

Milpitas Walmart Expansion Project Final Environmental Impact Report

SCH No. 2009032018



City of Milpitas ■ February 18, 2010



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FINAL
Environmental Impact Report
Milpitas Walmart Expansion Project
City of Milpitas, Santa Clara County, California
SCH No. 2009032018

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Milpitas, as the lead agency, evaluated the comments received on the Milpitas Walmart Expansion Project Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2009032018) and has prepared the following responses to comments. Note that this document addresses comments that were received after closing of the public review period.

This document is organized into these sections:

- **Section 1** - Introduction.
- **Section 2** - Master Responses: Provides comprehensive responses to similar comments made by multiple authors.
- **Section 3** - Responses to Written Comments on the Draft EIR: Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4** - Errata: Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

Because of its length, the text of the Draft EIR is not included with these written responses; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the DEIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the DEIR is not required.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Comments on the Draft EIR and Errata (Sections 2, 3, and 4 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 Milpitas. Master responses are provided in the order in which they are referenced in the responses in Section 3.

Below is a list of the master responses.

- Master Response 1 – Walmart Corporate Practices
- Master Response 2 – Urban Decay Analysis
- Master Response 3 – Traffic
- Master Response 4 – Energy Efficiency
- Master Response 5 – General Plan Consistency
- Master Response 6 – Draft EIR Length

2.2 - Master Responses

Master Response 1 – Walmart Corporate Practices

Various authors expressed concern or opposition to Walmart Stores, Inc. corporate practices. Comments focused on wages, benefits, hiring practices, litigation, market share, overseas suppliers, 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 exists illustrating physical changes to the environment from social and economic changes, such issues are outside the scope of CEQA review.

In this case, no evidence has been presented by any of the authors demonstrating that Walmart's corporate practices 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 and, therefore, these issues are outside the purview of the document.

Note that this does not preclude decision makers from considering these factors in weighing the merits of the proposed project; rather, it simply means that these issues are outside of the Draft EIR's scope.

Master Response 2 – Urban Decay Analysis

A number of authors provided comments on the urban decay analysis and related issues. Topics included the market area, Save Mart, Nob Hill, ethnic grocery stores, non-discount retail, other Walmart stores, changes in employment and tax revenues, traffic and air pollution impacts, and CBRE Consulting. This master response will first summarize the conclusions of the urban decay analysis and then address each of the specific topics raised by the various authors.

Urban Decay Analysis Conclusions

As explained on page 4.11-1, urban decay was defined by the California Fifth District Court of Appeals in *Bakersfield Citizens for Local Control v. City of Bakersfield* as “land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake.” Accordingly, CBRE Consulting prepared an urban decay analysis that assessed current and future market conditions to determine whether store closures would occur.

CBRE Consulting found that the proposed project would generate \$12.4 million in food sales within the market area from the addition of the grocery component. Of this figure, \$3.5 million were projected to be diverted sales from existing outlets; refer to Table 4.11-16. Put into perspective, the sales diversions represent 1.2 percent of total food sales within the market area.

CBRE Consulting then evaluated how the sales diversions would affect grocery stores within the market area. A key tenet to this analysis is the assumption that the Walmart grocery component will primarily compete with similar stores—discount and conventional grocery stores—and minimally compete with dissimilar stores—upscale and ethnic grocery stores. The analysis found that the two stores likely to experience the most negative sales impacts are the Save Mart in Calaveras Plaza and the Safeway in Milpitas Town Center because they are closest to the Walmart store. However, the proposed Walmart grocery component itself (i.e., in the absence of any other grocery projects) would not divert enough sales to cause closure; refer to page 4.11-51.

To account for other pending and approved projects in the market area, CBRE Consulting performed a cumulative analysis to assess how the Walmart grocery component and these other projects (some of which include food store uses) would affect existing retailers. (One notable project that was included was the Creekside Landing Project in Fremont, which the City of Fremont approved on December 10, 2009 and January 26, 2010 and which was assumed to include a Target store that would generate \$1.9 million in food sales. It is now believed that Target may not pursue a store at this site.) As shown in Table 4.11-25, the expanded Walmart and the cumulative projects would achieve \$22.1 million in food sales diversions from existing retailers. CBRE Consulting concluded that one or more grocery stores may be at risk of closure under the cumulative scenario, but noted that local grocery stores have the benefit of being convenient to nearby residential areas, which would likely minimize the amount of lost sales. Again, it should be emphasized that grocery stores such as

Save Mart were deemed to be at risk of closure only under the cumulative scenario, which accounts for a number of other projects that may or may not come to fruition.

Regardless, CBRE Consulting concluded that urban decay was unlikely to occur because the market area is robust and has a history of re-tenanting vacant storefronts. Furthermore, other considerations such as long-term leases and the City of Milpitas' anti-graffiti ordinance (which requires property owners to remove graffiti within a specified time period) provide safeguards such that, even if vacant storefronts do persist, physical deterioration of these spaces is not likely to occur. For these reasons, urban decay impacts were found to be less than significant.

Market Area

Several authors asserted that the geography of the traffic study does not correspond with the market area used in the urban decay analysis. These authors characterized this as odd and deserving of an explanation and a second look.

Both Kimley-Horn and Associates (the traffic consultant) and CBRE Consulting coordinated their respective study areas with each other. As shown in Exhibit 4.10-1 (Study Intersections) and Exhibit 4.11-1 (Milpitas Walmart Market Area and Competitive General Merchandise Retailers), all of the study intersections are within the market area boundaries.

Furthermore, both studies are internally consistent in terms of geographies from which the expanded Walmart store will draw. For example, both studies used existing Walmart store locations as a key factor in determining where customers would originate; refer to pages 4.10-31 and 4.11-2.

Reinforcing this point, Kimley-Horn provided a copy of the urban decay market area in the appendices of its traffic study (refer to Appendix H).

A freestanding discount superstore such as a Walmart that retails groceries will typically draw from a large market area; however, its traffic impacts will only be acutely observed on the roadway network in the vicinity of the store. Accordingly, the urban decay analysis used a large market study area, while the traffic analysis used a smaller study area. Both approaches are consistent with respective industry practice.

In conclusion, the traffic and urban decay study areas are internally consistent and were developed in accordance with industry practice. None of the authors provided any evidence as to why the study areas are inappropriate and, therefore, no further response is necessary.

Save Mart

Several authors asserted that the Draft EIR stated that the Save Mart in Calaveras Plaza would close as a result of the proposed project and either stated or implied that this was a significant impact.

As stated above, CBRE Consulting concluded one or more grocery stores may be at risk of closure under the cumulative scenario; no stores are anticipated to close simply because of the Walmart

expansion. However, store closure alone is not sufficient to cause urban decay. Moreover, the negative sales impacts could instead be spread among a number of stores such that the sales declines will not be severe enough to trigger store closure. The analysis found that the commercial retail market surrounding the Milpitas Walmart store is healthy with relatively low vacancy and a history of retenanting of space. Therefore, one or more grocery store closures are not likely to lead to urban decay and do not present a significant impact in need of mitigation.

Nob Hill

Several authors stated that Nob Hill in Foothill Square would be at risk of closure because of the proposed project.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of the Nob Hill supermarket in Foothill Square and concluded that the store would be unlikely to compete with Walmart because of its conventional orientation and location within a residential neighborhood; refer to page 4.11-40. None of the authors provided specific comments on this conclusion.

Ethnic Grocery Stores and Non Discount Grocery Stores

Several authors claimed that the urban decay analysis is inadequate because it assumes that the expanded Walmart store would not compete with ethnic grocery stores or non-discount grocery stores but provides no evidence to this effect. One author stated that ethnic food stores sell items such as dairy and produce, which can also be purchased at discount food centers. The same author claimed that smaller ethnic food stores were entirely excluded from review.

As stated previously, a key tenet of the urban decay analysis is that the Walmart grocery component will compete primarily with similar stores—discount and conventional grocery store. Walmart would compete minimally with upscale and ethnic-oriented stores because of price and selection, which is a widely accepted principle in the grocery industry. Although ethnic food stores may indeed carry dairy and produce items, typically there will be substantial differences between those items sold at Walmart and at other traditional grocery stores. Illustrating this point, Table 2-1 provides a comparison between the items sold at Marina Grocery in Beresford Square—an ethnic grocery store—and the SaveMart in Calaveras Plaza, which is the food store most similar to Walmart’s proposed grocery component.

Table 2-1: Comparison of Food Stores

Category	Marina Grocery	SaveMart
Produce	Large selection of fruits and vegetables; Bulk quantities of yams, pomelos, papayas, tangerines, grapefruits; extensive selection of leafy greens	Smaller selection of fruits and vegetables; primarily traditional items (lettuce, tomatoes, oranges, bananas)
Seafood	Extensive selection of seafood with staffed counter; Numerous fish and shellfish species (e.g., mackerel, carp, mussels, oysters); Live fish and shellfish (e.g., catfish, cod, sturgeon, lobster, etc.); fish balls	Very small selection; all frozen
Meats	Broad selection of pork and chicken; goat; limited selection of beef; large selection of Chinese sausages	Large selection of beef (e.g., steaks and ground beef); moderate selection of chicken; small selection of pork
Dairy and Eggs	Soy milk, soybean drink; traditional milk; limited cheese selection; duck eggs	Extensive selection of traditional milk and cheese; chicken eggs
Baked Goods	Steamed bread; rice cakes; little to no selection of traditional cakes or pastries	Large selection of traditional cakes, breads, muffins, pastries
Alcohol	Mainstream brands and Asian brands	Mainstream brands and microbrews
<p>Notes: Observations based on site visits to both stores on February 6, 2010. Source: Michael Brandman Associates</p>		

As summarized in Table 2-1, there are substantial differences between the items carried at Marina Grocery and SaveMart. For example, Marina Grocery carries substantially larger selections of produce and seafood, while SaveMart has deeper selections of traditional dairy products and baked goods. Furthermore, Marina Grocery provides bilingual signage and advertising (English and Chinese), while SaveMart provides signage and advertising exclusively in English. While there is some overlap between the two stores (e.g., ice cream), it is apparent that each store offers a significantly different shopping experience such that a typical customer would not view the two stores as similar and interchangeable. Thus, one would expect consumers to show a clear preference for one store or the other, with little overlap in customer base. This is the basis for the Draft EIR’s conclusion that ethnic grocery stores would not experience significant lost sales to the expanded Walmart. None of the authors presented any evidence as to why Walmart would in fact compete substantially with upscale or ethnic-oriented grocery stores.

