incorporate roundabouts instead of signals at ramp terminals would not represent a significant aesthetic or land use impact, since the facility would remain committed to transportation use. Lastly, this area already generates runoff because of its existing impervious surfaces and, thus, the installation of roundabouts would be unlikely to significantly increase runoff such that downstream drainage improvements would be necessary.

Furthermore, the US 101/Del Rio Road interchange roundabouts would serve only as traffic control devices. They are not land use activities that would generate new trips. Accordingly, the discussion of air emissions and roadway noise in the DEIR and PRDEIR adequately address these issues.

Refer to Response to CALTRANS.1-6 for additional discussion of hydrology.

Response to WOLFE-7

The author stated that the PRDEIR’s evaluation of project consistency with the APCD’s Clean Air Plan is inadequate because it misrepresents the project and disputed the consistency determination statements in Table 3.2-9 with Strategy L-1 and Implementation Measures C6, C7, C8, and F. The author reiterated the APCD’s comment on the DEIR regarding project inconsistency with Strategy L-1 (Comment APCD.1-3). The author also stated that the PRDEIR’s statements that the Implementation Measures C6, C7, C8, and F are not applicable to the proposed project because they apply to community-level planning efforts are incorrect because the proposed project is a Specific Plan, which is a community-level document. The author alleged that the project is inconsistent with Implementation Measures C6, C7, C8, and F because it does not prohibit subdivisions for single-family homes (and includes such residences), does not discourage buildings less than 2 stories high, and does not contain the specified residential densities and floor area ratios.

First, the APCD reviewed the PRDEIR’s analysis of Clean Air Plan consistency and concurred with the conclusion, with the exception of recommending that the residential uses be developed concurrently with the commercial uses; refer to Response to APCD.2-4. These comments supersede the APCD’s prior comments on the DEIR regarding Clean Air Plan consistency referenced by the author.

The Clean Air Plan itself states on page 6-15 that its strategies and implementing measures are “policy recommendations.” Accordingly, the PRDEIR is not required to demonstrate project consistency with each and every strategy and implementing measure in order to conclude that the project has a less than significant impact. Furthermore, the APCD reviewed the PRDEIR’s analysis of Clean Air Plan consistency and provided no comments stating that the project would be inconsistent with Clean Air Plan Strategy L-1 and Implementation Measures C6, C7, C8, and F. Thus, the APCD’s comments on the updated PRDEIR’s analysis of Clean Air Plan consistency do not provide any support for the author’s claim of a finding of inconsistency. Moreover, because the APCD is the agency with authority over the Clean Air Plan, its views regarding plan consistency are accorded great weight.
Response to WOLFE-8

The author noted the conclusion of Impact AIR-2, that project air emissions would exceed APCD thresholds and cannot be mitigated to a level of less than significant, and stated that the PRDEIR evaluates only “mass emissions” and fails to determine whether these emissions would expose nearby sensitive receptors to harmful levels of pollutant concentrations. The author stated that the air quality analysis should include a localized analysis of criteria pollutant concentrations in excess of ambient air quality standards.

The CEQA Guidelines Appendix G checklist thresholds of significance for air quality state that “Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.” In this case, the PRDEIR’s air quality analysis followed the guidance set forth in the APCD’s CEQA Air Quality Handbook in addressing the various air quality and greenhouse gas checklist items.

In the context of criteria pollutants, the APCD’s CEQA Air Quality Handbook establishes thresholds of significance for “mass emissions” for annual and daily periods only; it does not set forth thresholds for localized pollutant concentrations, much less require that this subject be evaluated. As noted on page 3.2-84 of the PRDEIR, the APCD’s CEQA Air Quality Handbook indicates that the agency considers the exceedances of the annual thresholds to be key factor in determining a project’s significance for air quality impacts, although it is also concerned when a project exceeds the daily threshold as well. This serves to indicate that the APCD has clearly identified thresholds of significance for criteria pollutants, which are supported evidence.

Regarding the author’s request for “localized analysis of criteria pollutant concentrations,” this involves dispersion modeling. Section 3.3 of APCD's CEQA Air Quality Handbook indicates that “Industrial and large commercial projects are sometimes required to perform air quality dispersion modeling if the SLO County APCD determines that project emissions may have the potential to cause an exceedance of these standards.” Air districts typically request dispersion modeling for land uses such as quarries, refineries, trucking facilities, and similar activities that involve significant stationary or mobile source emissions. No comments were received from the APCD indicating that dispersion modeling would be required.

Furthermore, dispersion modeling would not provide any additional insight into project-related air emissions impacts. The primary criteria pollutant of concern for dispersion modeling is nitrogen dioxide (NO₂). The local Air Basin is in attainment of the state and federal NO₂ standards by a substantial margin. The highest 1-hour concentration reported for San Luis Obispo for the last 3 years was 0.052 parts per million (ppm) compared with the federal 1-hour standard of 0.100 ppm. Based on dispersion modeling for other projects of similar size and intensity, the project would be expected to emit an estimated 0.033 ppm of NO₂ under a “worst case” scenario. When this value is added to the highest recent NO₂ concentration reported at the San Luis Obispo monitoring station (0.052 ppm), it yields a “worst case” concentration of 0.085 ppm, which is below the federal 1-hour...
standard of 0.100 ppm. Thus, dispersion modeling would not be warranted to support the conclusion that this impact is less than significant.

In summary, the PRDEIR’s air quality analysis used the APCD’s CEQA Air Quality Handbook as the basis for assessing the significance of air quality impacts. The APCD reviewed this analysis for performance with its CEQA Air Quality Handbook and did not determine that additional dispersion modeling was required to support the conclusions. Additionally, dispersion modeling would be unnecessary because the project characteristics are unlikely to significantly increase local pollutant concentrations. As such, there is no basis for requiring localized criteria pollutant analysis suggested by the author.

Response to WOLFE-9
The author referenced his prior request for a localized criteria pollutant analysis (Comment WOLFE-8) and stated that it will inform the necessity of focusing the offsite mitigation required by Mitigation Measure AIR-2c. The author stated that Mitigation Measure AIR-2c should be revised to require that offsite reductions must be localized as necessary to ensure that local concentration limits are not exceeded. The author stated that this should be applied to mitigation for both construction and operational emissions. The author also asserted that if the PRDEIR is unable to confirm that localized offsite mitigation is available that would avoid pollutant concentrations in excess of standards, the document should acknowledge that this constitutes another significant unavoidable impact.

The PRDEIR currently discloses that Impact AIR-2, which concerns construction and operational emissions of criteria pollutants, is a significant and unavoidable impact because of the uncertain aspects of offsite mitigation for construction and operational impacts; refer to pages 3.2-75 and 3.2-76, and pages 3.2-84 through 3.2-86. The uncertainty lies in the fact that the offsite mitigation program is not part of a functioning mitigation program adopted by the City of Atascadero or the APCD itself. Thus, any impact that relies on this type of offsite mitigation program would inherently yield the same significant and unavoidable conclusion. For these reasons, preparing a localized criteria pollutant analysis would not change this conclusion. Refer to Response to WOLFE-9 for further discussion of the localized criteria pollutant analysis.

Finally, regarding the author’s proposed revision to Mitigation Measure AIR-2c to require that offsite reductions must be localized as necessary, language has been added to the mitigation measure encouraging the APCD to give preference to offsite emissions reduction programs that are close to the project site.

Response to WOLFE-10
The author referenced the number of delivery trucks estimated to serve the proposed project cited in the Health Risk Assessment (summarized in PRDEIR Impact AIR-4) and inquired about the factual basis for these estimates. The author also noted that a Supplemental Health Risk Assessment was prepared in response to the APCD’s comments on the DEIR and stated this information was not
contained in the PRDIER. The author stated that the PRDEIR should be revised to include this information.

PRDEIR Table 3.2-24 provides a summary of daily truck deliveries that were used in the Health Risk Assessment. This information reflects the truck delivery information contained in the DEIR Project Description and is reflective of typical truck deliveries for these types of land uses; refer to pages 2-32 and 2-63. As shown in Table 3.2-24, the Health Risk Assessment used 40 daily truck deliveries as the basis for assessing impacts, of which eight were assumed to be 4-axles or more (i.e., 18-wheelers).

The Supplemental Health Risk modeling data is provided in Appendix Q. Since the Supplemental Health Risk reaffirmed the original conclusion of the Health Risk Assessment contained in the DEIR that no significant impacts would occur, this does not constitute a material omission of information such that recirculating the PRDEIR would be necessary.

Note that the APCD’s comments on the PRDIER indicated that it concurred with the conclusions of the Supplemental Health Risk Assessment; refer to Comment APCD.2-7.

Response to WOLFE-11
The author noted that the PRDEIR indicates that the APCD prepared a screening assessment of the risk of existing and new toxic air contaminants (Type B Health Risk Assessment) and stated that it was not included in the PRDEIR. The author stated that the PRDEIR should be revised to include this information.

The APCD’s March 18, 2011 comment letter stated that the agency had prepared the Type B Health Risk Assessment in-house and summarized the conclusions of that analysis, which were less than significant (Comment APCD.1-24). Given the conclusion of the Type B Health Risk Assessment, the the APCD’s comment was simply a declarative statement, for which no response was necessary. The APCD’s comment regarding the Type B Health Risk Assessment was noted in the PRDEIR.

Response to WOLFE-12
The author stated that the PRDEIR did not provide an analysis of cumulative impacts for toxic air contaminants and that the document should be revised to provide this analysis.

As previously explained, the guidance contained in the APCD’s CEQA Air Quality Handbook was used in the preparation of the PRDEIR’s air quality analysis. The APCD’s CEQA Air Quality Handbook call for the preparation of Type A and Type B Health Risk Assessments, such as the ones prepared for the proposed project. The Type B analysis addresses the impacts of existing sources of emissions and the project on sensitive receptors. There are no other planned or future projects in the area that would contribute additional cumulative impacts; therefore, the analysis adequately discloses the impacts of all potential sources.
Response to WOLFE-13

The author referenced the PRDEIR’s greenhouse gas emissions analysis in Impact AIR-7 and stated that it fails to specify a percentage reduction from “business as usual” conditions that would not adequately promote attainment of California’s goals of reducing greenhouse emissions or identify an absolute level of emissions that would be significant. The author started that the should use a single uniform threshold and suggested that the PRDEIR use the APCD’s numeric greenhouse gas threshold adopted March 28, 2012. The author stated that although this threshold was adopted after PRDEIR release, it was available in draft prior to the release date. The author stated that the PRDEIR’s conclusion of less than significant relies on the use of project design features, which are not mandatory mitigation measures, and which apply only to the Walmart component of the project. The author asserted that the PRDEIR should be revised to provide a meaningful threshold for determining the significance of greenhouse gas emissions.

The APCD’s December 2009 greenhouse gas guidance is described on PRDEIR pages 3.2-41 and 3.2-42 and was used as the basis for assessing impacts in Impact AIR-7. This was the most recently adopted guidance issued by the APCD at the time of PRDEIR release on March 15, 2012. This guidance did not establish any numeric thresholds. As noted in Response to WOLFE-8, the CEQA Guidelines Appendix G indicate that “Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determination.” In this case, the PRDEIR’s air quality analysis followed the most recent adopted guidance set forth in the APCD’s CEQA Air Quality Handbook. Therefore, there is no basis for revising the PRDEIR to include a different threshold of significance.

Nonetheless, the PRDER quantified emissions reductions relative to “business-as-usual” conditions in Table 3.2-32 and indicates that the project can achieve a 33.0 percent reduction in emissions. For comparison purposes, the San Joaquin Valley Air Pollution Control District—a neighboring air district to SLO County APCD—has an adopted 29-percent reduction threshold for greenhouse gas emissions in order to achieve the emissions reduction objectives set forth in AB 32. Thus, had the PRDEIR assessed the project against this threshold, it would have yielded the same conclusion.

Regarding the author statement that project design features are inadequate to rely on as greenhouse gas reduction measures, CEQA Guidelines Section 15126.4(a)(A) establishes that the “discussion of mitigation measures shall distinguish between the measures which are proposed by the project proponents to be included in the project and other measures proposed by the lead, responsible, or trustee agency . . .” As such, the CEQA Guidelines clearly indicate that project design features can be treated as equivalent to mitigation measures; therefore, there is no basis to support the author’s claim. Nevertheless, the PRDEIR on page 3.2-116 describes that although not required mitigation measures, the project’s sustainability design features will added to the Mitigation Monitoring and Reporting Plan to assure their implementation.
As for the statement that most the project design features apply only to Walmart and not to the balance of the project, Table 3.2-2 provides a breakdown for greenhouse gas emissions by project component, including Annex and Walmart. The Walmart component is credited for many emissions reductions, due in large part to the details that are provided in Section 2, Project Description about its sustainability features. Likewise, the Annex commercial component is credited for fewer emissions reductions that are due to the much more limited information. To be clear, all emissions from the project (both Walmart and Annex projects) are quantified and the 33.0-percent reduction in emissions attributed to implementation of the project design features represents the project’s total estimated reductions, not just reductions of the Walmart component.