Regarding the claim that the Draft EIR entirely excluded smaller ethnic food stores from evaluation, note that no examples of smaller stores were provided. Regardless, smaller ethnic food stores would be more akin to convenience stores than grocery stores and, therefore, would have minimal potential to compete with the expanded Walmart because of little to no overlap in selection.

Other Walmart Stores

Two authors asserted that the urban decay analysis did not evaluate the potential for the expanded Milpitas Walmart to siphon customers from other existing Walmart stores in the East Bay and South Bay. Both authors suggested that Walmart may transfer employees from other existing stores to the Milpitas store and, thus, result in no new job creation for the region.

The market area used in the urban decay analysis accounted for existing Walmart stores in Fremont, San Jose, and Mountain View; refer to page 4.11-2. The relevant paragraph from page 4.11-2 is reprinted below:

The most competitive stores in the region are the three Walmart discount stores; therefore, the market area does not contain any of these other Walmart stores. *Since the Milpitas Walmart will have a large grocery component, it is likely to draw some current customers of these Walmart discount stores, especially those customers living closest to Milpitas.* The market area reflects this reality. Although the boundary of the market area cuts in half the distance between the Milpitas and Mountain View Walmart stores, the market area extends beyond the halfway mark between the Milpitas and Fremont Walmart stores and between the Milpitas and San Jose Walmart stores. This is because the Fremont and San Jose Walmart stores are in closer proximity to the Milpitas Walmart than the Mountain View store. In general, if the Walmart stores offered the same products it would be expected that customers would drive to the store closest to where they live. However, the Milpitas Walmart is the only Walmart store in this area that will be offering a full grocery selection. *Therefore, it is expected that some customers will drive to the Milpitas store even if the Fremont or San Jose store is closer.* Given the longer distance to the Mountain View Walmart, it is expected that very few customers living closer to the Mountain View store will drive to Milpitas to do their grocery shopping. [emphasis added]

To summarize, the Draft EIR's analysis did assume that the expanded Milpitas Walmart would attract customers who currently patronize other existing Walmart stores in Alameda County and Santa Clara County. Therefore, this analysis was provided in the Draft EIR contrary to the authors' claim.

Regarding the claim about jobs being transferred, Walmart representatives indicate that the proposed project's new employment opportunities would be "new" and not existing jobs reassigned from other Walmart stores.

Changes in Employment and Tax Revenues

Various authors asserted that the proposed project would result in no net increase in employment because of job losses that occur at competing businesses that close. Several other authors asserted that the Draft EIR should have evaluated changes in tax revenue based on the findings of the urban decay analysis

Although changes in employment and tax revenue are parallel to the success or failure of businesses, they are not the cause of success or failure nor do they have the potential to cause physical impacts on the environment. Therefore, changes in employment and tax revenue are outside the purview of CEQA and this EIR does not attempt to estimate employment or tax revenue changes that may occur at competing businesses as a result of the proposed project.

Traffic and Air Pollution Impacts

Several authors stated that the Draft EIR did not consider additional traffic and air pollution impacts from existing Save Mart customers who would make the longer trip to the expanded Walmart.

As discussed on pages 4.10-28 through 4.10-31, the traffic analysis is predicated on the proposed project increasing trip generation in the project vicinity. As shown in Table 4.10-11, the proposed project would increase morning peak-hour trips by 109, midday peak-hour trips by 122, and afternoon peak-hour trips by 38. Inherently, the increase in trip generation accounts for customers who switch their patronage to Walmart from other stores. However, it should be noted that the analysis is not intended to identify how many customers would switch their patronage from one store to another; rather, it is simply intended to identify the trip generation increase attributable to the proposed project. Therefore, it is not possible to identify how many trips would be diverted from any one particular store to Walmart.

As for the comments about how much further Save Mart customers would have to drive to another store if an existing grocery store closes, this is too speculative to answer for the reasons explained above and because a number of unknown variables (e.g., origin point, store preference, shopping habits, etc.) would affect this figure. Furthermore, the CEQA Guidelines do not require this issue to be evaluated.

Regarding air pollution, for the same reason that traffic impacts from closure of an existing grocery store are too speculative to evaluate, changes in air emissions are also too speculative to evaluate.

CBRE Consulting

Several authors asserted that the City of Milpitas hired CBRE Consulting, a “consultant of Walmart,” to do significant parts of the Draft EIR. The authors claimed that the relationship between the City and CBRE creates a financial incentive for CBRE Consulting to favor the proposed Walmart expansion. The authors alleged that this renders CBRE Consulting’s work to be biased and incorrect.

CEQA Guidelines Section 15084(d)(3) establishes that lead agencies can accept CEQA documents prepared by consultants that have been retained by applicants. In this case, the applicant team retained Michael Brandman Associates to prepare the Draft EIR, which the City of Milpitas reviewed and accepted. CBRE Consulting is a sub-consultant to Michael Brandman Associates. Thus, the statement that the City hired CBRE Consulting is not correct.

The methodology used by CBRE Consulting in preparing the urban decay analysis is outlined on pages 4.11-27 through 4.11-31. The tasks described on those pages are consistent with industry practice. In addition, the complete Urban Decay Analysis is provided in Appendix I of the Draft EIR. Thus, CBRE Consulting has provided complete transparency about the methods used in preparing its report and provided all relevant supporting information in its technical report. None of the authors provided any comments on the methodology of the study or the supporting information that underpins the urban decay analysis.

CBRE Consulting, Inc. and CB Richard Ellis, Inc. are each indirect wholly owned subsidiaries of CB Richard Ellis Group, Inc. CBRE Consulting, Inc. is a full-service real estate and urban economics consulting firm. CB Richard Ellis, Inc. is a commercial real estate services firm providing commercial property and corporate facilities management, tenant representation, property/agency leasing, property sales, valuation, real estate investment management, commercial mortgage origination and servicing, capital markets (equity and debt) solutions, development services and proprietary research. CB Richard Ellis Group, Inc. is a holding company that conducts all of its operations through its subsidiaries.

In the context of the proposed project, all of CBRE Consulting's work was conducted by the professional staff of CBRE Consulting. No one from CB Richard Ellis, Inc., the commercial real estate services division of the company, was involved in the analysis or the formulation of its findings and conclusions. CB Richard Ellis, Inc. was only involved as one of several sources for information about the local retail market, as were other commercial brokerage firms active in the market.

Finally, regarding the claims that CBRE Consulting is predisposed to "favor" the proposed Walmart expansion, this is not supported by any evidence. The urban decay analysis was prepared in a neutral and impartial manner, and does not contain any recommendations or statements suggesting that the City of Milpitas should approve the project. As previously noted, none of the authors presented any evidence purporting to show why the study is biased or otherwise inconsistent with professional standards.

For these reasons, the claims that CBRE Consulting's work is biased are not supported by factual evidence and, therefore, do not have material bearing on the adequacy of the urban decay study conclusions.

Master Response 3 – Traffic

Several authors expressed concern about potential traffic impacts from the proposed project. One author inquired if the City has any plans to significantly increase traffic lanes to accommodate traffic flow associated with the proposed project. Another author expressed concern about the identification of a significant and unavoidable impact associated with roadway operations.

The traffic analysis in Section 4.10, Transportation addressed the potential for the proposed project to impact intersection operations, freeway ramp operations on SR-237, roadway segment operations, and queuing. Mitigation is proposed that would require the applicant to provide fee payments to the City of Milpitas for roadway improvements on Dixon Landing Road, McCarthy Boulevard, and Ranch Drive. Refer to Section 4.10, Transportation for further discussion of roadway improvements.

The Draft EIR concluded that certain roadway segment impacts were significant and unavoidable because the City of Milpitas determined that the potential solution—widening McCarthy Boulevard to six lanes—was not possible. There is insufficient right-of-way to allow for the widening of McCarthy Boulevard. Obtaining additional right-of-way may be difficult because of multiple property ownership and because the adjacent parcels are already developed with existing improvements. The widening will also affect the existing landscaping theme, which would render the streetscape non-conforming to the McCarthy Ranch Design Guidelines. Furthermore, the widening of McCarthy Boulevard would not provide an efficient and orderly transition, which would result in a reconfiguration or reconstruction of the McCarthy Boulevard overcrossing over SR-237. City staff also evaluated reducing the existing medians at the McCarthy Boulevard/Westbound and Eastbound SR-237 ramps; however, it would not provide the additional capacity needed for the desired lane configuration to mitigate the traffic impact identified in the Draft EIR. Thus, the Draft EIR appropriately concluded that the residual significance of this impact was significant and unavoidable.

In summary, the Draft EIR evaluated project impacts on traffic and identified all feasible mitigation measures. None of the authors provided specific comments on the analysis or methodology used in the study; therefore, no further response is necessary.

Master Response 4 – Energy Efficiency

Several authors stated that the proposed Walmart expansion is not energy efficient. These authors stated that Walmart is building energy efficient buildings in other jurisdictions.

The proposed Walmart expansion's sustainability features are listed on pages 3-22, 3-25, and 3-26 of the Draft EIR, which include a number of energy efficiency design measures. All Walmart stores include features such as those listed in the Draft EIR. Furthermore, the proposed project would be subject to the State's Title 24 energy efficiency measures, which are mandatory for new construction projects and among the most stringent in the nation. Thus, the statements that the proposed project would not be energy efficient are incorrect. In addition, the statement that the proposed project would be less efficient than other Walmart stores is incorrect for the reasons explained above.

Finally, the relevant CEQA standard for energy is whether a project would result in the inefficient, wasteful, or unnecessary consumption of energy. The Draft EIR evaluated this issue at length in Section 6.4, Energy Conservation and concluded that the proposed project would not result in the inefficient, wasteful, or unnecessary consumption of energy. Note that none of the authors provided

any comments on this analysis. Thus, whether or not the project is the most energy-efficient Walmart store possible does not have any material bearing on the Draft EIR’s conclusions.

Master Response 5 – General Plan Consistency

Several authors alleged that the proposed project is inconsistent with City of Milpitas General Plan Policy 2.a.I-7, which concerns expanding employment and promoting business retention, because the proposed project may result in the closure of competing businesses and the subsequent loss of associated jobs.

The Draft EIR evaluated consistency with General Plan Policy 2.a.I-7 on page 4.7-12. The full text of the consistency analysis is presented below. (Note that the job estimate has been revised in accordance with the changes documented in Section 4, Errata.)

Policy 2.a-I-7	Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.	Consistent: The proposed project is anticipated to create as many as 85 new jobs, which is consistent with the objective of expanding employment opportunities.
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Additionally, it could be also noted that Walmart is an existing businesses and, therefore, expanding the store is consistent with the provision concerning business retention.

Regarding the authors’ claims that Walmart may close competing businesses and, therefore, be inconsistent with the policy, this interpretation is not supported by the text. Taken at face value, the policy language is intended to be a general statement of affirmation for economic development activities that create jobs and bolster existing businesses. The Walmart expansion would create as many as 85 news jobs and increase net store sales by an estimated \$7 million and, therefore, is consistent with this policy. As with the opening of any new businesses or expansion of any existing business, competitors may experience adverse effects. If indeed the policy were intended to address the potential adverse impacts associated with new or expanded businesses, one would expect the policy to state something to that effect. However, there is no such language in the policy and, therefore, there is no basis for concluding that the proposed Walmart expansion is inconsistent with the policy.

Finally, City staff reviewed the Policy 2.a.I-7 consistency statement prior to release of the Draft EIR and found it to be an acceptable interpretation of the policy.

Master Response 6 – Draft EIR Length

Several authors stated that the Draft EIR was in violation of CEQA requirements because it exceeded 125 pages in length. One author asserted that the Draft EIR totaled 524 pages and was “barely comprehensible to the average citizen” and “disrespectful of all those who would engage in the process.”

To preface the response, the analytical portions of the Draft EIR (i.e., excluding cover page, title page, table of contents, and acronyms sections) contained 367 pages of text, 42 exhibits, and 84 blank pages¹, for a total of 509 pages. This length is not uncommon for a Draft EIR that evaluates a large format retail project.

The CEQA Guidelines sets forth the following considerations in preparing EIRs:

- Section 15140: EIRs *shall* be written in plain language and may use appropriate graphics so decision makers and the public can rapidly understand the documents.
- Section 15141: The text of Draft EIRs *should* normally be less than 150 pages and for proposal of unusual scope or complexity *should* normally be less than 300 pages.
- Section 15143: The EIR *shall* focus on the significant effects on the environment. The significant effects should be discussed in proportion to their severity and probability of occurrence. [...]
- Section 15146: The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity that is described in the EIR. (a) *An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy . . .* [emphasis added]

To summarize, the CEQA Guidelines require that EIRs provide appropriate levels of analysis in an easily understandable manner. The CEQA Guidelines establish that development projects are expected to be evaluated at a greater level of detail than plan-level or program-level projects given that more information is known about the extent of construction and operational activities, which allows for more thorough evaluation. Finally, the provision about page lengths is advisory (i.e., “should”) and is not legally binding (i.e., “shall”).

The Draft EIR is consistent with the above-listed mandatory requirements. The document provides a comprehensive evaluation of the potential significant effects of the proposed Walmart expansion, including from both construction and operations. The analysis was supported by a number of technical studies and modeling data, including for topical areas such as air quality, noise, traffic, and urban decay. Consistent with CEQA Guidelines Section 15143, a number of topical areas and checklist items were scoped out to the Effects Found Not To Be Significant section of the Draft EIR. Topical areas include agriculture resources, cultural resources, mineral resources, population and housing, and recreation, and checklist items include state scenic highways, airports, wildland fires, and air traffic patterns.

¹ There is a blank page before and after each exhibit. (42 exhibits x 2 blank pages = 84 blank pages).

Finally, the length of the Draft EIR reflects the outcome of legislation and court decisions that have required CEQA documents to examine more issues at greater levels of detail. For example, Assembly Bill 32 (The California Global Warming Solutions Act of 2006) created a need for EIRs to evaluate greenhouse gas emissions, which previously was not typically done. Likewise, the *Bakersfield Citizens For Local Control v. City of Bakersfield* court decision resulted in need for an urban decay evaluation to be included in EIRs that concern large format retail projects, which also was not typically done prior to the ruling. As such, arbitrarily limiting the length of a Draft EIR to less than 150 pages (or less than 300 pages) would be at odds with the CEQA objectives of disclosing and mitigating significant impacts on the environment.

For these reasons, the Draft EIR's length does not "violate" CEQA, nor does it render it inaccessible to decision makers or the general public. Instead, the document length reflects the necessity to satisfy CEQA requirements.

SECTION 3: RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR 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.

Please note that more than 280 individuals signed a form letter that was submitted to the City of Milpitas. To avoid redundancy, one copy of the form letter is reprinted at the end of this section, along with a table listing all of the individuals that signed the letter.

Author **Author Code**

State Agencies

California Department of Transportation CALTRANS

Local Agencies

Santa Clara Valley Transportation Authority VTA

Private Organizations and Individuals

9to5 (National Association of Working Women, Bay Area Chapter).....9TO5

E.L. Alexander ALEXANDER.1

E.L. Alexander ALEXANDER.2

[Illegible] Ay AY

Quentin Baker..... BAKER

Arthur Balangue BALANGUE

Kenneth Borch..... BORCH

Rhiannon Brookwell..... BROOKWELL

Patricia Cabral CABRAL

Janet Coleman COLEMAN

Sylvia Cox COX

Brian DeSoto DESOTO.1

Brian DeSoto DESOTO.2

J. Engle ENGLE

Ginny Francis FRANCIS

Virginia Fujii FUJII

Marlene Gastelum GASTELUM

Stephen Gilbert..... GILBERT

Ethel Gould	GOULD
Marcia and Charles Griffin	GRIFFIN
Griselda [Last name not provided].....	GRISELDA
I.J. and Mary Guerrero.....	GUERRERO
Teresita Guting.....	GUTING
Yu He.....	HE
Pam Hennings	HENNINGS
Peter Herrera.....	HERRERA
Jim Hsia	HSIA
Fred and Crystal Ide.....	IDE
David Jordan.....	JORDAN
Erik Kaeding.....	KAEDING.1
Erik Kaeding.....	KAEDING.2
Erik Kaeding.....	KAEDING.3
Anzhang Kalbali	KALBALI
Stanley and Arlene Kisor	KISOR
Patrick Koda.....	KODA
Karen Krouse	KROUSE
Laurel Lamh.....	LAMH
Erik Larsen.....	LARSEN
Chansoo Lee.....	LEE
Gerry Lobyoc	LOBYOC
B. Logan.....	LOGAN
Lori Lopez.....	LOPEZ
Rimma and Terry MacKinnon	MACKINNON
Don and Barbara McCarthy	MCCARTHY
Robert Means	MEANS.1
Robert Means	MEANS.2
Nancy Mendizabal	MENDIZABAL
Susan Morgan	MORGAN
Danial Muhammad.....	MUHAMMAD
Terri Murphy.....	MURPHY
Nick Narcowich	NARCOWICH
Andrew Nguyen	NGUYEN
Dori Ortega	ORTEGA
Pena Oseda.....	OSEDA
Letresa Perkins.....	PERKINS
Madiha Qamar	QAMAR
Jay Ramirez.....	RAMIREZ
Joseph Rubinu.....	RUBINU

Jerry Ruggiero	RUGGIERO
Chris Rupe	RUPE
Meg Sanders	SANDERS
Sabuhi Siddique.....	SIDDIQUE
Madhulika Singh	SINGH
Carlos Snyder	SNYDER
Teri Stuntz	STUNTZ
Ajay Tallam	TALLAM
Teresita Tan.....	TAN
Jo Ann Thompson	THOMPSON
Jennifer Touchton.....	TOUCHTON.1
Jennifer Touchton.....	TOUCHTON.2
Brant Whiteside.....	WHITESIDE.B
Irene Whiteside.....	WHITESIDE.I
Jane Yuan	YUAN
[Unsigned Letter]	UNSIGNED.1
[Unsigned Letter]	UNSIGNED.2
Form Letter.....	FORM LETTER

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Milpitas, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2009032018) for the Milpitas Walmart Expansion Project, and has prepared the following responses to the comments received. This Response to 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.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

December 21, 2009

SCL880237
SSCL-880-8.42
SCH#2009032018

Ms. Cindy Hom
Planning and Neighborhood Service Department
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

CALTRANS
Page 1 of 2

Dear Ms. Hom:

Milpitas Walmart Expansion Project– Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Milpitas Walmart Expansion project. The following comments are based on the Draft Environmental Impact Report (DEIR).

CALTRANS-1

Good Movement

The proposed project will increase the number of truck deliveries from seven to nine trucks, 7 days per week. Does the project sponsor anticipate a need for short and long-term truck parking? The need for drivers to park is seldom discretionary and is often driven by commercial practices, most notably the hours of operation, when a load is ready to be delivered/picked up and the day of the week. Additionally, the need to park in order to take a 10-hour rest is governed by federal and State rules concerning safety relating to hours of driving and mandatory rest periods. When the locational choice for drivers cannot be furnished by the commercial facility, the driver may drive a significant distance to find a suitable location. Considering the above mentioned issues, shortages in legal truck parking facilities and dedicated off-street parking for trucks, the traffic impact study should include a discussion of potential impacts from trucks parking in local neighborhoods and streets waiting to access a commercial facility or adhering to mandatory rest periods.

CALTRANS-2

Regional Impact Fees

The traffic generated from the proposed project will have significant impacts to the already congested state highway system. Since reducing delays on Interstate (I) 880 will benefit the region and local jurisdictions by providing more reliable travel times for commuters, recreational travelers and freight traffic, the Department strongly urges the City of Milpitas to develop a regional transportation impact fee program to mitigate the impacts of future growth on regional corridors such as I-880. Traffic impact fees are a permanent funding mechanism with a demonstrated nexus to project impacts. These fair share fees would be used to fund regional transportation programs that add capacity and/or improve efficiency to the transportation system

CALTRANS-3

Ms. Cindy Hom/City of Milpitas
December 21, 2009
Page 2

and reduce delays while maintaining reliability on major roadways throughout the City of Milpitas and San Francisco Bay Area.