Finally, note that the APCD reviewed the PRDEIR’s greenhouse gas analysis and stated only that the City of Atascadero needs to determine whether the PRDEIR demonstrates that the proposed project’s impacts would be mitigated to the extent feasible by the proposed project’s characteristics and design features. The City affirmed this conclusion; refer to Response to APCD.2-8 for further discussion. Thus, the APCD’s comments on the PRDEIR’s analysis of greenhouse gas emissions do not provide any support for the author’s claims.

Response to WOLFE-14
The author stated that because the PRDEIR discloses significant unavoidable impacts related to traffic and air pollution, it must discuss and propose all feasible mitigation. The author’s specific proposals for mitigation are addressed in Response to WOLFE-15 through Response to WOLFE-27d.

Response to WOLFE-15
The author stated that Mitigation Measure AIR-2d purports to address significant air quality impacts, but appears to have been “uncritically cut and pasted from a list of generic measures.” The author indicated that his following comments (Comments WOLFE-16 through WOLFE-23) identify flaws in the provisions of Mitigation Measure AIR-2d.

The items listed in Mitigation Measure AIR-2d reflect the “recommended standard air quality mitigation measures” set forth in the APCD’s CEQA Air Quality Handbook (Table 3-5). The DEIR refined the list of recommended standard air quality mitigation measures to reflect project characteristics. Based on the APCD’s March 18, 2011 comment letter, as well as a follow-up discussion with APCD staff on April 14, 2011, the PRDEIR further revised the items listed in Mitigation Measure AIR-2d to ensure that they were acceptable to agency staff. As such, the characterization of Mitigation Measure AIR-2d having been “uncritically cut and pasted from a list of generic measures” is not correct.

Refer to Response to WOLFE-16 through WOLFE-23 for responses to the specific comments on Mitigation Measure AIR-2d.
Response to WOLFE-16

The author stated that Items No. 1, 2, 9, and 11 fail to specify precisely what must be done to facilitate pedestrian and bicycle access. The author requested that the EIR provide site diagrams depicting the “interconnected streetscape,” “appropriate signalization and signage requirements,” “good access to/from development for pedestrians, bicyclists, and transit users,” and “easements and land dedications” for walkways and bike lanes. The author requested that the EIR identify which buildings that will employ 50 employees would have bike lockers.

Mitigation Measure AIR-2d requires that the City of Atascadero verify that project plans contain the items listed by the mitigation measure prior to issuing building permits. DEIR Exhibits 2-5b, 2-8, 2-9, 2-14, and 2-15 depict many of these features, including roadways, transit, bicycle, and pedestrian facilities. It would be expected that similar or more detailed plans would be submitted to the City demonstrating compliance with this Mitigation Measure. Regardless, Mitigation Measure AIR-2d clearly establishes (1) timing, (2) required actions, and (3) the party responsible for verification and, therefore, meets CEQA standards for adequacy of mitigation measures.

Response to WOLFE-17

The author stated that Item No. 3 calls for the project to “increase number of connected bicycle routes/lanes in the vicinity of the project” and inquired what this specifically mandates.

Item No. 3 has been revised to specifically note that the applicant is required to maintain the existing Class II bicycle facilities along El Camino Real (in conjunction with frontage improvements) and install new Class II facilities along the project frontage with Del Rio Road. The change is noted in Section 5, Errata.

Response to WOLFE-18

The author noted that Item No. 4 calls for the project to “increase density within the urban core and urban reserve lines” and inquired what this specifically mandates. The author indicated that the APCD concluded that the project does not sufficiently increase density to be found consistent with the Clean Air Plan.

This item reflects the fundamental attributes of the proposed project, which consist of infill development of new commercial and residential uses on an underutilized site along an existing commercial corridor within the Atascadero city limits and Urban Reserve Line. This is a readily attainable objective and can be demonstrated on project plans as required Mitigation Measure AIR-2d.

Note that the author’s characterization of the APCD’s comments regarding Clean Air Plan consistency do not reflect the agency’s comments on the PRDEIR; refer to Response to WOLFE-7 for further discussion.
Response to WOLFE-19

The author noted that Item No. 5 calls for providing “a buffer zone between source and receptor and plan vegetation between receptor and roadway” and inquired what this means. The author asked what is referenced by “source” and “receptor” and what this specifically mandates.

This item simply recognizes that planting vegetation between areas where emissions are emitted (e.g., parking lots and loading areas) and nearby receptors (e.g., residences) can assist in reducing exposure to air pollution. Thus, the intent is to landscape the perimeter of the project site, particularly along property boundaries with residential uses. This is currently shown on DEIR Exhibits 2-10a and 2-13.

Note that a typographical error in this item was corrected and the change is noted in Section 5, Errata.

Response to WOLFE-20

The author noted that Item No. 6 calls for shade trees to meet certain specifications. The author requested a landscaping diagram depicting which trees will meet these requirements. The author also requested elevations demonstrating the shading of southern building exposures.

As previously indicated, Mitigation Measure AIR-2d requires that the City of Atascadero verify that project plans contain the items listed by the mitigation measure prior to issuing building permits. As such, landscaping plans have not been prepared depicting 50-percent shading of parking areas within 10-years of construction. Regardless, Mitigation Measure AIR-2d clearly establishes (1) timing, (2) required actions, and (3) the party responsible for verification and, therefore, meets CEQA standards for adequacy of mitigation measures.

Additionally, note that Item No. 6 does not establish any requirements for shading of southern building exposures. Instead, Item No. 12 states that drought-tolerant native trees shall be planted along southern exposures of buildings to reduce energy use associated with cooling. See the previous paragraph for further response.

Response to WOLFE-21

The author noted Item No. 13 requires the use of local and green building materials if possible and stated that the item provides no standard for feasibility. The author stated that the City must determine if it is feasible now and not later, and asserted that the EIR must specify the local content and green materials to be used or provide an objective standard for determining feasibility that can be administered by City staff.

To clarify, Item No. 13 states that the project shall “utilize green-building materials (materials which are resource-efficient, recycled, and sustainable) available locally, if possible.” To provide an example, the applicant could potential use construction debris from another site in the North County as fill material. Regardless, the intent of the item is provide flexibility to the applicant in implementing the objective of reducing air pollution through shorter travel distances and the use of locally available materials.
Additionally, as indicated on DEIR pages 2-26 and 2-29 through 2-31, the Walmart store would incorporate a number of design features that would be considered green-building materials. Examples include cement mixes containing fly ash; recycled-content steel; and recycled-content cabinets, counters, and baseboards. The use of these materials would serve to demonstrate project compliance with Item No. 13.

Response to WOLFE-22

The author noted that Item No. 14 sets a “goal” of exceeding the Title 24 efficiency standards by 20 percent or more and stated that this language is vague and unenforceable. The author asserted that the project should be required to meet this “goal” pursuant to the APCD’s March 18, 2011 comments.

The opening sentence of Mitigation Measure AIR-2d states: “Prior to issuance of building permits, the City shall verify that the following air emissions reduction measures are depicted on building plans . . .” Item No. 14 reads: “Demonstrate that buildings incorporate all feasible energy efficiency measures with a goal of exceeding the minimum Title 24 efficiency standards by 20 percent of more.”

Thus, the applicant will be required the prepare and submit building plans to the City of Atascadero demonstrating that buildings incorporate all feasible energy efficiency measures with a goal of exceeding the minimum Title 24 efficiency standards by 20 percent of more. In recognition that not all buildings may be able to exceed the minimum Title 24 efficiency standards by 20 percent of more, the item uses the term “feasible energy efficiency measures.” This is an objective standard that the City can implement.

Response to WOLFE-23

The author noted that Items Nos. 23 and 24 refer to “unspecified commute reductions and incentives without providing any performance specifications or requirements.” The author noted that the project must adopt a specific program.

Refer to Response to WOLFE-24a.

Response to WOLFE-24a

The author asserted that Transportation Demand Management (TDM) measures should be adopted to mitigate traffic and air quality impacts. The author referenced General Plan Circulation Policy 3.3 and stated that it requires the City to comply with the TDM program requirements of the APCD’s Clean Air Plan to reduce peak hour trips. The author asserted that the Clean Air Plan calls for setting a specific goal in employee trip reduction to be implemented through site specific conditions in discretionary land use permits, including all feasible TDM measures. The author stated that the PRDEIR must discuss and proposed a specific TDM plan for all employees at the site with a specific target for non-single-occupancy vehicle commute trips, enforced through monitoring and reporting to the APCD as part of the offsite mitigation program. The author listed 18 potential TDM measures, which will be addressed individually in Response to WOLFE-24b through Response to WOLFE-24s.
To preface this response, it should be noted that the author mischaracterizes both the General Plan’s and the Clean Air Plan’s language regarding TDM measures. Each will be discussed separately.

Consistency with General Plan Circulation Element Policy 3.3 was provided in the DEIR on page 3.8-44 and is reproduced below:

| Policy 3.3 | Comply with the Transportation Demand Management program requirements of the San Luis Obispo County Clean Air Plan to reduce peak-period trip generation. | Consistent: The proposed project would provide a bus stop, bicycle storage facilities, and pedestrian facilities. All of these features are consistent with the various measures identified in the Transportation Demand Management program. |

As previously explained in Response to WOLFE-7, the Clean Air Plan states on page 6-15 that its strategies and implementing measures are “policy recommendations.” (The “TDM program” mentioned in General Plan Circulation Element Policy 3.3 is part of the Transportation Control Measures outlined in Chapter 6 of the Clean Air Plan.) These are not mandatory measures, as implied by the author, and the Clean Air Plan does not mandate that new development projects implement TDM programs. It should also be noted that the APCD’s comments on the PRDEIR’s air quality analysis do not provide any support for the author’s claims.

Furthermore, the Clean Air Plan establishes on page 6-2 that state law precludes air districts from directly regulating land use decisions, and describes the relationship with local agencies on page 6-3:

**Local agencies:** Local agencies can adopt and implement capital improvement and transit programs recommended in the Plan. Construction of new facilities such as Park and Ride lots, transit stops and bike lanes provide modest, immediate emission reductions by helping people shift from private vehicles to other travel modes. Changes to local land use policies can also provide important air quality benefits in the future by improving the regional jobs/housing balance, planning compact communities, and providing for mixed-use development.

In summary, as a local agency with land use authority, the City of Atascadero has the discretion to determine what TDM measures identified in the Clean Air Plan should be applied to development projects in its jurisdiction. The author’s comment is predicated on the erroneous notion that the City has ceded its land use authority to the APCD in the context of TDM, which is clearly prohibited by state law.

The City of Atascadero, as the lead agency for the Del Rio Road Commercial Area Specific Plan EIR, has reviewed all of the transportation control measures (including TDM measures) set forth in the APCD’s Clean Air Plan. In light of the author’s comments, a new mitigation measure is proposed (Mitigation Measure AIR-2f) that will require the project applicant to prepare and submit a TDM to...
the City of Atascadero for review and approval. This new mitigation measure seeks to provide more
detail concerning the TDM provision of Mitigation Measure AIR-2d, including (1) identification of a
specific employee trip peak-hour reduction goal and (2) identification of specific TDM measures that
are appropriate for the proposed project. The text of Mitigation Measure AIR-2f is provided after this
paragraph and is noted in Section 5, Errata. Note that corresponding changes have been made to
Mitigation Measure AIR-2d, which are also noted in Section 5, Errata.

**MM AIR-2f** Prior to issuance of the first certificate of occupancy for the first commercial
building, the project applicant shall submit a Transportation Demand
Management (TDM) Program to the City of Atascadero for review and approval. The TDM program shall be prepared by a qualified transportation
consultant/engineer and identify TDM measures for the Walmart and Annex
commercial uses. The TDM program shall contain the following provisions:

- The TDM program shall establish a goal of reducing AM peak-hour, PM peak-
  hour, and Saturday midday peak-hour trips associated with employee travel by
  a minimum of 10 percent.
- The TDM program shall be reviewed annually (or more frequently if needed)
  to determine that it reflects the needs and priorities of project tenants and their
  employees. Changes shall be made on an as needed basis in order to ensure
  that the TDM program can readily attain the 10 percent reduction goal.
- The TDM program may include, but not be limited to, the following measures:
  - Employer-sponsored vanpooling or carpooling, which may also involve
    provision of vehicles, staffed-ride matching services, and guaranteed ride
    home programs to increase participation.
  - Incentives for non-single-occupant vehicle commute trips (i.e.,
    carpooling/vanpooling, transit, bicycling, walking, etc.)
  - Flex time scheduling to avoid peak hour travel
  - Staggered work hours to avoid peak hour travel
  - Compressed work schedules to avoid peak hour travel
  - End of trip facilities such as lockers, showers, or storage facilities, as
    coordinated with Mitigation Measure TRANS-6f.
  - Provision of kiosks that provide information about the TDM program.

**Response to WOLFE-24b**

The author proposed providing employer-sponsored vanpools or shuttles.

Mitigation Measure AIR-2f identifies employer-sponsored vanpools as a possible TDM measure for
the proposed project; refer to Response to WOLFE-24a.
Regarding employee-sponsored shuttles, it is not clear if the author intended the proposed shuttle service to apply to project employees only or both employees and customers. Nonetheless, it will be assumed that the proposal contemplates shuttle service for both employees and customers.