CALTRANS-3
CONT

Mitigation Monitoring and Reporting Program

The CEQA, Public Resources Code Section 21081.6 and 21081.7, requires the Department to establish mitigation monitoring submittal guidelines for public agencies. The guidelines affect agencies that have approved development projects and are required under CEQA to provide the Department reports on transportation related mitigation monitoring measures. Please see the Department's "*Guidelines for Submitting Transportation Information from a Reporting or Monitoring Program to the Department of Transportation*" at the following website for more information: http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html

The Mitigation Monitoring Submittal Guidelines discuss the scope, purpose and legal requirements for mitigation monitoring reporting and submittal, specify the generic content for reports, and explain procedures for timing, certification and submittal of reports. Please complete and sign a Certification Checklist form for each approved development project that includes transportation related mitigation measures and return it to this office once the mitigation measures are approved, and again when they are completed.

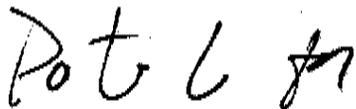
CALTRANS-4

Please send signed Certification Checklist forms and supporting attachments to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D. For supporting attachments, the CEQA lead agency, at its discretion, may also submit the entire mitigation monitoring program report for each project with the required transportation information highlighted. When the District has approved the submittal and signed the Certification Checklist form, a copy of the form will be supplied to your agency.

We look forward to continuing our coordination with the City of Milpitas and appreciate the opportunity to comment at the early stages of the environmental review. Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

CALTRANS-5

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

State Agencies

California Department of Transportation (CALTRANS)

Response to CALTRANS-1

The author provided introductory remarks to preface the letter. No response is necessary.

Response to CALTRANS-2

The author noted that the proposed project would increase the number of truck deliveries to the Walmart store and inquired about whether the applicant anticipates a need for short and long-term truck parking. The author recited federal and state regulations for mandatory rest time for truck drivers and noted the challenges truckers may face in finding a suitable location for parking. The author stated that the traffic impact study should include a discussion of potential impacts from trucks parking in local neighborhoods and streets.

The project site is surrounded by non-residential uses (e.g., the McCarthy Ranch Marketplace and the McCarthy Ranch Center office park) and on-street parking is prohibited on all adjoining streets, including N. McCarthy Boulevard and Ranch Drive. Therefore, Walmart truck parking currently does not occur in local neighborhoods or on surrounding streets and will not occur in the future.

Furthermore, Walmart truck delivery operations typically involve quick turnarounds at the store site. Full trailers are dropped off and empty trailers are hauled away, with little to no driver dwell time. As such, driver schedules are set up to avoid triggering mandatory rest times while truck movements are in progress between the distribution center and the store and vice versa. Thus, extended truck parking does not typically occur on the project site.

Therefore, there is no need for the project applicant to provide short or long-term truck parking on the project site.

Response to CALTRANS-3

The author stated that Caltrans strongly encourages the City of Milpitas to develop a regional transportation impact fee program to mitigate the impacts of future growth on regional corridors such as Interstate 880 (I-880).

At the time of this writing, no such regional impact fee exists. If such a fee were adopted in the future by the City of Milpitas, future development projects would be subject to it.

Response to CALTRANS-4

The author provided standard language about Caltrans's Mitigation Monitoring and Reporting Program requirements.

The City of Milpitas and the applicant will comply with Caltrans's Mitigation Monitoring and Reporting Program requirements, provided that the project is approved.

Response to CALTRANS-5

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



December 23, 2009

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Cindy Hom

Subject: Milpitas Walmart Expansion (**Revised Comments**)

Dear Ms. Hom:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for an 18,457-square foot addition to the existing Walmart store at the southeast corner of McCarthy Ranch Drive and Ranch Drive. We have the following comments.

VTA-1

Bicycle Parking

VTA supports bicycling as an important transportation mode and is pleased to see that bicycle parking will be included as part of the project. The DEIR states that the project applicant will install "at least one rack" in front of the store; however, given the store's proposed expansion, an expected increase in the number of customers and employees may require more bike parking than the one rack proposed in the DEIR. VTA recommends that the City condition the developer to include a mix of bicycle lockers for long-term parking and bicycle racks for short-term parking, per the quantities recommended in VTA's *Bicycle Technical Guidelines*. This document may be downloaded from www.vta.org/news/vtacmp/Bikes. For more information on bicycle systems and parking, please contact Michelle DeRobertis of the VTA Congestion Management Agency Division at (408) 321-5716.

VTA-2

Pedestrian Access to Transit

VTA supports the pedestrian improvements proposed within the development to create a direct path to the store's front entrance. Special attention should be paid to pedestrian connections to the bus stops near the project site, as well as to North McCarthy Boulevard, particularly given the significant new office development planned to the west of the site in the Campus at McCarthy Boulevard. VTA recommends that the project applicant consider creating a clear, well-marked pedestrian path to connect the southeast corner of the store to the sidewalk to the west along North McCarthy Boulevard.

VTA-3

City of Milpitas
December 23, 2009
Page 2

Bus Service

As mentioned in our comments on the NOP, there is an existing bus stop adjacent to the project on eastbound Ranch Drive, east of McCarthy Boulevard. In order to provide convenient access to transit service, VTA requests the City to condition the developer to provide the following bus stop improvements:

- Bus stop to remain at current area.
- Install a 7' X 20' PCC shelter pad behind the sidewalk/passenger waiting pad with a retaining wall to protect the surrounding landscaping mound (see attached sample design)
- No trees or landscaping within bus loading area.

VTA-4

Please note that VTA recently approved major service modifications to its existing bus routes. Line 33 which provides service from McCarthy Ranch to the Great Mall/Main Transit Center will be provided by the new Line 47 beginning January 11, 2010. For more details on the new route and other service changes, please visit <http://www.vta.org/>.

VTA-5

Operating Conditions and Criteria for Intersections

Page 4, bullet 2 of the Walmart Expansion Draft Traffic Impact Study states that "Exacerbation of unacceptable LOS F operations by increasing critical delay...". VTA TIA guidelines page 40 states that the "addition of the project traffic increases the average control delay for critical movements..." Please clarify the methodology and rephrase the sentence to match the text in the VTA TIA guidelines. For more information on VTA TIA-related guidelines, please contact Shanthi Ganji of the CMA division at (408) 952-4224.

VTA-6

Freeway Analysis

The Traffic Study for the development states that analysis of freeway mainline facilities was not performed for this traffic study due to the proposed project's minimal effect of the freeway system. However VTA recommends including the analysis as shown in sample freeway analysis table, appendix B of the VTA *Transportation Impact Analysis (TIA) Guidelines*. VTA TIA guidelines include procedures for the analysis of bicycle facilities, parking, site circulation and pedestrian access and roadways, and may be downloaded from [www.vta.org/news/vtacmp/Technical Guidelines](http://www.vta.org/news/vtacmp/Technical%20Guidelines).

VTA-7

Approved and Pending Developments

The approved and pending projects in Table 7 of the Walmart Expansion Draft Traffic Impact Study does not include the McCarthy Mixed Use Development. VTA recommends that all approved projects should be listed in the approved trip inventory. It is VTA's understanding that

VTA-8

City of Milpitas
December 23, 2009
Page 3

the McCarthy Ranch Mixed Use Development is proposed to develop a 1.08 million square foot office and over 450,000 square foot commercial development, and that this project has been approved by the City Council in June 2009.

VTA-8
CONT

Description of Impacts and Recommendations

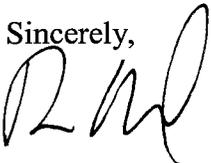
There is potential significant impact identified in the Impact #4 Near-Term. Any mitigation measures for automobile impacts should not adversely affect bike or pedestrian access and safety. For example, the following mitigations should be avoided: double right turn lanes, and eliminating or narrowing of existing bicycle facilities and sidewalks.

VTA-9

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

VTA-10

Sincerely,



Roy Molseed
Senior Environmental Planner

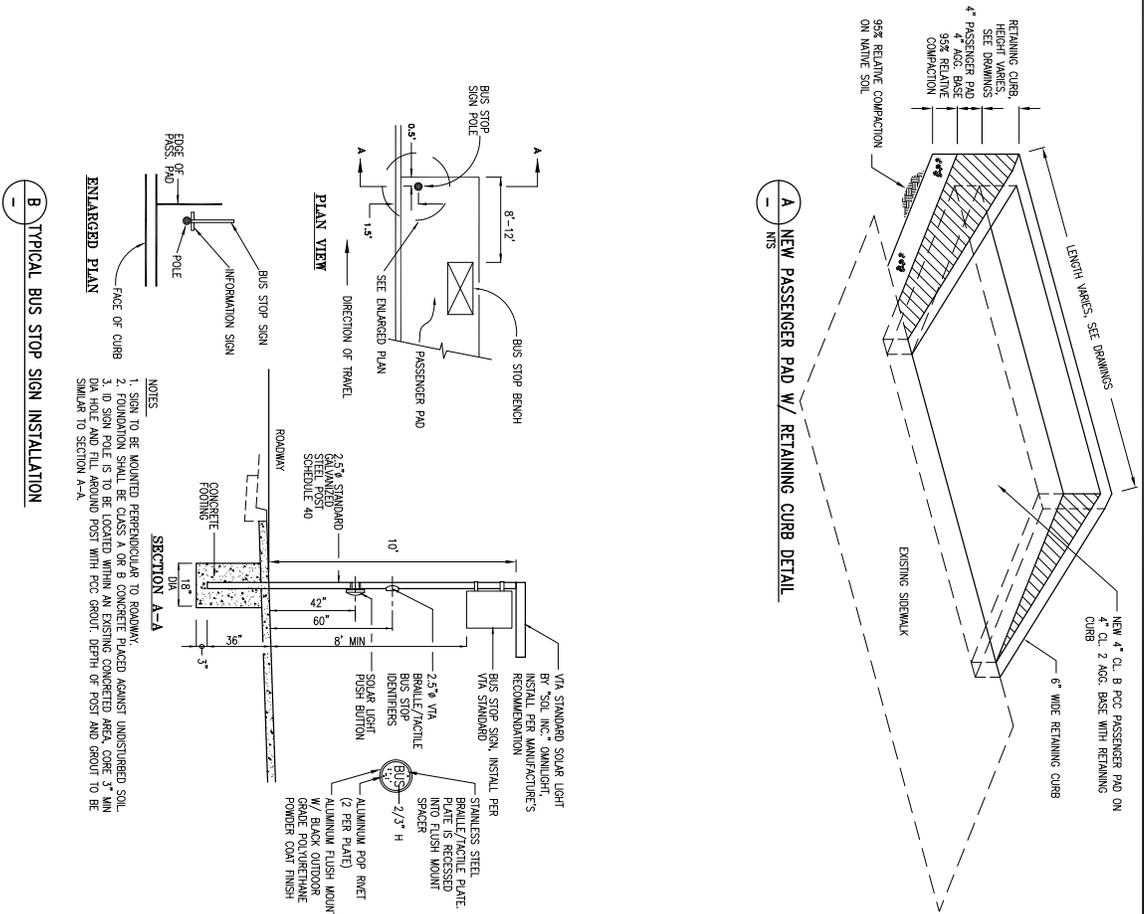
RM:kh

ML0902

NO.	DATE	ISSUE FOR 100% DESIGN REVIEW REVISIONS	QUANTITY	ISSUED	DESIGNED	CHECKED	DATE	APPROVED	SCALE	AS SHOWN	DATE	SHEET
	10/7/09											5
												32
												0



CONTRACT NO.	PROJECT NO.	SHEET NO.
P0703	P0703	0
CONTRACT DATE	PROJECT DATE	DATE
OCT. 7, 2009	OCT. 7, 2009	
CONTRACT NO.	PROJECT NO.	SHEET NO.
P0703	P0703	0



- NOTES**
1. SIGN TO BE MOUNTED PERPENDICULAR TO ROADWAY.
 2. FOUNDATION SHALL BE CLASS A OR B CONCRETE PLACED AGAINST UNDISTURBED SOIL.
 3. ID SIGN POLE IS TO BE LOCATED WITHIN AN EXISTING CONCRETE AREA, CORE 3" MIN DIA HOLE AND FILL AROUND POST WITH PCC GROUT. DEPTH OF POST AND GROUT TO BE SIMILAR TO SECTION A-A.

B TYPICAL BUS STOP SIGN INSTALLATION

A NEW PASSENGER PAD W/ RETAINING CURB DETAIL

BUS STOP PAVEMENT IMPROVEMENT—FY 10
CONSTRUCTION DETAILS SHEET
PCC BUS PAD AND PASSENGER PAD
TRANSIT CENTER DETAILS

Local Agencies

Santa Clara Valley Transportation Authority (VTA)

Response to VTA-1

The author provided introductory remarks to preface the letter. No response is necessary.

Response to VTA-2

The author noted a statement in the Draft EIR that the proposed project would provide at least one rack for bicycle parking near the store entrance and stated that more bicycle parking may be necessary. The author recommended that the City condition the applicant to provide a mix of bicycle lockers and racks pursuant to the VTA Bicycle Technical Guidelines.

Mitigation Measure TRANS-8 requires the project applicant to provide bicycle storage facilities in a visible and convenient location with capacity equivalent to 2 percent of the proposed project's minimum required parking. As shown in Table 4.10-23, the proposed project would need to provide a minimum of 751 off-street parking spaces and, therefore, would be required to provide a minimum of 15 bicycle parking spaces.

Bicycle storage is anticipated to be provided by racks near the store entrance. The installation of bicycle racks shall adhere to the Design Guidelines for Short Term Bicycle Parking as referred to in Section A.8.2 of the Milpitas Bikeway Master Plan Update¹. A typical customer spends an average of 21 minutes inside a Walmart store²; thus, lockers would not be necessary for customers. Although employees would be expected to require bicycle parking for longer periods of time than customers would, the presence of the racks in a visible and well-monitored location would deter theft or vandalism. For these reasons, racks are considered the most appropriate form of bicycle storage for the proposed project.

Response to VTA-3

The author stated that VTA supports the pedestrian improvements proposed within the development to create a direct path to the store's front entrance. The author noted that special attention should be paid to pedestrian connections to the bus stops near the project site and to N. McCarthy Boulevard. The author recommended that the project applicant consider creating a clear, well-marked pedestrian path to connect the southeast corner of the store to the sidewalk along N. McCarthy Boulevard.

To clarify, as stated on pages 4.10-87 and 4.10-88, there is an existing designated pedestrian connection between the Walmart entrance and the McCarthy Ranch Marketplace shops to the south and the Ranch Drive sidewalk to the north. These facilities would be maintained by the proposed project.

¹ Available online at http://www.ci.milpitas.ca.gov/_pdfs/trans_bikeway_master_plan.pdf.

² "Big Boxes Aim to Speed Up Shopping," Wall Street Journal, June 27, 2007.

Regarding the author's request for a pedestrian connection between the southeast corner of the expanded store and the N. McCarthy Boulevard sidewalk, note that a sidewalk will be installed along the side of the Walmart expansion to allow customers to safely travel to the store entrance from the south parking area. However, this sidewalk will not connect to the N. McCarthy Boulevard for the following reasons:

- As indicated on page 3-26, the expanded store would receive as many as 19 truck deliveries on a daily basis, with trucks using the rear store area for pick-ups, drop-offs, turnarounds, and related activities. Forklifts and mechanical carts also operate in this area. Trash compactors, dumpsters, pallet storage areas, and other operational features are located in the rear of the store. For safety reasons, it is the preference of Walmart to encourage pedestrians to use the sidewalks along Ranch Drive and in front of the store to travel to and from N. McCarthy Boulevard instead of walking through this area.
- Installing a pedestrian connection to the N. McCarthy Boulevard sidewalk would breach the landscaped berm along the roadway, which would diminish its ability to screen views of the Walmart rear store area and parking lot from the roadway.
- Installing a connection would result in significant costs associated with removing vegetation, constructing retaining walls, re-routing irrigation lines, installing an Americans with Disability Act-compliant pathway, planting replacement vegetation, and similar activities.

For these reasons, the author's recommendation is not considered feasible.

Response to VTA-4

The author noted that there is an existing bus stop adjacent to the project site on Ranch Drive and requested that the City of Milpitas condition the applicant to provide bus stop improvements consisting of: 1) retention of the bus stop in its existing location; 2) installing a 7-foot by 20-foot Portland cement concrete shelter pad behind the sidewalk/passenger waiting pad with a retaining wall; and 3) avoidance of locating trees or landscaping within the bus loading area.

The applicant will implement all of VTA's recommendations, including installing the shelter pad and retaining wall. Note that this improvement does not affect any conclusions in the Draft EIR.

Response to VTA-5

The author noted that VTA approved a recent service change that would result in Route 33 becoming Route 47 on January 11, 2010. No response is necessary.

Response to VTA-6

The author noted that the Kimley-Horn and Associates Traffic Impact Study states that "Exacerbation of unacceptable LOS F operations by increasing critical delay . . ." and stated that VTA Transportation Impact Analysis Guidelines state that the "addition of the project traffic increases the

average control delay for critical movements” The author requested that the sentence be reworded to match the text in the VTA guidelines.

The requested change has been made and is provided in Section 4, Errata. Note that the significance criteria used in the intersection LOS analysis is consistent with VTA Transportation Impact Analysis Guidelines and, therefore, will not change any of the results.

Response to VTA-7

The author noted that the traffic analysis states that analysis of freeway mainline facilities was not performed for this traffic study because of the proposed project’s minimal effect of the freeway system. The author recommended including a table similar to the one provided in Appendix B of the VTA Transportation Impact Analysis Guidelines.

Pursuant to VTA Transportation Impact Analysis Guidelines, a freeway segment shall be included in the analysis if (1) the project is expected to add traffic equal to at least 1 percent of the freeway segment’s capacity, (2) the project is adjacent to one of the freeway segment’s access or egress points, or (3) if deemed necessary by the Lead Agency based on engineering judgment.

Based on the first criterion, the project is not anticipated to add traffic equivalent to more than 1 percent of the freeway segments capacity; refer to Table 3-1. Therefore, no further analysis is warranted under this criterion.

Table 3-1: Freeway Analysis Requirement Determination

SR-237 Segment	Direction	Peak Hour	Lanes	Capacity (vehicles per hour per lane)	Project Trips	
					Number	Percent of Capacity
West of McCarthy Boulevard	Eastbound	AM	3	6,250	9	0.14
		MID	3	6,900	12	0.17
		PM	3	6,250	2	0.03
	Westbound	AM	3	6,250	12	0.19
		MID	3	6,900	11	0.16
		PM	3	6,250	5	0.08

Notes:
Capacity estimate derived from VTA’s Transportation Impact Analysis Guidelines (March 2009) and is based on a capacity of 2,300 vehicles per hour per lane for mixed flow lanes and 1,650 vehicles per hour per lane for High Occupancy Vehicle (HOV) lanes. HOV lane capacity adjustments are only applicable during the AM and PM peaks. Auxiliary lanes are not considered in freeway segment capacity calculations.
Source: Kimley-Horn and Associates, 2010.

The project is not located adjacent to one of the freeway’s access points; therefore, the second criterion is not met as well. Lastly, the City staff did not specify a need to include freeway mainline facilities in the analysis. In addition, Caltrans reviewed the DEIR and did not have comments on the

methodology of the traffic study. (Furthermore, Caltrans's Draft EIR comment letter does not request additional freeway analysis.)

Response to VTA-8

The author stated that the approved and pending projects in Table 7 of the Traffic Impact Study do not include the McCarthy Mixed Use Development. The author recommended that all approved projects should be listed in the approved trip inventory and noted that the McCarthy Ranch Mixed Use Development is proposed to develop a 1.08-million-square-foot office and an over 450,000-square-foot commercial development, and that this project has been approved by the City Council in June 2009.