The California Air Pollution Control Officers Association (CAPCOA) lists shuttle services as a tool to reduce vehicle traffic at major transit and activity centers. Examples of such locations would be corporate campuses/business parks, government centers, hospitals, or universities, which are land uses that support thousands of employees, many of whom work traditional 8- or 9-hour fixed schedules on weekdays. The project would employ as many as 520 workers, with employees working staggered shifts 24 hours a day, 7 days a week. Thus, the workforce characteristics are not reflective of an “activity center.”

Additionally, the proposed project would primarily provide retail, commercial service, and eating and dining establishments, which typically experience high customer turnover during business hours. This significantly differs from the characteristics of an activity center, where users are typically onsite for several hours at a time. As such, the proposed project would not be considered an activity center and, therefore, is not the type of location for which shuttle services are typically found to be effective.

Response to WOLFE-24c
The author proposed organize employee carpooling by providing a staffed ride-matching service.

Mitigation Measure AIR-2f identifies staffed ride-matching service, in conjunction with vanpooling/carpooling, as a possible TDM measure for the proposed project; refer to Response to WOLFE-24a.

Response to WOLFE-24d
The author proposed providing incentives for non-single-occupant vehicle commute trips (e.g., cash bonus and mechanized discounts).

Mitigation Measure AIR-2f identifies incentives for non-single-occupant vehicle commute trips as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24e
The author proposed providing vehicles or subsidies for employee carpooling.

Mitigation Measure AIR-2f identifies vehicles for employee vanpooling/carpooling and incentives for non-single-occupant vehicle commute trips as possible TDM measures for the proposed project: refer to Response to WOLFE-24a.

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7 A June 27, 2007 Wall Street Journal article (“Big Boxes Aim to Speed Up Shopping”) indicates that the average Walmart customer spends 21 minutes inside the store. The same article also indicated that the average fast food customer waits in line for 3 minutes 16 seconds and the average specialty retail customer waits in line for 4 minutes 28 seconds. These numbers indicate that most customers would be expected to spend a limited amount of time on the project site (i.e., less than 30 minutes).
Response to WOLFE-24f
The author proposed organizing employee vanpooling.

Mitigation Measure AIR-2f identifies employer-sponsored vanpools as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24g
The author proposed providing vehicles or subsidies to employees for vanpooling.

Mitigation Measure AIR-2f identifies vehicles for employee vanpooling/carpooling and incentives for non-single-occupant vehicle commute trips as possible TDM measures for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24h
The author proposed providing a transit subsidy.

Mitigation Measure AIR-2f identifies incentives for non-single-occupant vehicle commute trips as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24i
The author proposed providing carpool and vanpool loading areas.

The proposed project’s parking areas would provide convenient and safe locations for carpooling and vanpooling loading/unloading activities. Likewise, the enhanced bus stop required by Mitigation Measure TRANS-6a could also be used as a location for carpool and vanpool loading/unloading activities. Regardless, carpooling and vanpooling loading/unloading activities would not involve any unusual characteristics that would necessitate the dedication of a specific location for these activities. As such, there is no basis for establishing dedicated carpool and vanpool loading areas.

Response to WOLFE-24j
The author proposed providing a guaranteed ride home program whereby employees who carpool, vanpool, bike, walk, or take transit are provided with a ride home or to an emergency location in the event that they cannot return home using the same mode due to an emergency.

Mitigation Measure AIR-2f identifies a guaranteed ride home program, in conjunction with vanpooling/carpooling, as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24k
The author proposed allowing flex-time schedules for all employees with sufficiently flexible jobs so that employees can adjust their commute times to avoid peak travel times.
Mitigation Measure AIR-2f identifies flex-time scheduling as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24l
The author proposed staggering work hours to ensure that no employees travel at peak travel times.

Mitigation Measure AIR-2f identifies staggering work hours as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24m
The author proposed compressing work hours so that employees work longer hours but fewer days.

Mitigation Measure AIR-2f identifies compressed work hours as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Response to WOLFE-24n
The author proposed providing an information center for transportation alternatives that provides information about all available alternatives and measures including shuttles, carpooling, vanpooling, flex-time, and transit options.

Mitigation Measure AIR-2f identifies providing a kiosk with information about the TDM program as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Additionally, Mitigation Measure AIR-2d Item No. 19 requires the provision and maintenance of a kiosk displaying transportation information in a prominent area accessible to employees and patrons. This kiosk would be expected to provide information about carpooling, vanpooling, flex-time, and transit options, as appropriate. Thus, this proposal is already required as part of Mitigation Measure AIR-2d.

Response to WOLFE-24o
The author proposed providing showers and clothing lockers for all bike/pedestrian commuters and noted that Mitigation Measure TRANS-2d Item No. 11 only requires lockers and only for buildings with a minimum of 50 employees.

Mitigation Measure AIR-2f identifies end-of-trip facilities such as lockers, showers, and storage facilities as a possible TDM measure for the proposed project: refer to Response to WOLFE-24a.

Additionally, Mitigation Measure AIR-2d Item No. 11 requires the provision of employee lockers in buildings with a minimum of 50 employees. Because Walmart would employ more than 50 workers, it would be required to provide lockers.

Response to WOLFE-24p
The author proposed restricting deliveries to periods other than peak hours.
The proposed project may receive as many as 40 truck deliveries on a daily basis. Of this figure, Walmart would receive as many as 12 daily deliveries, with most deliveries occurring during the daytime hours and a limited number of deliveries occurring during the nighttime and early morning hours. The remaining 28 truck deliveries would occur to the Walmart outlots and Annex commercial uses; no details about delivery times are available.

The hourly distribution of truck traffic on US 101 near the project site was obtained from the Caltrans Performance Measurement System website, and used to gauge relative trends in truck traffic on weekdays and Saturdays. Data for the year 2010 was reviewed, as it is the most current data available. According to the data, the percentage of daily truck traffic on US 101 peaks at 8.1 percent between 4:00 and 5:00 p.m. on weekdays, and at 8.4 percent between 12 p.m. and 1:00 p.m. on Saturdays. While truck traffic on the freeway is unlikely to precisely mirror delivery activity at the project, it does provide insight to the level of truck activity present in the region by day and hour.

As shown in PRDEIR Tables 3.11-10 and 3.11-11, the proposed project would generate 829 PM peak-hour trips and 1,072 Saturday midday peak-hour trips. (Note that all of the proposed project’s significant traffic impacts occur during the PM peak hour and Saturday midday peak hour.) If it were assumed that 25 percent of the project’s 40 daily truck deliveries overlapped with either the PM or Saturday midday peak hours, which is triple the percentage of hourly truck traffic observed on US 101 as described above, 1.2 percent and 0.9 percent of the proposed project’s peak-hour trip generation, respectively. This percentage is so small that limiting truck deliveries to non-peak hours would be unlikely to change any conclusions regarding traffic impacts. As such, the author’s proposal would not yield any benefits and, thus, is not necessary to implement as a mitigation measure.

Response to WOLFE-24q

The author proposed providing onsite childcare.

First, the proposed project’s commercial uses could be tenanted by a childcare provider; there are no provisions in the Specific Plan that preclude this type of tenant. In this sense, the proposed project is compatible with onsite childcare.

However, in terms of requiring onsite childcare as a mitigation measure to alleviate air pollution and peak-hour traffic impacts, this would not meet CEQA requirements regarding a nexus between impacts and mitigation. In order for this mitigation measure to be effective in terms of reducing air pollution or traffic congestion, the following conditions must be met: (1) employees or customers must have children who require childcare; (2) these employees and customers elect to use the onsite childcare service; and (3) the use of this childcare service results in the avoidance or reduction in the length of vehicle trips associated with childcare. If one or more of the three conditions is not met, then this would not alleviate air pollution and peak-hour traffic impacts. Furthermore, the population

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of project users who would be able to meet all three conditions is likely to be very small given the very specific conditions involved.

CEQA Guidelines Section 15126.4(a)(4)(A) establishes that “there must be an essential nexus (i.e., connection) between the mitigation measure and a legitimate government interest.” In this case, the nexus between onsite childcare and alleviating air pollution and peak-hour traffic impacts is tenuous and would accomplish little to no benefit. As such, it is not a feasible mitigation measure.

Response to WOLFE-24r
The author proposed providing electric vehicle charging.

Typically, electric vehicle charging stations are provided in the form of dedicated parking spaces with associated charging equipment. The proposed project’s commercial uses generally possess high-turnover characteristics; therefore, most customers would be expected to spend a limited amount of time of the project site (i.e., less than 30 minutes). In contrast, it takes 4 to 20 hours to fully charge an electric vehicle at a conventional charging station. As such, the proposed project’s high turnover characteristics are not compatible with the amount of time it takes to charge an electric vehicle. Accordingly, providing electric vehicle charging stations is infeasible, as there is no nexus between this proposal and alleviating air pollution and peak-hour traffic impacts.

Response to WOLFE-24s
The author proposed providing for monitoring and enforcing of the TDM program by the APCD in connection with the offsite mitigation program in order to ensure that the goal to attain a specified percent of commutes through non-single-occupant-vehicle use is met.

As indicated in Response to WOLFE-25a, this comment is predicated on the erroneous assumptions that (1) the APCD mandates development projects to implement TDM programs, and (2) the APCD has land use jurisdiction over the proposed project. Neither is a correct premise; therefore, there is no basis to implement the author’s proposal.

Nonetheless, Mitigation Measure AIR-2f establishes a employee trip reduction goal of 10 percent during the AM, PM, and Saturday midday peak hours, consistent with the author’s statement that a specific numeric reduction goal should be established. Refer to Response to WOLFE-25a for further discussion.

Response to WOLFE-25a
The author asserted that nine additional parking management measures are required to find the project consistent with the Clean Air Plan’s Strategy L4, Circulation Management Policies and Programs. The author also stated that the measure should be discussed and proposed by the PRDEIR for air

9 The Nissan Leaf website indicates that it takes 20 hours to recharge a depleted battery using a 120-volt outlet and 7 hours using a 240-volt outlet (http://www.nissansusa.com/leaf-electric-car/index#/leaf-electric-car/faq/list/charging). The Chevy Volt website reports that it takes 10 hours to recharge a depleted battery using a 120-volt outlet and 4 hours using a 240-volt outlet (http://gm-volt.com/chevy-volt-faqs/).
quality and traffic impacts. Each individual measure is addressed in Response to WOLFE-25b through Response to WOLFE-25j.

As indicated in Response to WOLFE-7, the Clean Air Plan itself states on page 6-15 that its strategies and implementing measures are “policy recommendations.” Accordingly, the PRDEIR is not required to demonstrate project consistency with each and every strategy and implementing measure in order to conclude that the project has a less than significant impact.

Response to WOLFE-25b
The author proposed allowing no more than one off-street parking space per dwelling unit.

Mitigation Measure LU-2b requires that the project applicant prepare and submit a site plan to the City of Atascadero demonstrating compliance with Municipal Code requirements for off-street parking prior to issuance of building permits. For single-family dwelling units, the Municipal Code requires 2.0 spaces per unit, but requires only 1.0 space for sites less than 4,000 square feet in size. For multi-family dwelling units, the Municipal Code requires 1.5 spaces per 1-bedroom unit; 2.0 spaces for 2-bedroom units; 0.5 additional space for each additional bedroom; and 1.0 space for guest parking for each 5 units or fraction thereof. Although no details are currently available about parking for these uses, the Municipal Code’s minimum requirements for residential parking would not allow only 1.0 space per dwelling unit to be provided.

Regardless, arbitrarily limiting parking to only 1.0 space per dwelling unit would likely create adverse spillover effects on neighboring land uses, as residents and their guests would likely park offsite because of the absence of adequate onsite spaces, thereby limiting parking supply for those land uses.

Finally, the author has presented no evidence demonstrating how limiting parking supply in a low-density urban environment such as Atascadero would reduce daily or peak-hour vehicle trips. Case law10 establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25c
The author proposed allowing on-street parking.

On-street parking would be prohibited on El Camino Real and Del Rio Road adjacent to the project frontage to avoid potential conflicts with the El Camino Real/Del Rio Road roundabout operation and obstruction of the Class II bicycle facilities and vehicular travel lanes along both roadways. Likewise, requiring on-street parking may create safety conflicts with the roundabout and impair vehicular and bicycle travel on El Camino Real and Del Rio Road, which may create significant adverse impacts on traffic operations and safety.

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Furthermore, because Mitigation Measure LU-2b requires that the proposed project demonstrating compliance with Municipal Code requirements for off-street parking, there would be no need for on-street parking to supplement off-street parking supply.

Finally, the author has presented no evidence demonstrating how requiring onstreet parking in a low-density urban environment such as Atascadero would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25d

The author proposed placing commercial parking behind buildings and requiring buildings along streets to provide awnings.

As shown in DEIR Exhibit 2-5a, the Walmart outlots and the Annex commercial uses locate commercial structures adjacent to roadways, with parking located to the side or rear. As shown in DEIR Exhibit 2-11d, the conceptual elevations for the Annex uses depict awnings and other architectural projections along street frontages.

However, certain uses such as the Walmart store cannot be located along roadway frontages, due to the need to provide safe and efficient vehicular access in accordance with the California Fire Code, site constraints, a desire to screen loading areas and other operational areas from public view, and the provision of a bioswale along the project frontage in accordance with Mitigation Measure AIR-2d. Thus, locating the Walmart store toward the rear of the site, with parking in front, represents the most logical, efficient, and safest layout for this portion of the project.