The CEQA Guidelines provide that an adequate discussion of significant cumulative impacts may be based upon a list of past, present and probable future projects producing related or cumulative impacts (CEQA Guidelines Section 15130(b)(1)(A); see also Section 15065(a)(3)). The law does not require consideration of every future project. When determining whether a future project should be included in the analysis, the law requires only that the EIR consider the effects of projects that are reasonably foreseeable at the time of EIR preparation. Case law has held that a project is reasonably foreseeable if there is sufficient information about the physical elements of the project to allow quantification of its probable environmental impacts (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal. App. 3d 61, 73). An EIR is not required to speculate about future environmental consequences of future development that is unspecified and uncertain. Additionally, the case law has found that it is unreasonable to expect an EIR to produce detailed information about the environmental impacts of a future project whose scope is uncertain and which will in any case be subject to its own environmental review. Finally, the courts have noted that until specific measures or projects are adopted and the details fleshed out, the environmental impacts remain abstract and speculative and inclusion in an EIR's cumulative impacts analysis is not required.

Projects for the cumulative traffic analysis were based upon the projects listed in the Approved Trip Inventory (ATI) as of the date of the Notice of Preparation, which the City released on March 5, 2009. The ATI consists of projects in the City of Milpitas. It is standard practice for the City to use the ATI to analyze cumulative traffic impacts, and this methodology is consistent with the Congestion Management Agency Guidelines. The McCarthy Ranch Mixed Use Project was not included in the ATI because the planning application was for a General Plan Amendment and Zone Change. The application did not request approval of an actual development on the site. Accordingly, the EIR was not required to include the McCarthy Ranch Mixed Use Project in its cumulative analysis because to do so would require speculation about all elements of a future development on the site and the potential future environmental consequences of such unspecified and uncertain development. Any future development project at this site will be added to the ATI when an application is filed or when the City determines that development of an actual project is probable.

Response to VTA-9

The author stated that the queuing impact at McCarthy Boulevard/SR-237 Westbound Ramps may have a potentially significant impact on bicycles or pedestrian access or safety. The author stated that double right-turn lanes, and eliminating or narrowing of existing bicycle facilities and sidewalks, should be avoided.

As background, a significant queuing impact occurs for the westbound right-turn and northbound left-turn movements at the McCarthy Boulevard/SR-237 Westbound Ramps intersection during the midday peak hour. The proposed mitigation (Mitigation Measure TRANS-3) includes the addition of a westbound right-turn lane, which would result in adequate storage capacity to accommodate the anticipated queuing. Because the anticipated queues for the westbound right-turn movement under Near-Term plus Project conditions are greater than 900 feet during the midday peak, the storage lane cannot be lengthened to accommodate a queue this large.

As indicated on pages 4.10-82 and 4.10-84, it appears that there is sufficient space to construct the additional right-turn storage lane with a pedestrian sidewalk along the north side of the SR-237 Westbound Ramp approach to McCarthy Boulevard. Although this improvement would result in two westbound right-turn lanes at this location, it is not anticipated to negatively impact pedestrian safety for those using the crosswalk at the east leg because the intersection is controlled with a signal.

Response to VTA-10

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

Response to VTA-11

The author attached an image of VTA's specifications for a bus stop. Refer to Response to VTA-4.



Bay Area Chapter, National Association of Working Women

2302 Zanker Road
San Jose, CA 95131
Phone/Fax: 408-432-6040

Helpline: 1-800-522-0925
Web Site: www.9to5california.org
E-Mail: info@9to5california.org

Ms. Cindy Hom, Assistant Planner
City of Milpitas Planning and Neighborhood Services Department
455 E. Calaveras Blvd.
Milpitas, CA 95035
December 8, 2009

Dear Ms. Hom,

9to5 Bay Area is a grassroots, membership-based organization of working women dedicated to economic justice for women. The chapter has been organized since 1999, and has several hundred members and allies, many of whom live or work in Milpitas.

Our chapter is opposed to the application of Milpitas Wal-Mart for permission to expand into a 24-hour center that sells groceries. Wal-Mart should not be allowed to replace good local jobs that pay living wages and health benefits with more Wal-Mart poverty-level jobs.

9TO5-1

In 2008, Wal-Mart, Inc. filed yearly profits that pass 13.4 billion dollars; yet its workers see very little of this gain. Women fill the majority of low-paid jobs and have for years faced gender discrimination. There are now over 1.5 million female employees suing Wal-Mart for sex-based discrimination in the largest such lawsuit ever filed in the United States. The City of Milpitas should not reward a company that so flagrantly abuses women's rights by allowing it to grab an even bigger share of Milpitas dollars.

Residents of Milpitas do not want to see friends and neighbors who work in good paying grocery store jobs be displaced by poorly treated Wal-Mart workers, one out of two of whose children live without health care or rely on a publicly funded program. In other communities where Wal-Mart has opened or expanded, like Gilroy, scores of smaller Mom & Pop stores have closed. In Milpitas, the draft Environmental Impact Report states that stores, specifically the Save Mart on Calaveras among others, will not be able to compete with those low wages, and will close. Over 65 workers will lose jobs in that one store alone. Ethnic groceries like Ocean will also be hurt, and Milpitas' ethnic population will lose their specialized stores.

9TO5-2

Workers who lose good grocery jobs will have no where else to turn but to Wal-Mart, to work for poverty wages in a notoriously anti-worker environment. All workers have the right to a voice on the job so they can negotiate for better wages, health care, and working conditions. Low-income working women are among the most impacted, as they still face unequal pay and serious gender discrimination at Wal-Mart. Thank you for considering the detrimental impact of a Wal-Mart expansion of our community and denying this application.

9TO5-3

On behalf of our 9to5 Bay Area Board of Directors,

A handwritten signature in cursive script that reads "Cathy Deppe".

Cathy. Deppe, CA Lead Organizer, 9to5 NAWW

Private Organizations and Individuals

National Association of Working Women, Bay Area Chapter (9TO5)

Response to 9TO5-1

The author described her organization and expressed opposition to the proposed project, citing Walmart's corporate practices.

Walmart's corporate practices are addressed in Master Response 1.

Response to 9TO5-2

The author stated that job losses have occurred in other communities where new Walmart stores have opened or existing stores have expanded. The author referenced the Draft EIR's analysis of urban decay and asserted that the document states that the Save Mart on Calaveras Boulevard will not be able to compete with Walmart. The author stated that more than 65 Save Mart workers will lose their jobs, and ethnic groceries such as Ocean Market will be hurt.

The urban decay analysis findings are addressed in Master Response 2, including impacts on Save Mart and ethnic-oriented grocery stores.

Response to 9TO5-3

The author stated that workers who lose their jobs will "have no where else to turn but to Walmart" for employment and asserted that low-income working women will be the most adversely affected because of unequal pay and gender discrimination.

Employment impacts are addressed in Master Response 2.

December 6, 2009

Planning Commission
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear City of Milpitas Planning Commissioners:

The Draft Environmental Impact Report for the proposed Walmart expansion needs to be redone.

It appears that the geography of the traffic study does not correspond with the "market area" used in the urban decay analysis. This is odd and is deserving of an explanation and a second look.

Furthermore, I would like to ask that you provide analysis of the increase in vehicle traffic, if Savemart closes and customers have to drive further to shop. The closure of the Savemart store would be a major inconvenience to me.

Thank you for your time.

Sincerely,

E. L. Alexander
1122 Troughurst
Mil Pitas Ca 95035

ALEXANDER.1-1

RECEIVED

DEC 11 2009

CITY OF MILPITAS
PLANNING DIVISION

E.L. Alexander (ALEXANDER.1)

Response to ALEXANDER.1-1

The author stated that the Draft EIR needs to be redone. The author asserted that the geography of the traffic study does not correspond with the market area used in the urban decay analysis. The author characterized this as odd and deserving of an explanation and a second look. The author requested that analysis be provided of the increase in vehicle traffic that would occur if Save Mart closes and those customers have to drive further to shop.

The market area and potential traffic impacts from store closure are addressed in Master Response 2.

December 14, 2009

RECEIVED

Dear Planning Commission/City Council,

DEC 14 2009

ALEXANDER.2

CITY OF MILPITAS
PLANNING DIVISION

To those who the citizens of Milpitas have put in charge of managing our community affair, must have come down with a serious case of the swine flu or an elapse of some sort of brain decease if any one of you are thinking that we need another grocery store in the City of Milpitas specially a super grocery store even if Wal-Mart doesn't call it that.

There are people all around us out of work, some for month and even years. The corporation and the politician are not doing a dam thing to help the problem, but blowing hot air out to the public.

I bought here over 30 years ago, I see some of those I met when I got here, are not getting around that good anymore. Using walkers, motorize wheelchair and even an amputee. These people need their Community grocery stores stay open, its easy to get to, once they are there they pretty much know where everything is, that help them to limit their movement around the store, to get what they need if they have some sort of disability.

If the planning Commission are the City Council of Milpitas think that the Wal Mart grocery store expansion if approve, are not going to have an effect on just one Community grocery store closure in Milpitas. Many of us citizens of this City would like to see the guarantee in writing. If that can't be produce then the request should be disapprove. Even if only one grocery store closed, that is not good.

Sincerely,

E. J. Alexander

1122 Traughber St.
Milpitas CA. 95035
PH. # (408) 946-8237

E.L. Alexander (ALEXANDER.2)

Response to ALEXANDER.2-1

The author expressed opposition to the proposed project, citing the lack of need for another grocery store in Milpitas and adverse effects on competing grocery stores.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis; therefore, no further response can be provided.

December 11, 2009

Ms. Cindy Horn, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Horn,

I am opposed to Wal-Mart's application to operate 24-hours a day, 7-days a week. The City of Milpitas should think of public safety above all else. Wal-Marts perpetuate crime and our local Wal-Mart is no different. Your draft environmental impact study fails to detail the current amount of crime at the existing store as it operates from 7am to 11pm (p 58). Also, the study should analyze the amount of crime at nearby or like-sized Wal-Marts to better understand the type and amount of crime a 24-hour Wal-Mart generates. A change in store hours will increase the amount of crime at the store and Milpitas residents should be made aware of the a) existing amount of crime at the store and b) the anticipated increase in crime if the hours of operation change. I feel this is a reasonable request given that a change in store hours is an impact to the existing local environment, is it not?