As such, the proposed project currently incorporates this concept to the extent that it is feasible and compatible with the project uses.

Finally, the author has presented no evidence demonstrating how placing commercial parking behind buildings and requiring buildings along streets to provide awnings would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25e

The author proposed breaking up parking areas and limiting parking lot sizes to no more than 300 feet by 300 feet (90,000 square feet).

As shown in DEIR Exhibit 2-5a, the Walmart outlots and the Annex commercial uses depict small parking areas that are fully or partially detached from each other, consistent with the objective of breaking up parking areas and limiting parking lot sizes. (Note that some of these parking areas may not conform to the 300-foot by 300-foot dimensions suggested by the author, but these values are
considered advisory, as no evidence was presented supporting why these precise dimensions are optimal in the context of mitigating air pollution and peak-hour traffic impacts.)

However, certain parking areas such as the Walmart parking field cannot be broken up into small, detached lots, due to the need to provide safe and efficient vehicular access in accordance with the California Fire Code, site constraints, and a desire to screen loading areas and other operational areas from public view. Thus, locating all of the Walmart parking supply in a single area in front of the store represents the most logical, efficient, and safest layout for this portion of the project.

As such, the proposed project currently incorporates this concept to the extent that it is feasible and compatible with the project uses.

Finally, the author has presented no evidence demonstrating how breaking up parking areas and limiting parking lot sizes would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

**Response to WOLFE-25f**

The author proposed eliminating minimum parking requirements.

Mitigation Measure LU-2b requires the proposed project to demonstrate compliance with Municipal Code requirements for off-street parking in order to mitigate impacts to a level of less than significant. Eliminating this mitigation measure would result in the proposed project being inconsistent with the Municipal Code and the disclosure of a new significant impact. As such, this proposal would be contrary to the CEQA objectives of mitigating impacts to a level of less than significant.

Finally, the author has presented no evidence demonstrating how eliminating minimum parking requirements would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

**Response to WOLFE-25g**

The author proposed requiring bicycle parking to be located at the front of the buildings and not just in “convenient locations,” in an apparent reference to Mitigation Measure TRANS-6b.

Mitigation Measure TRANS-6 requires the provision of bicycle parking (racks or lockers) in convenient locations at no less than a ratio of 1 bicycle space per 20 vehicular spaces. The mitigation measure uses the term “convenient locations” to provide for flexibility in design and location of storage facilities. For example, locating a bicycle storage facility near an outdoor seating area may be more convenient than locating it immediately adjacent to a building entrance. Regardless, the City of Atascadero has the ability to review and approve locations for bicycle parking and has the discretion
to determine whether the proposed facilities are located in convenient locations. Additionally, Specific Plan Section 5.1.3 (10) requires bike parking near entrances, providing additional assurance in this regard. For these reasons, there is no need to modify Mitigation Measure TRANS-6b to specifically require that bicycle parking facilities be provided at the front of buildings.

Response to WOLFE-25h
The author proposed requiring bike lockers for employee commuters and not just bicycle racks in an apparent reference to Mitigation Measure TRANS-6b. The author stated that bicycle racks are less secure than bike lockers.

Mitigation Measure AIR-2f identifies end-of-trip facilities such as lockers, showers, and storage facilities as possible TDM measures. Note that storage facilities may include bike lockers.

Mitigation Measure TRANS-6 requires the provision of bicycle parking (racks or lockers) in convenient locations at no less than a ratio of 1 bicycle space per 20 vehicular spaces. The mitigation measure allows for the option of providing racks or lockers in recognition that tenants will have different characteristics and, thus, does not mandate the type of storage facility that must be provided. Regardless, the City of Atascadero has the ability to review and approve the types of bicycle storage facilities and has the discretion to determine whether racks or lockers are the most appropriate facility for each location.

For these reasons, there is no need to modify Mitigation Measure AIR-2f or Mitigation Measure TRANS-6b to specifically require that bicycle lockers be provided.

Response to WOLFE-25i
The author proposed requiring shared parking between commercial and residential uses.

The proposed project’s residential uses would be developed under separate permits at a later phase from the commercial uses. Although no details are currently available about parking for the proposed residential uses, it is doubtful that shared parking with the Walmart or Annex commercial uses would be a feasible concept, since these uses would occupy their own parcels (and thus would likely be physically separated by walls and landscaping) and would take vehicular access at separate, dedicated locations. In particular, the Annex residential uses would be oriented towards Obispo Road and not towards the Annex commercial use, which would make a shared parking arrangement awkward, inconvenient, and impractical. Likewise, because of the layout and site constraints of the Walmart site, a shared parking arrangement with the multi-family residential uses would likely result in such parking areas being located in distant and inconvenient locations, resulting in lengthy walks for residents, customers, and employees.

Finally, the author has presented no evidence demonstrating how shared parking would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete,
or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25j

The author proposed requiring subsurface or elevated parking with retail on ground floor.

Exhibit 2-5a indicates that all parking areas for the commercial uses are proposed at-grade, as adequate land is available to accommodate these facilities.

The author has presented no evidence demonstrating how requiring subsurface or elevated parking with retail on ground floor would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25k

The author stated that the following seven parking measures should be discussed and proposed by the PRDEIR as mitigation for air quality and traffic impacts. Each measure is addressed individually in Response to WOLFE-25l through Response to WOLFE-25r.

Response to WOLFE-25l

The author proposed unbundling parking from rental (i.e., requiring that residential and commercial leases and rentals charge separately for parking).

Pay-for-park schemes are typically used in high-density urban settings where market forces have resulted in high demand for a limited amount of convenient parking spaces. A typical example is an office building in a downtown environment where parking is limited and traffic congestion is prevalent. In order to be effective, pay-to-park schemes require that virtually all conveniently available spaces (off-street and on-street) in geographic area be priced, or else motorists would likely seek out free spaces in order to avoid parking charges.

Low-density urban environments such as Atascadero typically have significantly lower land costs such that commercial and residential uses can economically provide free surface parking in off-street lots. Reflecting this point, there are no retail centers in Atascadero that charge for parking, including the Mission Oaks shopping center on the opposite side of El Camino Real. In addition, none of the residential uses in the project vicinity charge residents for parking.

Furthermore, requiring the proposed project’s retail and residential uses to charge for parking would likely create adverse spillover effects on neighboring land uses, as many project customers, employees, residents, and guests may seek to park offsite (on the street or in other off-street parking lots), thereby limiting parking supply for those land uses.
As such, requiring the project applicant to implement a pay-for-parking scheme would put the proposed project at competitive disadvantage to other commercial and residential uses in the project vicinity and likely create adverse spillover impacts on surrounding land uses. Accordingly, charging for parking via the various approaches outlined by the author (unbundling parking from leases or rentals, charging only employees to park; cashing out employees who do no park, etc.) is not feasible.

Finally, the author has presented no evidence demonstrating how charging for parking would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25m
The author proposed unbundling parking from residential purchases.

Refer to Response to WOLFE-25l.

Response to WOLFE-25n
The author proposed requiring employers to charge employees for parking.

Refer to Response to WOLFE-25l.

Response to WOLFE-25o
The author proposed requiring employers to cash out employees for not using parking.

Refer to Response to WOLFE-25l.

Response to WOLFE-25p
The author proposed restricting spaces available for employee parking.

As a practical matter, certain businesses may encourage or require employees to park in certain areas to allow the most convenient spaces to be available for customers; however, such decisions are at the discretion of those businesses. However, the author has presented no evidence demonstrating how restricting spaces available for employee parking would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25q
The author proposed providing preferential parking for carpools, vanpools, and ridesharing vehicles.

The proposed project’s commercial uses generally possess high-turnover characteristics; therefore, there is a need for as many parking spaces to be available as possible to allow for efficient and orderly circulation within the parking area. Arbitrarily restricting or limiting the availability of parking spaces to certain populations is contrary to that objective and may lead to adverse spillover effects on
neighboring land uses due to a shortage of onsite spaces. As such, providing preferential parking for carpool, vanpool, and ridesharing vehicles is infeasible.

Finally, the author has presented no evidence demonstrating how providing preferential parking for carpool, vanpool, and ridesharing vehicles would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-25r
The author proposed providing preferential parking for electric and compressed natural gas vehicles.

As previously mentioned, the proposed project’s commercial uses generally possess high-turnover characteristics; therefore, there is a need for as many parking spaces to be available as possible to allow for efficient and orderly circulation within the parking area. Arbitrarily restricting or limiting the availability of parking spaces to certain populations is contrary to that objective and may lead to adverse spillover effects on neighboring land uses due to a shortage of onsite spaces. Moreover, there is no evidence that the provision of preferred parking for electric or compressed air vehicles will provide a material incentive for the use of such vehicles. As such, providing preferential parking for electric and compressed natural gas vehicles is infeasible.

Finally, the author has presented no evidence demonstrating how providing preferential parking for electric and compressed natural gas vehicles would reduce daily or peak-hour vehicle trips. Case law establishes that lead agencies should avoid vague, incomplete, or untested mitigation measures. Thus, there is no basis to require the author’s proposal as a mitigation measure.

Response to WOLFE-26a
The author listed 12 additional mitigation measures that should be discussed and proposed by the PRDEIR for air quality impacts. Each individual measure is addressed in Response to WOLFE-26b through Response to WOLFE-26m.

Response to WOLFE-26b
The author proposed requiring onsite energy generation (e.g., solar panels or solar hot water).

Refer to Master Response 6.

Response to WOLFE-26c
The author proposed requiring skylights, light shelves, and interior transoms.

As explained on DEIR pages 2-26 through 2-31 and 2-48, the Walmart and Annex commercial uses incorporate sustainability features for energy efficiency. In particular, the Walmart store would use a daylight harvesting system, which includes skylights and facilitates the use of natural daylight. As
such, the proposed project currently incorporates an equivalent to this concept to the extent that it is feasible and compatible with the project uses.

Response to WOLFE-26d
The author proposed requiring low water use systems.

As explained on DEIR pages 2-26 through 2-31 and 2-48, the Walmart and Annex commercial uses incorporate sustainability features for water efficiency. In particular, the Walmart store would use indoor and outdoor water conserving fixtures and practices. These fixtures and practices would reduce overall water use. Additionally, Mitigation Measures PSU-3a and PSU-3b also require water conservation fixtures and practices. Thus, the proposed project currently incorporates low water use systems as both design features and mitigation measures.

Response to WOLFE-26e
The author proposed requiring all electric landscaping equipment.

As indicated in DEIR Appendix C-1, area source emissions\textsuperscript{11}, which include landscaping emissions, represent less than 5 percent of project operational emissions under all scenarios. Thus, gasoline-powered landscaping equipment would represent an insignificant amount of project emissions.

Furthermore, gasoline-powered landscaping equipment is widely used in commercial landscaping applications because it generally more effective than electric powered equipment. A 2011 Popular Mechanics article\textsuperscript{12} compared the performance of various types of electric and gasoline-power landscaping equipment (e.g., lawn mowers, leaf blowers, hedge trimmers, and string trimmers) and found that most landscape professionals opt for gasoline-powered equipment. Although the performance of electric-powered equipment has greatly improved in recent years, these devices still face significant hurdles associated with battery life (in the case of cordless equipment) or safety issues such as trip hazards or the potential for severing an electric cord (in the case of corded equipment).

As such, mandating the use of electric landscaping equipment as a mitigation measure would not be feasible, as (1) there would be negligible air quality benefits; (2) such equipment may not be capable of meeting commercial-level landscaping needs; and (3) it may create new safety hazards that would otherwise not occur with the use of gasoline powered equipment.

Response to WOLFE-26f
The author proposed requiring a high-level (e.g., silver, gold, or platinum) United States Green Building Council Leadership in Energy and Environmental Design (LEED) certification for each type of construction and operation for the project’s commercial and residential uses (e.g., new construction, renovations, future operations and maintenance).

\textsuperscript{11} Area source emissions include landscaping equipment, natural gas use, hearth (fireplace), and personal consumer products (e.g., aerosols).
\textsuperscript{12} See “Backyard Battle: Gas vs. Electric Lawn Tools” by Evan Rothman.
Mitigation Measure AIR-2 Item No. 14 requires the project applicant to demonstrate that project buildings incorporate all feasible energy efficiency measures with the goal of exceeding the minimum Title 24 efficiency standards by 20 percent or more. Because Title 24 is widely recognized as the preeminent adopted energy efficiency standards, exceeding this by a minimum of 20 percent would be equivalent to meeting LEED energy efficiency standards. Additionally, LEED certification requires meeting minimum standards in areas peripherally related or completed unrelated to air quality (water efficiency, indoor environment, materials and resources, awareness and education, innovation in design, etc.). Therefore, requiring LEED certification—a lengthy and costly process—would be disproportionate to the project’s impacts. For these reasons, there is no basis for requiring LEED certification for proposed project.

Response to WOLFE-26g

The author proposed requiring retro-commissioning to ensure all building systems perform interactively in accordance with contract documents to optimize energy performance.

Mitigation Measure AIR-2 Item No. 14 requires the project applicant to demonstrate that project buildings incorporate all feasible energy efficiency measures with the goal of exceeding the minimum Title 24 efficiency standards by 20 percent or more. As applicable, exceeding the minimum Title 24 efficiency standards by 20 percent or more may involve retro-commissioning. Furthermore, the mitigation measure does not preclude retro-commissioning. Note that Mitigation Measure AIR-2 Item No. 14 is worded in manner to provide for flexibility in implementation in recognition that exceeding Title 24 by a minimum of 20 percent is expected to require creative and innovative approaches. Thus, there is no basis for requiring retro-commissioning as a mitigation measure.

Response to WOLFE-26h

The author proposed requiring all stoves be gas burning.

Note that the author’s comment is interpreted to mean that wood-burning stoves should be prohibited; gas and electric stoves are acceptable.

The proposed project’s commercial uses do not propose the use of wood burning stoves. APCD Rule 504 requires that new dwelling units can only install APCD-approved wood burning devices, which are required to meet specific performance criteria for air quality. Thus, the proposed project’s residential uses would be subject to APCD requirements in this regard.

Response to WOLFE-26i

The author proposed prohibiting fireplaces and wood burning.

The proposed project’s commercial uses do not propose the use of fireplaces or other wood burning devices. APCD Rule 504 requires that new dwelling units can only install APCD-approved wood burning devices, which are required to meet specific performance criteria for air quality. Thus, the proposed project’s residential uses would be subject to APCD requirements in this regard.
Response to WOLFE-26j
The author proposed providing solar orientation whereby buildings face north or south with overhands to block summer sun (but not winter sun) and provide deciduous tree shading.

As shown in DEIR Exhibit 2-5a, the site layout of the proposed project’s commercial uses reflects a number of factors, including (1) maximizing the efficient use of land, (2) compliance with applicable Fire Code and Municipal Code requirements (e.g., setbacks), (3) facilitating convenient vehicular access, (4) maximizing visibility from adjoining roadways, and (5) screening loading areas and other rear-store areas from public view. To the extent project buildings are located in places where solar exposure is optimized, they would achieve this benefit. However, the previously mentioned criteria for site layout reflects the underlying objectives of the commercial component of the proposed project (e.g., developing an economically viable commercial retail project), whereas optimizing solar exposure is not a project objective. Thus, requiring the project to be redesigned to maximize solar exposure at the potential expense of the underlying project objectives is contrary to the purpose of CEQA and, therefore, would not constitute a feasible mitigation measure.

Response to WOLFE-26k
The author proposed requiring light-colored/high-albedo non-roof surfaces.

The Walmart loading dock and truck turnaround area would employ approximately 25,000 square feet (0.57 acre) of light-colored/high-albedo Portland cement concrete. In addition, Portland cement concrete would be expected to be used in pedestrian and outdoor seating areas. Drive aisles and parking areas would be paved with conventional asphalt, similar to that used on local roadways and in other local parking areas. Asphalt is the most economical and readily available paving application for these types of facilities. Nonetheless, Mitigation Measure AIR-2d Item No. 6 requires shade tree planting in parking areas with the objective of achieving 50 percent tree coverage within 10 years of planting, which would serve to minimize the “heat island” effects of asphalt-paved areas.

As such, the proposed project currently incorporates light-colored/high-albedo non-roof surfaces or equivalent concepts to the extent that they are economically feasible and compatible with the project uses.

Response to WOLFE-26l
The author proposed requiring open grid paving or light colored paving.

Open grid paving applications are generally not suitable for a high traffic land use such as the proposed project. The proposed project would receive as many as 9,216 daily vehicle trips (including truck trips) and, therefore, requires durable paving materials that can withstand this level of use. Furthermore, such applications may create storm drainage problems via standing water, resulting in safety hazards to the public. For these reasons, open grid paving applications are not technically feasible.
Refer to Response to WOLFE-26j for discussion of light colored paving materials.

**Response to WOLFE-26m**

The author proposed requiring low-energy cooling by separating ventilation and thermal conditioning systems.

Mitigation Measure AIR-2 Item No. 14 requires the project applicant to demonstrate that project buildings incorporate all feasible energy efficiency measures with the goal of exceeding the minimum Title 24 efficiency standards by 20 percent or more. As applicable, exceeding the minimum Title 24 efficiency standards by 20 percent or more may involve use of energy systems that separate ventilation and thermal condition systems. Furthermore, the mitigation measure does not preclude the use of energy systems that separate ventilation and thermal condition systems. Note that Mitigation Measure AIR-2 Item No. 14 is worded in manner to provide for flexibility in implementation in recognition that exceeding Title 24 by a minimum of 20 percent is expected to require creative and innovative approaches.

Additionally, as indicated on DEIR pages 2-26 and 2-29 through 2-31, the Walmart store would incorporate a number of design features that would promote energy efficiency in the context of heating and cooling. The store would employ a central energy management system that would allow for heating and cooling systems to be remotely monitored for performance and energy efficiency. In addition, the store would use some of the most energy efficient HVAC systems available.

Thus, there is no basis for requiring energy systems that separate ventilation and thermal condition systems as a mitigation measure.

**Response to WOLFE-27a**

The author stated that the APCD’s March 18, 2011 comment letter appears to mistake Table 3.2-20 as mitigation for greenhouse gas impacts. The author reiterated prior comments (Comment WOLFE-13) that project design features cannot be relied upon for emissions reductions and provided specific comments on various measures in Comments WOLFE-27b through WOLFE-27d.

As explained in Response to WOLFE-13, the CEQA Guidelines allow project design features to be treated as equivalent to mitigation measures. Refer to Response to WOLFE-13.

Note that the APCD submitted a letter to the City of Atascadero regarding the PRDEIR, dated April 30, 2012; refer to Response to APCD.2-1 through Response to APCD.2-9. Those comments supersede its prior comments on the DEIR, as Section 2, Air Quality and Greenhouse Gas Emissions was recirculated as part of the PRDEIR.

**Response to WOLFE-27b**

The author stated that only Walmart is proposed to exceed Title 24 requirements and stated that all project uses should be required to achieve this objective.
Mitigation Measure AIR-2 Item No. 14 requires the project applicant to demonstrate that project buildings incorporate all feasible energy efficiency measures with the goal of exceeding the minimum Title 24 efficiency standards by 20 percent or more. This applies to all project buildings, both commercial and residential.

Response to WOLFE-27c
The author stated that all project uses should be required to exceed Title 24 by 20 percent as requested by the APCD.

Refer to Response to WOLFE-27b.

Response to WOLFE-27d
The author stated that all project uses should implement the design features listed for Walmart, including daylight, night dimming, super high efficiency HVAC units, white roofs, dehumidifying, recycled steel content, and recycled building content.

The sustainability features listed by the author are specific to Walmart; refer to DEIR pages 2-26 through 2-31. Additionally, sustainability features specific to the Annex uses are listed on page 2-48. The DEIR’s description of sustainability features reflects what is known at the time of this writing about potential tenants. In the case of Walmart, the actual tenant is known; thus, more detail is available. In the case of the Annex, tenants are unknown; therefore, sustainability features are more generally.

Regardless, the proposed project was found to achieve a 33.0-percent reduction in greenhouse gas emissions relative to “business as usual” conditions. This reduction was found to be consistent with the State’s greenhouse gas reduction objectives; therefore, the PRDEIR concluded that the impact was less than significant. Because the impact is less than significant, no additional mitigation is necessary.

Response to WOLFE-28
The author alleged that the PRDEIR’s omitted residential receptors that would be substantially impacted by the proposed project’s stationary and traffic noise impacts, citing the example of residences at the intersection of El Camino Real/Via Viento.13 The author stated the analysis should be revised to assess impacts on these receptors.

The intersection of El Camino Real/Via Viento is north of the Annex portion of the project site. As shown in Exhibit 3.9-3, Receiver Nos. 1 and 2 are representative of this location, as they are either located along Via Viento or between the street and the northern boundary of the project site. As shown in Tables 3.9-44 and 3.9-45, noise levels at Receiver Nos. 1 and 2 would be less than 60 dBA $L_{dn}$ under all scenarios, which is the City of Atascadero’s “normally acceptable” exterior noise.

13 The author referenced “Via Veneto”; however, there is no street by that name in the project vicinity. There is a street named “Via Viento” immediately north of the project site; thus, it is assumed this was the street he intended to reference.
standard. As such, it is reasonable to conclude that residences at the intersection of El Camino Real/Via Viento would not be exposed to excessive noise levels.

Response to WOLFE-29

The author stated that the existing Saturday noise contours shown in Exhibit 3.9-3 are inconsistent with the noise levels reported in Table 3.9-7. The author cited the examples of Receiver Nos. 14 and 15, which are shown to be exposed to noise levels greater than 60 dBA $L_{dn}$ in Exhibit 3.9-3, but are listed as being less than 60 dBA $L_{dn}$ in Table 3.9-7.

Exhibit 3.9-3 indicates that Receiver Nos. 14 and 15 are within the orange-shaded contour and on the border of the orange- and red-shaded contours, respectively. The orange-shaded contour corresponds to noise levels between 55 and 60 dBA $L_{dn}$ and the red-shaded contour corresponds to noise levels between 60 and 65 dBA $L_{dn}$. Table 3.9-7 indicates that Receiver Nos. 14 and 15 are exposed to existing Saturday noise levels of 59.0 and 59.9 dBA $L_{dn}$, respectively. Thus, there are no inconsistencies between the exhibit and the table.

Note that both Exhibit 3.9-3 and Table 3.9-7 were produced through the use of the SoundPlan Model, which is one of the most sophisticated and accurate noise prediction models commercially available. The noise contour exhibits are based on noise level averaged over 5-square-meter areas, while the tables provide the noise levels at exact locations. Thus, the tables should be referenced when seeking information about noise levels at specific receptors.

Response to WOLFE-30

The author noted that noise analyses use Year 2013 rather than existing conditions as the baseline. The author stated that some areas may be within acceptable standards under existing conditions, but exceed acceptable standards with the addition of project-related traffic. The author asserted that the PRDEIR should be revised to evaluate noise impacts in relation to existing conditions.

The PRDEIR on page 3.9-34 describes that the “Baseline” condition was used to assess operational-related noise impacts because it represents the earliest possible date the project will commence operation and impact ambient noise levels; it accounts for (1) existing traffic volumes on local roadways (and associated noise levels), (2) traffic from planned and approved projects (and associated noise levels), and (3) the proposed project’s commercial uses traffic; refer to pages 3.11-59 through 3.11-61. In contrast, “Existing Plus Project” conditions would not represent the most realistic baseline upon which to determine project impacts because such analysis would (1) not represent the earliest possible date the project will commence operation and impact existing noise levels, and (2) exclude from consideration planned and approved future projects that will cause an increase in traffic (and associated noise levels) from existing conditions until the time project operations commence. The City’s choice of Baseline includes existing conditions, based on actual traffic counts, and traffic growth anticipated from planned and approved but not yet constructed developments. As such, use of the “Baseline” traffic scenario for evaluating near-term project
impacts as it relates to vehicular noise provides a more realistic and conservative evaluation of impacts than the “Existing Plus Project” scenario.

Response to WOLFE-31

The author stated that PRDEIR Exhibits 3.9-5 through 3.9-9 only provided noise contours for “pre-mitigation” scenarios and only provides “post-mitigated” noise values in table form. The author requested that noise contours be provided depicting “post-mitigated” scenarios shown in Table 3.9-45.

Post-mitigated noise levels were provided in Table 3.9-45 and supporting modeling data was provided in Appendix N. The CEQA Guidelines do not require the use of exhibits, figures, or other images to support conclusions; therefore, there is no need to revise the EIR to include the requested noise contours.

Response to WOLFE-32

The author requested that “pre-mitigation” and “post-mitigation” noise contours be provided to support the roadway noise levels reported in Tables 3.9-34 and 3.9-36.

Tables 3.9-34 and 3.9-36 and their accompanying text indicate that nearby sensitive receptors would not be exposed to noise levels in excess of “normally acceptable” standards. As such, no mitigation was necessary and no “post-mitigation” noise levels were calculated.

Response to WOLFE-33

The author stated that the PRDEIR does not provide a “quantitative” analysis of cumulative noise impacts and inquired why the document concluded that there are no significant cumulative noise impacts.

As discussed on page 3.9-51 of the PRDEIR, the “Baseline” condition accounts for (1) existing traffic volumes on local roadways, (2) traffic from planned and approved projects, and (3) the proposed project’s commercial uses traffic. Both the roadway noise analysis in Impact NOI-5 and the combined transportation and stationary noise analysis in Impact NOI-5 included a two-step analysis to determine the significance of cumulative noise impacts. The two-step analysis involved (1) comparing “with project” cumulative noise levels with the “normally acceptable” standards set forth in the City of Atascadero for noise-sensitive land uses; and in cases where those standards would be exceeded, (2) identifying the project’s contribution to the cumulative noise level and ultimately determining the significance thereof of said contribution. As such, it is inherently a “cumulative” analysis.

Furthermore, the Impact NOI-5 analysis concluded that mitigation was necessary to mitigate the proposed project’s operational noise impacts; refer to Mitigation Measures NOI-4a through NOI-4f. As such, the PRDEIR found that the proposed project’s cumulative noise impacts were potentially significant and could be mitigated to a level of less than significant.
Response to WOLFE-34

The author stated the previously mentioned comments (WOLFE-1 through WOLFE-33) demonstrate that PRDEIR is deficient and that the City of Atascadero should circulate a new EIR to address the issues in question.