AY-1

Sincerely,

John Ay

1298 ALVISO CA 95354
Michigan 90

RECEIVED

DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

[Illegible] Ay (AY)

Response to AY-1

The author expressed opposition the proposed project, citing the potential for increased crime associated with 24-hour operations. The author asserted that the Draft EIR failed to study the current amount of crime at the existing store and asserted that it should study crime associated with other similar sized, 24-hour Walmart stores.

As discussed on pages 4.9-13 and 4.9-14, the Milpitas Police Department was consulted during the preparation of the Draft EIR about potential public safety impacts from the proposed Walmart expansion. The Police Department provided a written response dated April 2, 2009 that identified recommendations to alleviate potential impacts on public safety. The Draft EIR identified how the existing store currently or the expanded store will satisfy all of the Police Department's recommendations. The written response is provided in Appendix G. Note that the author did not provide any comments on this analysis or the Police Department's recommendations.

Regarding the author's request that existing and projected crime levels be disclosed, this was provided in the Draft EIR; refer to page 4.9-13. The Police Department indicated that existing store generates 252 calls for service on average annually. The Police Department stated that it does not expect this figure to substantially change as a result the Walmart expansion (including 24-hour store operations). Calls for service are the most accurate indicator of demand on police service, as this metric encompasses everything from arrests to reports of suspicious activity.

As such, the Draft EIR appropriately evaluated demand on police services that would result from 24-hour operations of the expanded Walmart store.

Cindy Hom

From: George Quentin Baker [quentinjean@sbcglobal.net]
Sent: Sunday, November 22, 2009 8:27 PM
To: Cindy Hom
Cc: Erik Larsen
Subject: Opposed!

BAKER

Dear Ms Hom,
I want you to know that I am opposed to Walmart becoming a super center. Their store is large enough as it is. Besides that, their policies regarding employees leaves much to be desired.

For one thing, Walmart always opposes unionization and will send lawyers from Arkansas to fight any attempt by a local Walmart to have an election to see what the employees really want. The wages and benefits are always much lower for these employees.

Meanwhile, the heiresses of Walton are among a few of the richest women in the world.

Please, just say no to the super center idea.

Thank you.

Quentin Baker
19 Jacklin Circle
Milpitas

-1

Quentin Baker (BAKER)

Response to BAKER-1

The author expressed opposition to the proposed project, citing Walmart's corporate practices.

Walmart's corporate practices are addressed in Master Response 1.

December 6, 2009

Planning Commission
Attn: Cindy Hom
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Planning Commissioners:

I want to raise the issue of what will happen if a grocery store like Savemart would close. There would be an empty store on a major thoroughfare of Milpitas. The store would become a magnet for graffiti. The building would be dead space that in turn might attract vandals and loitering and criminal activity. We don't need this kind of blight especially not on the main street of Milpitas which is Calaveras Blvd. I don't think the EIR for the Walmart expansion adequately mitigates these issues of urban decay.

BALANGUE-1

Sincerely,

Arthur Balangue
557 Larch St.
Milpitas, Ca. 95035

RECEIVED

DEC 11 2009

CITY OF MILPITAS
PLANNING DIVISION

Arthur Balangue (BALANGUE)

Response to BALANGUE-1

The author stated that the closure of a grocery store such as Save Mart would result in the vacated space being susceptible to graffiti, vandalism, loitering, and criminal activity. The author asserted that the Draft EIR did not adequately evaluate or mitigate urban decay impacts.

The urban decay analysis findings are addressed in Master Response 2, including impacts on Save Mart.

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DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Hom,

The Draft Environmental Impact Report for the proposed Walmart expansion is insufficient in detailing all delivery diesel truck and smaller truck idling times both during deliveries and waiting for delivery. Additionally, are there going to be trucks parked at the facility overnight? What is the average idle time for trucks with refrigeration units? Do trucks parked overnight violate any zoning issues in Milpitas? Thank you.

BORCH-1

Kenneth A Borch
2208 MESA VERDE DR
MILPITAS CA 95031

Kenneth Borch (BORCH)

Response to BORCH-1

The author stated that the Draft EIR insufficiently identified idling times for trucks during deliveries and waiting for delivery. The author inquired about average idle times for Transportation Refrigeration Units (TRUs). The author also asked about whether trucks would park overnight and whether that violates any zoning requirements.

Truck idling times are identified in the Draft EIR on page 4.2-34. As stated on that page, Walmart trucks are equipped with a device that automatically shuts off an engine after 3 minutes of idling. Furthermore, all trucks—both Walmart and vendor trucks—are subject to the California Air Resources Board (CARB) 5-minute limit on diesel idling. As such, the maximum idling time for any truck on the project site would be 5 minutes. Note that the Health Risk Assessment (Appendix B) used the 5-minute limit as the basis for assessing impacts at nearby sensitive receptors.

TRUs are powered by a self-contained generator set. TRU generator sets are subject to a CARB Airborne Toxic Control Measure performance standard for emissions (measured in grams/horsepower-hour engine). The Health Risk Assessment accounted for the use of TRU generator sets and assumed 30 minutes of idle time for each unit, consistent with CARB's maximum time limit for TRU operation.

As explained in Response to CALTRANS-2, overnight truck parking rarely occurs on the project site, nor is any expected to occur in the future. Regardless, the Zoning Ordinance does not prohibit overnight truck parking within the General Commercial zoning district.

From: R B [mailto:tggggr@gmail.com]
Sent: Wednesday, December 09, 2009 6:17 AM
To: Cindy Hom
Subject: Support Walmart Expansion

Dear Ms. Horn,

I support this expansion for several reasons:

1. Although it will provide competition to the existing retailers in Milpitas, that's what our economic system is based on, free trade and competition. If anything, this will draw shoppers from surrounding cities and bring more revenue to the City of Milpitas.
2. This expansion will provide new jobs, more tax to the city and more opportunities for those on limited and fixed incomes to purchase at affordable prices. We know people continue their shopping habits despite new stores that open, and I the surveys support the fact that the "National chains" like Safeway and Lucky will not suffer significantly. They will just have to be more competitive.
3. WalMart is a main anchor in McCarthy Ranch, why would want to reduce the draw to this shopping center in these tough economic times? AND, what if Walmart were to choose to LEAVE the city based on this, and build a whole new store in San Jose or Fremont, perhaps? McCarthy Ranch would suffer tremendous loss, and Milpitas would lose one of its top 5 tax revenue sources. Not to mention the generous grants they give quarterly to schools, the needy, struggling organizations, etc.!!! Don't think that won't happen. It is a VERY REAL POSSIBILITY!
4. I am against many rumors running rampant in our community instigated by people with hidden agendas, such as the union. The unions, are running a mud slinging campaign against this expansion and it is simply for their own, hidden agenda. Why are they quiet about other equally large new grocers such as the Chinese market across from City Hall, the new Seafood City on Landess, etc.?? AND, I am completely infuriated at the appointment of the Chief Steward of the Union as a Planning Commissioner, who will influence the vote of the commission on this expansion. He MUST be made to recuse himself from that vote!!!

Please record my favorable vote on this Walmart Expansion.

Rhiannon Brookwell
1941 Grand Teton Dr.
Milpitas, CA
408-648-8767

BROOKWELL-1

Rhiannon Brookwell (BROOKWELL)

Response to BROOKWELL-1

The author expressed support for the proposed project, citing anticipated economic benefits. No response is necessary.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Hom,

The Milpitas DEIR for the Walmart expansion in Milpitas should require the applicant to provide detailed information as to the 'environmental' impacts of waterless urinals versus the 1/8 gallon high efficiency urinals. Walmart's excuse that, "the 1/8 gallon urinal also requires less maintenance than waterless urinals, making this the better option for Walmart" is absurd. The entire purpose of an environmental study is for the researchers to present the most environmentally sound options to the public and elected officials, not what is most convenient for Walmart. I expect the revised report to analyze the pros and cons of waterless urinals versus the proposed 1/8 gallon urinals. What are the water consumption differences? What are the cost differences? What is best for Milpitas and its residents? Walmart is trying to sell this expansion to the City of Milpitas not the other way around.

CABRAL-1

Thank you,

Jatuvia Cabral
474 Chestnut Ave
Milpitas

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DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

Patricia Cabral (CABRAL)

Response to CABRAL-1

The author stated that the City should require the applicant to provide more information about the environmental impact of waterless urinals versus the 1/8-gallon, high-efficiency urinal identified in the Draft EIR. The author asserted that Draft EIR explanation that the 1/8-gallon urinals require less maintenance than waterless urinals is “absurd” and that the purpose of the environmental study is to present the most environmentally sound options to the public and decision makers. The author stated that she expects the Draft EIR to evaluate the pros and cons of waterless urinals versus 1/8-gallon urinals in terms of consumption, cost, and “what is best for Milpitas and its residents.”

To clarify, the Draft EIR identified the 1/8-gallon urinals as a design feature that is planned to be installed in the expanded Walmart store. Note that the Draft EIR sets forth Mitigation Measure PSU-3, which requires that low flow or ultra low flow toilets and urinals be installed prior to issuance of the final certificate of occupancy.

Regarding the author’s request for a comparison of waterless urinals versus the 1/8-gallon high efficiency urinal, this is not necessary for the reasons provided in Impact PSU-3. As stated in that impact discussion, the City of Milpitas indicates that because the proposed project would not exceed the allowable Floor Area Ratio of the project site, the increased water demand attributable to the store expansion would not adversely impact the water system. As such, with the implementation of Mitigation Measure PSU-3, impacts on water supply would be less than significant. Therefore, no legal basis exists for requiring the applicant to install waterless urinals or to otherwise justify why a 1/8-gallon urinal more effectively mitigates the impact.

Cindy Hom

From: janet coleman [shilow11@att.net]
Sent: Sunday, November 22, 2009 4:23 PM
To: Cindy Hom
Subject: Rejection of Wal-Mart expansion

COLEMAN
Page 1 of 1

I have lived here in Milpitas for 22 years, and watched it change some for the good and some for the worse. We do not need any more small private stores run out of our town. It is time to stop trying to change everything, sometimes things are best, when left alone. We have never had so much crime here as we are having now, years ago it was safe to walk down the streets of Milpitas, but now it is best to stay away from the Great Mall and off the street in your own neighborhood. We really don't need a super Wal-Mart in our town.