Refer to Response to WOLFE-1 through Response to WOLFE-33.
From: RM Zurkan <rbzurken@yahoo.com>
To: Warren Frace <wfrace@atascadero.org>
Date: 3/22/2012 11:11 AM
Subject: Paying for roundabouts

Please, please, do not spend Atascadero's money on Wal-Mart! They are perfectly capable of providing for the traffic abatement of problems their store will cause.

Surely that money can be better used to complete the plans for Atascadero's downtown.

Please acknowledge receipt of this email.

R. M. Zurkan
Concerned citizen
R.M. Zurkan (ZURKAN)

Response to ZURKAN-1

The author expressed opposition to City funds being used to fund the proposed project’s traffic impacts and stated that the applicant should be required to pay the full cost.

Refer to Master Response 1.
SECTION 4: FORM LETTERS AND SUPPORTIVE COMMENTS

4.1 - Introduction

The City of Atascadero received numerous comments consisting of form letters and supportive comments on the Draft Environmental Impact Report (DEIR) and the Partially Recirculated Draft Environmental Impact Report (PRDEIR). The form letters consisted of postcards indicating support for the proposed project and a one-page flyer indicating opposition to the proposed project.

CEQA Guidelines Section 15003 establishes that the intent of CEQA “is not to generate paper, but to compel governments at all levels to make decisions with environmental consequences in mind.” As such, this document will not reproduce copies of the form letters or supportive comments. Copies of the form letters and supportive comments are available at the City of Atascadero Community Development Department, 6907 El Camino Real, Atascadero, CA, 93422. Nonetheless, in the interest of disclosure, the following pages document the form letters and supportive comments received by the City of Atascadero.

4.1.1 - Draft Environmental Impact Report Comments (February 2, 2011)

Comments Supportive of Proposed Project

The City of Atascadero received 195 comments on the DEIR that expressed unqualified support for the proposed project. Comments were provided in the form of original composition and postcards. Table 4-1 and Table 4-2 list the signatories of the supportive comments.

Table 4-1: Signatories of Supportive Comments – Original Composition (DEIR)

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### Table 4-2: Signatories of Supportive Comments – Postcards (DEIR)

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4.1.2 - Partially Recirculated Draft Environmental Impact Report Comments (March 15, 2012)

Comments Supportive of the Project

The City of Atascadero received 400 comments on the PRDEIR that expressed unqualified support for the proposed project. Comments were provided in the form of original composition and postcards. Table 4-3 and Table 4-4 list the signatories of the supportive comments.

Table 4-3: Signatories of Supportive Comments – Original Composition (PRDEIR)

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Table 4-4: Signatories of Supportive Comments – Postcards (PRDEIR)

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Table 4-4 (cont.): Signatories of Supportive Comments – Postcards (PRDEIR)

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Comments in Opposition to the Project

The City of Atascadero received 304 copies of a form letter expressing opposition to the proposed project. The letter expressed objection to using city funds for roadway improvements required as mitigation for the proposed project; refer to Master Response 1 in Section 2, Master Responses for discussion of this issue. Table 4-5 lists the signatories of the form letter. The form letter is reproduced after Table 4-5.

Table 4-5: Signatories of Opposing Comments – Form Letter (PRDEIR)

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<td>Douglas J. Heumann and Eveline Blanchette</td>
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## Table 4-5 (cont.): Signatories of Opposing Comments – Form Letter (PRDEIR)

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### Table 4-5 (cont.): Signatories of Opposing Comments – Form Letter (PRDEIR)

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WE TOLD YOU SO!
Last year, we told Atascadero that Walmart was coming for your tax dollars. Now, they are finally asking for it.

In the city's recently released revision to the project Environmental Impact Report, Walmart's consultant proposes that the City of Atascadero pay the following costs to help build the Walmart Supercenter plan:

- $3.2 million for the proposed roundabouts at Del Rio Road and Highway 101 — compared to only $1.29 million paid by Walmart.
- Unknown additional costs for the closure of the Del Rio Road interchange.
- Unknown costs for additional off-site road improvements.

It's clear that if this project is approved, Atascadero taxpayers are going to foot the bill — a cost that hasn't been fully disclosed but will certainly exceed $3.2 million.

WALMART WANTS A CORPORATE HANDOUT, BUT WE DON'T OWE THEM A DIME.

Please fill out the card below and return it to the city as part of the EIR public comment process. The deadline is April 30th.

City of Atascadero,

Please explain to me why, as taxpayers, we should be forced to pay more for the required traffic improvements in the Walmart plan than the developers who are asking for the improvements.

Additionally, please explain how the city can justifiably attempt to approve the project EIR despite its failure to detail the costs to the City of Atascadero for the closure of the Del Rio Road Interchange and the additional off-site road improvements.

The taxpayers of Atascadero don't owe Walmart or The Annex a dime. They need to pay their own way and stop looking for a public handout.

NAME: Kimberly Steele
SIGNATURE: Kimberly Steele
ADDRESS: 3265 Rancho Viejo, Atascadero ZIP: 93422
City of Atascadero,

Please explain to me why, as taxpayers, we should be forced to pay more for the required traffic improvements in the Walmart plan than the developers who are asking for the improvements.

Additionally, please explain how the city can justifiably attempt to approve the project EIR despite its failure to detail the costs to the City of Atascadero for the closure of the Del Rio Road Interchange and the additional off-site road improvements.

The taxpayers of Atascadero don’t owe Walmart or The Annex a dime. They need to pay their own way and stop looking for a public handout.

NAME: DOUG SELYEM

SIGNATURE: Doug Selyem

ADDRESS: 5595 SAN JACINTO AVE, ATASCADERO, CA. ZIP: 93422-2963
SECTION 5: ERRATA

The following are revisions to the Draft Environmental Impact Report (DEIR) and Partially Recirculated Draft Environmental Impact Report (PRDEIR). These revisions are minor modifications and clarifications to this document and do not materially change the significance of any of the conclusions contained within the DEIR and PRDEIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (stricken).

5.1 - DEIR

Section 2, Project Description

Page 2-1, Second Paragraph

The project location summary has been revised to correct an erroneous reference to the United States Geological Survey 7.5-minute topographic quadrangle map.

The Del Rio Road Commercial Area Specific Plan is located in the City of Atascadero, San Luis Obispo County, California (Exhibit 2-1). The Specific Plan Area is located on the Templeton Atascadero, California, United States Geological Survey 7.5-minute topographic quadrangle map, Township 28 South, Range 12 East, Unsectioned (Latitude 35°30′49″ North; Longitude 120°41′52″ West). The Specific Plan encompasses two adjoining sites separated by Del Rio Road totaling approximately 39 acres located at the Del Rio Road/El Camino Real intersection in the northern portion of Atascadero. The Walmart site totals approximately 26 acres and occupies the southeast quadrant of the intersection, while the Annex site totals approximately 13 acres and occupies portions of the northwest and northeast quadrants of the intersection.

Page 2-33, Last Paragraph and Page 2-34, First Paragraph

The discussion of the future multiple family residential use on the Walmart site has been amended to reflect that the City of Atascadero approved a General Plan update to modify the High Density Residential Land Use Designation from a maximum of 16 units per acre to a minimum of 20 units per acre in January, 2011, and a corresponding Zoning Ordinance Text Change and Zoning Map update to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre) in February, 2011. Consistent with the new zoning approved by the City, the proposed residential multiple-family portion of the project, if approved, would be zoned RMF-20. However, the project will be limited to a maximum of 16 units per acre on the site, consistent with the project application and maximum density analyzed in the Draft EIR. Any subsequent references in the Draft EIR to RMF-16 refer to the maximum density permitted on the site and not the zone, which will be RMF-20.
Multiple Family Residential Use

An approximately 2.8-acre parcel would be reserved for future, multiple-family residential uses that would be developed in later phase after the Walmart and outlots. A maximum of 44 dwelling units could be developed on this parcel. A separate permit would be required for these uses. Note that the EIR will evaluate the development of 44 dwelling units on this parcel.

The Specific Plan requires the multiple family residential use to comply with the development standards and design guidelines for the former RMF-16 zone set forth in the Municipal Code. Note that the City of Atascadero amended its General Plan and Zoning Ordinance in 2011 to permit a minimum of 20 units per acre in this land use designation. However, the Specific Plan’s provisions maintain the 16-units-per-acre limit; thus, the buildout potential remains 44 dwelling units.

Page 2-72, Discretionary and Ministerial Actions, Third Bullet

The discussion of the Zone Change has been revised to reflect that the RMF-20 zoning district replaced the RMF-16 zoning district in 2011.

- Zone Change. Consistent with General Plan Land Use Diagram Amendment, and in connection with the adoption of the Specific Plan, the Walmart project will change the Walmart Site’s existing RMF-20 RMF-16, RMF-10, and a portion of the RS-zoned property to the CR Zone. Further, the remaining approximately 2.8-acres of the existing, residentially designated/zoned property will be changed to RMF-20 RMF-16 to accommodate a residential, multiple-family use proposed to be developed at a later date. The Annex project will change portions of the Annex Site’s existing RSF-X and CPK Zoned property to the CR Zone.

Section 3.4, Cultural Resources

Page 3.4-26, Mitigation Measure CUL-1a

The text of Mitigation Measure CUL-1a has been revised to eliminate the statement that the applicant shall bear the full cost of relocating the Rordorf Residence.

- MM CUL-1a
  Prior to the start of construction activities on the 1800 El Camino Real parcel, the applicant shall relocate the Rordorf Residence to another suitable site, as determined by the City of Atascadero. The applicant shall bear the full cost of all relocation activities.

Section 3.7, Hydrology and Water Quality

Page 3.7-20, Mitigation Measure HYD-4

The text of Mitigation Measure HYD-4 has been revised to clarify the performance standard used for assessing the adequacy of the proposed project’s drainage faculties.
Prior to issuance of grading permits, the project applicant shall retain a qualified civil engineer to prepare and submit a drainage plan to the City of Atascadero that complies with the requirements of the City’s Engineering Department Standard Specifications and Drawings. The drainage plan shall demonstrate that construction of the project will not increase the flood hazard to downstream properties during a 100-year storm event runoff generated on-site during a 100-year storm event will not negatively affect downstream waterways or properties. Onsite retention/detention facilities shall be employed prior to offsite discharge. The City of Atascadero shall review and approve the drainage plan and the project applicant shall incorporate the approved plan into the proposed project plans.

5.2 - PRDEIR

Section ES, Executive Summary

Page ES-2, First Bullet

The description of Existing Plus Project Traffic significant unavoidable impact has been revised to note that this finding only applies to freeway operations.

- **Existing Plus Project Traffic**: The proposed project would generate vehicle trips that would contribute to unacceptable freeway operations, intersection, roadway, and freeway operations, and queuing deficiencies under Existing Plus Project conditions. No feasible mitigation is available for this impact. Mitigation is proposed that would require the applicant to contribute fees to fund necessary improvements; however, there is uncertainty regarding actual implementation of the improvements. As such, the residual significance of this impact is significant and unavoidable.

Page ES-3, Fourth Bullet

The list of significant and unavoidable impacts has been revised to eliminate “Short-Term Construction Traffic and Road Closures” as a significant unavoidable impact.

- **Short-Term Construction Traffic and Road Closures**: The proposed project would generate short-term construction traffic and result in temporary road closures that would cause congestion and delays on surface streets in the project vicinity. Mitigation is proposed that would require the City to implement temporary measures to alleviate congestion and delays; however, feasible improvements are not available for all affected locations. As such, the residual significance of this impact is significant and unavoidable.
Section 3.2, Air Quality and Greenhouse Gas Emissions

Page 3.2-95, Mitigation Measure AIR-2c

Mitigation Measure AIR-2c has been revised to include language encouraging the SLO County APCD to give preference to offsite emissions reduction programs near the project site.

**MM AIR-2c** If the Construction Activity Management Plan (as required by Mitigation Measure AIR-2a) shows that construction emissions exceed either of the quarterly thresholds, the project applicant shall enter into an offsite mitigation agreement with the SLO County APCD with a goal of reducing emissions to below the quarterly thresholds. The offsite mitigation agreement shall identify offsite mitigation measures proposed to be implemented by the applicant and agreed upon by the SLO County APCD to be appropriate and effective to reduce emissions. Alternatively, the offsite mitigation agreement shall identify the mitigation fee required to be paid by the applicant based on the amount of emission reductions needed to bring the project impacts below the quarterly construction thresholds. The applicant shall provide this funding prior to the start of construction to help facilitate emission offsets that are as real-time as possible. SLO County APCD will use the funds to purchase the required emission reductions through offsite mitigation strategies. The agreement requires SLO County APCD approval prior to receiving final grading permits from the City of Atascadero. The emissions reduction agreement must be implemented in addition to the required measures to reduce construction-related diesel equipment exhaust emissions listed in Mitigation AIR-2a. Development and implementation of the emissions reduction agreement shall be fully funded by the applicant. To the extent feasible, preference shall be given to offsite emission reduction projects that are located in or close proximity to the project site City of Atascadero. The applicant shall submit documentation to the City of Atascadero verifying that this has been successfully completed.

**Pages 3.2-95 through 3.2-96, Mitigation Measure AIR-2d**

Mitigation Measure AIR-2d has been revised to correct typographical errors and reference relevant provisions of Mitigation Measure AIR-2f.

**MM AIR-2d** Prior to issuance of building permits, the City of Atascadero shall verify that the following air emissions reduction measures are depicted on building plans:

1. Provide a pedestrian-friendly and interconnected streetscape to make walking more convenient, comfortable, and safe (including appropriate signalization and signage requirements). This shall be coordinated with Mitigation Measures TRANS-6e and TRANS-6f.
2. Provide good access to/from the development for pedestrians, bicyclists, and transit users. This shall be coordinated with Mitigation Measures TRANS-6a through TRANS-6f.

3. Maintain the existing Class II bicycle lane on El Camino Real along the project frontage (in conjunction with frontage improvements) and install a Class II bicycle lane on Del Rio Road along the project frontage. Increase number of connected bicycle routes/lanes in the vicinity of the project.

4. Increase density within the urban core and urban reserve lines.

5. Provide a buffer zone between source and receptor and plant vegetation between receptor and roadway.

6. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles. The landscaping design shall provide 50 percent tree coverage within 10 years of construction using low ROG-emitting, low-maintenance, native drought resistant trees.

7. Pave and maintain the roads and parking areas.

8. Use native plants that do not require watering and are low ROG emitting.

9. Provide easements or land dedications and construct bikeways and pedestrian walkways as part of roadway improvements along the project frontage.

10. Implement onsite circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.

11. Provide employee lockers in buildings with a minimum of 50 employees.

12. Plant drought-tolerant native shade trees along southern exposures of buildings to reduce energy used to cool buildings in summer.

13. Utilize green-building materials (materials which are resource-efficient, recycled, and sustainable) available locally, if possible.

14. Demonstrate that buildings incorporate all feasible energy efficiency measures with a goal of exceeding the minimum Title 24 efficiency standards by 20 percent or more.

15. Utilize energy efficient street lights.

16. Utilize energy efficient interior lighting.

17. Install energy-reducing programmable thermostats.

18. Use roofing material with solar reflectance values meeting the EPA/DOE Energy Star rating to reduce summer cooling.

19. Provide and maintain a kiosk displaying transportation information in a prominent area accessible to employees and patrons as part of the Transportation Demand Management Program as required by Mitigation Measure AIR-2f.

20. Provide improved public transit amenities (such as covered transit turnouts, direct pedestrian access, covered bench, route information displays, lighting, etc.) as required by Mitigation Measure TRANS-6a.
21. Provide secure onsite bicycle parking as required by Mitigation Measure TRANS-6b.
22. Provide onsite eating, refrigeration and food vending facilities.
23. Implement a Transportation Demand Management Program as required by Mitigation Measure AIR-2f-Transportation Choice Program to reduce employee commute trips. The applicant shall work with Rideshare for free consulting services on how to start and maintain a program.
24. Provide incentives to employees to carpool/vanpool, take public transportation, walk, bike, etc. as part of the Transportation Demand Management Program as required by Mitigation Measure AIR-2f.
25. Install signs in loading areas advising truck drivers about the CARB Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. The sign shall read, “Truck driver shall not idle the vehicle’s primary diesel engine for greater than 5 minutes at any location.”

**Page 3.2-97, After Mitigation Measure AIR-2e**

A new mitigation measure has been added (Mitigation Measure AIR-2f) to address various comment about Transportation Demand Management.

**MM AIR-2f** Prior to issuance of the first certificate of occupancy for the first commercial building, the project applicant shall submit a Transportation Demand Management (TDM) Program to the City of Atascadero for review and approval. The TDM program shall be prepared by a qualified transportation consultant/engineer and identify TDM measures for the Walmart and Annex commercial uses. The TDM program shall contain the following provisions:

- The TDM program shall establish a goal of reducing AM peak-hour, PM peak-hour, and Saturday midday peak-hour trips associated with employee travel by a minimum of 10 percent.
- The TDM program shall be reviewed annually (or more frequently if needed) to determine that it reflects the needs and priorities of project tenants and their employees. Changes shall be made on an as needed basis in order to ensure that the TDM program can readily attain the 10 percent reduction goal.
- The TDM program may include, but not be limited to, the following measures:
  - Employer-sponsored vanpooling or carpooling, which may also involve provision of vehicles, staffed-ride matching services, and guaranteed ride home programs to increase participation.
  - Incentives for non-single-occupant vehicle commute trips (i.e., carpooling/vanpooling, transit, bicycling, walking, etc.)
  - Flex time scheduling to avoid peak hour travel
Section 3.9, Noise  

Page 3.9-35, Last Paragraph

The last paragraph has been revised to strike an erroneous statement.

The vehicle mixes used in the FHWA-RD-77-108 Model have been provided previously in Table 3.9-15. The FHWA-RD-77-108 Model utilized the SR-145, SR-180, and local vehicle mixes, which have been obtained from the Caltrans website.

Section 3.11, Transportation

Pages 3.11-54 through 3.11-56, Existing Plus Project

The discussion of Existing Plus Project traffic impacts has been revised to reflect the changes to Mitigation Measures TRANS-1d and TRANS-1e, which now require the installation of the Del Rio Road interchange roundabouts prior to issuance of the first certificate of occupancy for the Annex commercial uses.

Del Rio Road/US 101 Northbound Ramps

The proposed project would add traffic to the intersection of Del Rio Road/US 101 Northbound Ramps, increasing average vehicle delays and causing the intersection operation to fall below the City standard of LOS C. This is considered a potentially significant impact.

To mitigate this impact, the City shall convert the intersection to a single-lane modern roundabout. Provide a 150-foot-long, right-turn bypass lane on the westbound approach. Based on conceptual plans for these improvements, it appears that the roundabout could be constructed mostly within the available City and Caltrans rights-of-way, and could potentially utilize the existing overpass structure, though additional right-of-way may be needed on the northeast intersection corner. The City will construct this regional improvement using funding from the City’s TIF program where this is an identified improvement project. Implementation of the roundabout would need to occur in tandem with implementation of roundabout mitigations at the adjacent US 101 Southbound ramp intersection. These improvements are shown in Exhibit 3.11-6.

These improvements are reflected in Mitigation Measure TRANS-1d. Improving the intersection would result in acceptable LOS A or B operation during all peak hours analyzed, reducing the impact to a level of less than significant. This interchange is part of the City’s TIF program, but it is not currently funded. The applicant shall pay proportional share traffic
impact fees for construction of these improvements. Because the improvements are on Caltrans’s right-of-way, the City should coordinate with Caltrans to gain its approvals for final design and implementation of the roundabouts.

Mitigation Measure TRANS-1d requires the installation of the roundabouts prior to issuance of the first certificate of occupancy for the Annex commercial uses. As such, there is certainty that this improvement would be in place to fully mitigate the impact.

Notwithstanding the foregoing, neither the City nor the applicants have full control over the timing of completion of the Del Rio Road/US 101 Northbound roundabout improvements. This is because (1) the improvement is under the jurisdiction of Caltrans, and thus requires Caltrans’s approval prior to implementation, and (2) acquisition of the necessary rights of way relies on cooperation of third-party landowners. Furthermore, the City cannot guarantee with certainty when the remainder of the traffic impact fee funding paid by future developers will be available. Accordingly, although the applicants’ payment of fair-share fees is part of a reasonable plan of actual mitigation that the City is committed to implementing, consistent with the requirements set forth in Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, the City cannot assure with certainty that improvements will be in place prior to the opening of the Walmart store. CEQA requires only a reasonable plan for mitigation and not a time-specific schedule for the completion of specific mitigation measures, such as specific road improvements (Save our Peninsula Committee v. Monterey County Board of Supervisors, 87 Cal.App.4th 99, 141). In view of this uncertainty, this analysis considers these impacts to be significant and unavoidable even though there is a reasonable expectation that these impacts will be mitigated through the TIF program in the future.

Del Rio Road/US 101 Southbound Ramps

The proposed project would add traffic to the intersection of Del Rio Road/US 101 Southbound Ramps, increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. This is considered a potentially significant impact.

To mitigate this impact, the City shall construct a five-legged, single-lane modern roundabout that incorporates Ramona Road as the fifth approach. Based on conceptual plans for these improvements, it appears that the roundabout could be constructed mostly within the available City and Caltrans rights-of-way, and could potentially utilize the existing overpass structure, though additional right-of-way may be needed on the northwest intersection corner. The City will construct this regional improvement using funding from the City’s TIF program where this is an identified improvement project. Implementation of the recommendation to install a roundabout would need to occur in tandem with implementation of roundabout mitigations at the adjacent US 101 Northbound ramp intersection. These improvements are shown in Exhibit 3.11-6.
These improvements are reflected in Mitigation Measure TRANS-1e. Improving the intersection would result in acceptable LOS A during all peak hours analyzed, reducing the impact to a level of less than significant. This interchange is part of the City’s TIF program, but it is not currently funded. The applicants shall pay proportional share traffic impact fees for construction of these improvements. Because the improvements are on Caltrans’s right-of-way, the City should coordinate with Caltrans to gain its approvals for final design and implementation of the roundabouts.

Mitigation Measure TRANS-1e requires the installation of the roundabouts prior to issuance of the first certificate of occupancy for the Annex commercial uses. As such, there is certainty that this improvement would be in place to fully mitigate the impact.

Notwithstanding the foregoing, neither the City nor the applicants have full control over the timing of completion of the Del Rio Road/US 101 Northbound roundabout improvements. This is because (1) the improvement is under the jurisdiction of Caltrans, and thus requires Caltrans’s approval prior to implementation, and (2) acquisition of the necessary rights of way relies on cooperation of third-party landowners. Furthermore, the City cannot guarantee with certainty when the remainder of the traffic impact fee funding paid by future developers will be available. Accordingly, although the applicants’ payment of fair-share fees is part of a reasonable plan of actual mitigation that the City is committed to implementing, consistent with the requirements set forth in Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, the City cannot assure with certainty that improvements will be in place prior to the opening of the Walmart store. CEQA requires only a reasonable plan for mitigation and not a time-specific schedule for the completion of specific mitigation measures, such as specific road improvements (Save our Peninsula Committee v. Monterey County Board of Supervisors, 87 Cal.App.4th 99, 141). In view of this uncertainty, this analysis considers these impacts to be significant and unavoidable even though there is a reasonable expectation that these impacts will be mitigated through the TIF program in the future.

Page 3.11-58, Conclusion Paragraph

The Existing Plus Project traffic conclusion has been revised to reflect the changes to Mitigation Measures TRANS-1d and TRANS-1e, which now require the installation of the Del Rio Road interchange roundabouts prior to issuance of the first certificate of occupancy for the Annex commercial uses. This renders the intersection operations, roadway segment operations, and queuing impacts to be less than significant, with only the freeway operations impacts remaining significant and unavoidable.

Conclusion

The proposed projects would contribute trips to intersections, roadway segments, freeway segments, and queues that would operate at unacceptable levels. Mitigation has been
identified that would improve most unacceptable operations to acceptable levels. However, no feasible mitigation is available directly to mitigate impacts to US 101 and, therefore, the residual significance of these impacts is considered to be significant and unavoidable. However, mitigation would not fully mitigate the project's impact to US 101, and in other cases, the feasibility of the necessary improvements is uncertain because (1) the necessary improvements are under Caltrans jurisdiction; (2) acquisition of necessary rights-of-way relies on cooperation of third parties, which is uncertain at the time of this writing; (3) the necessary improvements are not programmed into an “actual plan for mitigation”; and/or (4) payment of proportional fair share traffic impact fees will not guarantee timely construction of the improvements. As such, the City of Atascadero cannot assure that all necessary improvements would be in place at the precise time of the impact; therefore, the residual significance of these impacts is considered to be significant and unavoidable.

**Page 3.11-59, Mitigation Measures TRANS-1d and TRANS-1e**

The text of Mitigation Measures TRANS-1a and TRANS-1e has been revised to require that the roundabouts at the US 101/Del Rio Road interchange be in place no later than the issuance of the first certificate of occupancy for the Annex commercial uses.

**MM TRANS-1d**

Prior to issuance of each building permit for the project, the project applicant shall provide the City of Atascadero with proportional-share fees for the conversion of the intersection of Del Rio Road/US 101 Northbound Ramps to a single-lane modern roundabout with a minimum 150-foot-long, right-turn bypass lane on the westbound approach. The traffic impact fee shall be based on the size of the building subject to the building permit and shall be consistent with the proportional share methodology prepared by RCS as described in the “TIF Collection Process” discussion in Section 3.11, Transportation. The City of Atascadero shall collect the fees and shall be responsible for constructing the roundabout improvements. Implementation of the northbound and southbound roundabouts shall occur in tandem. The roundabout shall be in place no later than the issuance of the first certificate of occupancy for the Annex commercial uses.

**MM TRANS-1e**

Prior to issuance of each building permit for the project, the project applicant shall provide the City of Atascadero with proportional-share fees for the construction of a five-legged, single-lane modern roundabout at the intersection of Del Rio Road/US 101 Southbound Ramps that incorporates Ramona Road as the fifth approach. The traffic impact fee shall be based on the size of the building subject to the building permit and shall be consistent with the proportional share cost methodology prepared by RCS as described in the “TIF Collection Process” discussion in Section 3.11, Transportation. The City of Atascadero shall collect the fees and shall be responsible for constructing the roundabout improvements. Implementation of the northbound
and southbound roundabouts shall occur in tandem. The roundabout shall be in place no later than the issuance of the first certificate of occupancy for the Annex commercial uses.

**Page 3.11-73, First Paragraph**
The paragraph has been revised to correct a formatting error.

The proposed Walmart project would add traffic to the US 101 corridor, which before the addition of project traffic is already projected to operate unacceptably at LOS D both to the north and south of Del Rio Road. The Baseline PM peak-hour freeway service flow rates on US 101 are shown in Table 3.11-28 for northbound and southbound traffic, both without and with traffic volumes from the proposed project.

**Page 3.11-123, Mitigation Measure TRANS-6f**
The text of Mitigation Measure TRANS-6f has been revised to correct a typographical error.

**MM TRANS-6f**
Prior to acceptance of improvements to El Camino Real, Del Rio Road, and the new public street serving Walmart, the City of Atascadero shall verify that crosswalk markings have been installed across all driveway access points leading to and from the project sites. Additionally, high visibility markings similar shall be installed across the southern driveway from “Proposed Public Street.”

**Pages 3.11-131 through 3.11-134, Baseline Plus Project – Closure of Del Rio Road Interchange**
The Baseline Plus Project – Del Rio Road interchange closure scenario has been revised to reflect the changes to Mitigation Measures TRANS-1d and TRANS-1e.

**Baseline Plus Project**

**El Camino Real/San Benito Road**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would create unacceptable LOS F operation at the intersection of El Camino Real/San Benito Road.

However, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, the Del Rio Road interchange roundabouts must be in place prior to the first certificate of occupancy for the Annex commercial uses. Thus, this intersection would operate at acceptable LOS and would not degrade to unacceptable LOS.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the intersection of El Camino Real/San Benito Road, increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. Side street traffic on San Benito Road would
experience higher than normal delays due to the increased traffic on El Camino Real. Because the nature of the impact is temporary and no interim measures are available, the cost of the potential mitigation measures would be economically infeasible.

**El Camino Real/San Anselmo Road (North)**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would create unacceptable LOS F operation at the intersection of El Camino Real/San Anselmo Road (North).

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the intersection of El Camino Real/San Anselmo Road (North), increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. This is considered a significant impact.

Implementation of the signal required by Mitigation Measure TRANS-1b would result in acceptable LOS C operation during the analyzed peak hours.

**San Anselmo Road/US 101 Northbound Ramps**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would create unacceptable LOS F operation at the intersection of San Anselmo Road/US 101 Northbound Ramps.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the intersection of San Anselmo Road/US 101 Northbound Ramps, increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. This is considered a significant impact.

The stationing of trained traffic control officers at this interchange during peak hours would be expected to allow acceptable queuing operation. This recommendation is reflected in Mitigation Measure TRANS-7b.

**El Camino Real/San Anselmo Road (South)**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions, traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would create unacceptable LOS D operation at the intersection of El Camino Real/San Anselmo Road (South) and create eastbound queuing problems due to the heavy left-turning volumes.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the intersection of El Camino Real/San Anselmo Road (South), increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. This is considered a significant impact.
operation to fall below the City standard of LOS C as well as cause backups into the 101 ramp intersections. This is considered a significant impact.

However, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, the Del Rio Road interchange roundabouts must be in place prior to the first certificate of occupancy for the Annex commercial uses. Thus, this intersection would operate at acceptable LOS and would not degrade to unacceptable LOS.

Although a temporary impact, the queuing would cause additional backups through the already impacted interchange area. Therefore, the segment of San Anselmo Road between El Camino Real and US 101 Northbound Ramp intersection should be restriped within the existing, 46-foot pavement to provide three eastbound lanes (one right, one through left, one left) and one westbound lane. This would require removal of the existing narrow median. These improvements would improve operations to acceptable LOS C or better. This recommendation is reflected in Mitigation Measure TRANS-7d.

San Anselmo Road/US 101 Southbound Ramps
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would create unacceptable LOS F operation at the intersection of San Anselmo Road/US 101 Southbound Ramps.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the intersection of San Anselmo Road/US 101 Southbound Ramps, increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. This is considered a significant impact.

The stationing of trained traffic control officers at this interchange during peak hours would be expected to allow acceptable queuing operation. This recommendation is reflected in Mitigation Measure TRANS-7c.

El Camino Real/San Ramon Road
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would create unacceptable LOS E operation at the intersection of El Camino Real/San Ramon Road.

However, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, the Del Rio Road interchange roundabouts must be in place prior to the first certificate of occupancy for the Annex commercial uses. Thus, this intersection would operate at acceptable LOS and would not degrade to unacceptable LOS.
The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the intersection of El Camino Real/San Ramon Road, increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. Traffic would experience higher than normal delays due to the increased traffic. Because the nature of the impact is temporary and no interim measures are available, the cost of the potential mitigation measures would be economically infeasible.

**El Camino Real/US 101 Northbound Ramps (at the San Ramon Road Interchange)**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would create unacceptable LOS D operation at the intersection of El Camino Real/US 101 Northbound Ramps.

However, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, the Del Rio Road interchange roundabouts must be in place prior to the first certificate of occupancy for the Annex commercial uses. Thus, this intersection would operate at acceptable LOS and would not degrade to unacceptable LOS.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the intersection of El Camino Real/US 101 Northbound Ramps, increasing average vehicle delays and causing intersection operation to fall below the City standard of LOS C. Traffic would experience higher than normal delays due to the increased traffic. Because the nature of the impact is temporary and no interim measures are available, the cost of the potential mitigation measures would be economically infeasible.

**El Camino Real – San Ramon Road and Del Rio Road**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would cause unacceptable LOS E operation on the arterial segment of El Camino Real between San Ramon Road and Del Rio Road.

However, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, the Del Rio Road interchange roundabouts must be in place prior to the first certificate of occupancy for the Annex commercial uses. Thus, this roadway segment would operate at acceptable LOS and would not degrade to unacceptable LOS.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the segment of El Camino Real, causing the segment to operate unacceptably at LOS E. Traffic would experience slower than normal speeds due to the increased traffic. Because the nature of the impact is temporary and
no interim measures are available, the cost of the potential mitigation measures would be economically infeasible.

**El Camino Real – Walmart Project Driveway and San Benito Road**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would cause unacceptable LOS E operation on the arterial segment of El Camino Real between the Walmart project access driveway and San Benito Road.

However, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, the Del Rio Road interchange roundabouts must be in place prior to the first certificate of occupancy for the Annex commercial uses. Thus, this roadway segment would operate at acceptable LOS and would not degrade to unacceptable LOS.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the segment of El Camino Real, causing the segment to operate unacceptably at LOS E. Traffic would experience slower than normal speeds due to the increased traffic. Because the nature of the impact is temporary and no interim measures are available, the cost of the potential mitigation measures would be economically infeasible.

**El Camino Real – San Benito Road and San Anselmo Road**
Under Baseline plus Projects with Closure of Del Rio Interchange conditions traffic associated with the projects’ traffic and the diversion of projected traffic originally bound for the Del Rio Interchange would cause unacceptable LOS E operation on the arterial segment of El Camino Real between San Benito Road and San Anselmo Road.

However, with the changes to Mitigation Measures TRANS-1d and TRANS-1e, the Del Rio Road interchange roundabouts must be in place prior to the first certificate of occupancy for the Annex commercial uses. Thus, this roadway segment would operate at acceptable LOS and would not degrade to unacceptable LOS.

The addition of the projects’ traffic in addition to the diversion of projected traffic originally bound for the Del Rio Interchange would add traffic to the segment of El Camino Real, causing the segment to operate unacceptably at LOS E. Traffic would experience slower than normal speeds due to the increased traffic. Because the nature of the impact is temporary and no interim measures are available, the cost of the potential mitigation measures would be economically infeasible.

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Page 3.11-134, Conclusion Paragraph
The Impact TRANS-7 conclusion has been revised to reflect the prior changes.
Conclusion

During construction of the proposed projects and associated roundabouts on Del Rio Road, short-term road closures may occur that result in congestion and delays on surface streets. All feasible mitigation measures have been identified that would partially alleviate congested and delayed conditions at certain intersections and roadway segments. As such, impacts would be fully mitigated to a level of less than significant. However, no feasible improvements are available at certain intersections and roadway segments; therefore, these facilities may experience unacceptable operation during construction. As such, the residual significance of this impact is significant and unavoidable.

Page 3.11-136, MM TRANS-7d and Level of Significance After Mitigation Statement

Mitigation Measure TRANS-7d has been eliminated and the Level of Significance After Mitigation has been changed to “Less than significant impact,” reflecting the prior changes.

MM TRANS-7d—If both the Walmart and Annex portions of the project are operational, prior to closure of the US 101/Del Rio Road interchange, the City of Atascadero shall reconfigure San Anselmo Road between El Camino Real and the US 101 northbound ramps to provide three eastbound lanes (one right, one through-left, one left) and one westbound lane. The lane reconfiguration shall be accomplished by removing the existing median and restriping. The eastbound left-turn lanes shall be in place during the duration of the closure of the US 101/Del Rio Road interchange. The lanes can be removed once the interchange is reopened.

Level of Significance After Mitigation

Less than significant impact

Significant unavoidable impact.

Section 4, Cumulative Effects

Page 4-13, Second Paragraph

The transportation cumulative effects discussion has been revised to reflect the amended finding that “Short-Term Construction Traffic and Road Closures” is a less than significant impact.

Additionally, the proposed project would generate short-term construction traffic and would result in temporary road closures that may cause congestion and delays on surface streets in the project vicinity. Mitigation is proposed requiring the implementation of various temporary traffic control measures to alleviate congestion and delays, which would fully mitigate impacts to a level of less than significant. However, feasible mitigation is not available for all affected intersections and roadway segments and, therefore, several facilities may operate at unacceptable levels during construction. Therefore, the proposed project, in
conjunction with other projects, would not have a cumulatively considerable contribution to unacceptable traffic operations during short-term construction activities.

Section 5, Alternatives to the Proposed Project

Page 5-1, Second Bullet

The description of Existing Plus Project Traffic significant unavoidable impact has been revised to note that this finding only applies to freeway operations.

- **Existing Plus Project Traffic:** The proposed project would generate vehicle trips that would contribute to unacceptable freeway operations, intersection, roadway, and freeway operations, and queuing deficiencies under Existing Plus Project conditions. **No feasible mitigation is available for this impact.** Mitigation is proposed that would require the applicant to contribute fees to fund necessary improvements; however, there is uncertainty regarding actual implementation of the improvements. As such, the residual significance of this impact is significant and unavoidable.

Page 5-2, Second Bullet

The list of significant and unavoidable impacts has been revised to eliminate “Short-Term Construction Traffic and Road Closures” as a significant unavoidable impact.

- **Short-Term Construction Traffic and Road Closures:** The proposed project would generate short-term construction traffic and result in temporary road closures that would cause congestion and delays on surface streets in the project vicinity. Mitigation is proposed that would require the City to implement temporary measures to alleviate congestion and delays; however, feasible improvements are not available for all affected locations. As such, the residual significance of this impact is significant and unavoidable.

Page 5-19, Last Paragraph

The last paragraph has been revised to reflect the changes to the conclusion of the “Short-Term Construction Traffic and Road Closures” impact.

As with the proposed project, the Walmart Only Alternative would generate short-term construction traffic and would result in temporary road closures that may cause congestion and delays on surface streets in the project vicinity. Mitigation is proposed requiring the implementation of various temporary traffic control measures to alleviate congestion and delays (Mitigation Measure TRANS-7a). However, because the Walmart Only Alternative does not trigger a need to install roundabouts at the US 101/Del Rio Road interchange in the near term, the temporary closure of this interchange would be delayed. As such, it would lessen the severity of this impact. Although this would not necessarily avoid the significant...
unavoidable impact conclusion or the need for Mitigation Measures TRANS-7b through TRANS-7d, it would lessen the severity of this impact.

Section 6, Other CEQA Considerations

Page 6-1, Second Bullet

The description of Existing Plus Project Traffic significant unavoidable impact has been revised to note that this finding only applies to freeway operations.

- **Existing Plus Project Traffic:** The proposed project would generate vehicle trips that would contribute to unacceptable freeway operations, intersection, roadway, and freeway operations, and queuing deficiencies under Existing Plus Project conditions. No feasible mitigation is available for this impact. Mitigation is proposed that would require the applicant to contribute fees to fund necessary improvements; however, there is uncertainty regarding actual implementation of the improvements. As such, the residual significance of this impact is significant and unavoidable.

Page 6-2, First Bullet

The list of significant and unavoidable impacts has been revised to eliminate “Short-Term Construction Traffic and Road Closures” as a significant unavoidable impact.

- **Short-Term Construction Traffic and Road Closures:** The proposed project would generate short-term construction traffic and result in temporary road closures that would cause congestion and delays on surface streets in the project vicinity. Mitigation is proposed that would require the City to implement temporary measures to alleviate congestion and delays; however, feasible improvements are not available for all affected locations. As such, the residual significance of this impact is significant and unavoidable.