COLEMAN-1

There is one more thing the planning community has done and that is cutting down the trees along Main street, doesn't any one that lives here now, know that trees create oxygen and Palm trees do not help with that matter.

Thank You

Janet Coleman (COLEMAN)

Response to COLEMAN-1

The author expressed opposition to the proposed project, citing adverse impacts on competing retailers and crime.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

Section 4.9, Public Services and Utilities evaluated potential impacts on police protection, including the potential demands on the Police Department. The author did not provide any comments on the police protection analysis; therefore, no further response can be provided.

From: Sylvia Cox [mailto:sylcox1@att.net]
Sent: Monday, November 23, 2009 12:34 PM
To: Cindy Hom
Subject: Walmart

I have seen the article in the post, and a flyer that was mailed; as well as an email circulating about all the reasons to not want Walmart expanded to be a Superstore (incorrect data as I understand it).

Per se I cannot say in truth a decision to deny Walmart's grocery area will personally impact me. I tend to buy groceries while they are on sale and so I don't use Walmart for much in the grocery department. But I will say the following:

People will shop where they can get the lowest price, they don't have much choice in this down economy. So do you want the money spent in Milpitas or somewhere else? The new "enhanced food" Target in Sunnyvale, is one likely recipient, the larger food area (not a grocery store) in the Fremont Walmart is another. Food Maxx is another. So the real question is going to be do you want people to shop in Walmart Milpitas or go somewhere else? This is not going to be a Super Walmart as people are shouting but an expanded or enhanced food Walmart with a smaller footprint. They have opened one in Morgan Hill someone might check out. It is much bigger food area than Milpitas Walmart has now, but the one time I was there it didn't have a full meat department or fresh produce from my quick look. Not even sure that most of fresh items weren't done elsewhere and brought in. The checkout clerk said many people were disappointed that it was not a Super Walmart.

The argument about wages is a little questionable as well. I have heard that the last big negotiations with the big supermarket chains left a two tier salary structure and I happen to know of an individual who said as soon as that was put in place they started reducing the hours of the higher paid employees and then ultimately offered them "modest buyouts" to have them leave. A real apples to apples comparison of the real salaries and benefits of those other employees to Walmart employees should be made. In addition I not sure the argument that the food workers will make lower salaries holds. There is one set of checkouts that does all checkout at the stores. People who stock shelves do it throughout the store. I can believe that the unions are desiring to keep Walmart from expanding but Walmart is already here. The real question is how many people spend their money at Walmart and will they drive elsewhere to get what they are selling to save money?

The Mom and Pop argument also cracks me up. The competition is the big supermarket chains, not Mom and Pop stores. They don't carry the specialty foods for the most part that the small specialized ethnic markets carry. Do we really need to worry about the big chain stores? They don't worry about bringing us real value. When I spot checked a few items I found \$4 items at a big chain supermarket that were going for \$1.99 at Target or Walmart. So lets be a little bit more honest about the issues. This also holds true for pharmacies, clothing and hardware. Their competition which they already have is not

COX-1

Mom and Pop in size. In a suburban area like we live in there is no barrier for someone driving 5 or 6 miles to buy groceries somewhere cheaper.

Traffic? Walmart is already here (as well as Target), there may be some increase, but most people will be going to Walmart for other things as well so there actually may be an argument for less people trips overall. Also the shopping center has lost so many tenants that it could be that the overall trips aren't even close to what they were. 24 hours a day. If someone wants to shop at 10 PM that should create much less traffic when it really matters.

So if I wanted a store it would be Trader Joes, but the supermarkets won't like that either, because it threatens them and is competition. What happened to competition being bad? It also isn't going to change how I shop. If I want some product that I like, I will spend my money outside of Milpitas.

COX-1
CONT

So does the city need revenue? I certainly thought so. We have to stop being driven by the herd driven ideas that A is bad and B is good. B has lots of warts as well and they are charging more money for them. Do you want income and jobs for Milpitas. I certainly don't want them at any cost, but there needs to be a real assessment of the differences not all the 20 year old hype about why Walmart is bad and everyone else is good. Give us real data to support those claims.

I looked several places for an environmental impact report that related only to Milpitas Walmart (Not all of McCarthy Ranch) and was unable to find one on the city website. If the city really wants comments it should provide citizens with easy access to the data. If it is there I would be happy to know where it is located. The anti people don't make it easy to get to either.

COX-2

Please make a rigorous evaluation of whose special interest are driving these debates and if they are in the best interest of the residents of this city.

COX-3

Respectfully

Sylvia Cox

Sylvia Cox (COX)

Response to COX-1

The author provided commentary on recent newspaper articles and flyers concerning the proposed project. None of the comments pertain to the Draft EIR's analysis; therefore, no response is necessary.

Response to COX-2

The author stated that she was unable to find the Draft EIR on the City website and recommended that the City make it easier to find the document.

The Draft EIR is posted on the City of Milpitas Planning Division's Environmental Documents webpage (<http://www.ci.milpitas.ca.gov/government/planning/environmental.asp>), which is where all other CEQA documents are posted. Additionally, hard copies of the Draft EIR are available for public review at Milpitas City Hall and the Milpitas Library. As such, the City made the Draft EIR publicly available in accordance with both state and local procedures.

Response to COX-3

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

Cindy Hom

From: Brian W. DeSoto [bd67@sbcglobal.net]
Sent: Wednesday, December 02, 2009 10:34 AM
To: Cindy Hom
Subject: WalmartExpansion proposal.

Hi,im writing to show my support towards the Milpitas walmart expansion.I believe it's a great idea.Thanks!

Brian W. De Soto @ (bd67@sbcglobal.net)

DESOTO.1-1

Brian DeSoto (DESOTO.1)

Response to DESOTO.1-1

The author expressed support for the proposed project. No response is necessary.

From: Brian W. DeSoto [mailto:bd67@sbcglobal.net]
Sent: Friday, January 29, 2010 11:26 PM
To: Cindy Hom
Subject: Walmart Expansion.

Hi,my name is Brian W. DeSoto. I'm writing to show my support for the milpitas walmart expansion.I believe the expansion would be a great asset for our community and the visitors to our community.The expansion would create more jobs and make all our shopping needs easily accessible. I would appreciate it if you would forward this letter to the city planning commisioners and the city council members.Thank You!
Brian W. De Soto @ (bd67@sbcglobal.net)

DESOTO.2-1

Brian DeSoto (DESOTO.2)

Response to DESOTO.2-1

The author expressed support for the proposed project, citing anticipated economic benefits. No response is necessary.

From: lovemysis@aol.com [mailto:lovemysis@aol.com]
Sent: Thursday, December 10, 2009 4:27 PM
To: Cindy Hom
Subject: REJECT WAL-MART EXPANSION

I have lived in Milpitas since 1965 and have seen the good, bad and even the ugly come to Milpitas with our type of government we have with the mayor's office and especially the city council. The traffic congestion and the lower quality of life

I am happy with what Grocery stores we have left, for they are convent and I do not have to buck so much traffic for something that cost 15 cent less and spent 2 gals. Of gas and 20-30 minutes on the road.

I hope that Wal-Mart does not get approved on its planned expansion, for the only ones who will profit is Wal-Mart. I don't shop there as it is and will not intice me to go there in the future.

Thank you very much, J. Engle

ENGLE-1

J. Engle (ENGLE)

Response to ENGLE-1

The author expressed opposition to the proposed project, citing satisfaction with the existing selection of grocery stores. No response is necessary.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

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CITY OF MILPITAS
PLANNING DIVISION

Dear Ms. Hom,

The Draft Environmental Impact Report fails to define the type of medical wastes that would result from the medical clinic and detailed plans on medical waste removal. What potential impacts to the public exist with the medical clinic and the waste produce therein?

FRANCIS-1

Sincerely,

Jimmy Francis 1217 Fallen leaf Dr. Milpitas ca.
cickwithit@gmail

Ginny Francis (FRANCIS)

Response to FRANCIS-1

The author stated that the Draft EIR failed to define the type of medical wastes that would be generated by the medical clinic in the expanded Walmart. The author inquired about potential impacts to the public from such wastes.

As stated on pages 3-13 and 3-14, the medical clinic would provide basic services such as check-ups and would not offer more advanced services such as surgical procedures. Accordingly, medical wastes would be expected to consist of low-level, non-bio-hazardous items such as bandages, tongue depressors, latex gloves, needles, and similar items. As indicated on page 4.5-14, a vendor would pick-up and dispose of medical wastes in accordance with state and federal law. For these reasons, public safety would not be exposed to unacceptable risks associated with operation of the medical clinic.

Letter to the Milpitas City Council and the Milpitas Planning Commission,
December 21, 2009

Wal Mart: The Next Too Big To Fail?

Wal Mart is set to expand its local footprint to incorporate a grocery store to serve our community. It promises new jobs and an extended tax base. I oppose their proposal.

Wal Mart's self styled image is that of the good neighbor who looks out for the community, the creator of jobs in difficult times, and provider everything from blue jeans and tires to organic produce and wild caught salmon, all at rock bottom prices. With wonderful Wal Mart within an average five miles of every American, what would be more natural than to bring Wal Mart groceries to every Wal Mart location?

Wal Mart's presence as the low price trend setter has made them the international darling of discount. They have set the global standard for labor relations, international food purchasing and general cost cutting. Naturally, those savings have been passed on to consumers, albeit at the expense of Wal Mart's suppliers, Wal Mart's competitors, Wal Mart's employees and the communities they serve.

But why shouldn't this be the standard for all retail and grocery stores? Why should there be concern that competitors will downsize or go out of business? Didn't chain stores like Long's provide more products and give better prices than the old corner drug store? To stay competitive, didn't Long's have to become CVS? Didn't Nob Hill merge with Raley's and BelAir and gain better purchasing power? In a global marketplace, the retailer with the biggest market share wins. Wal Mart is the "Mom and Pop" of the new millennium, without the inefficiencies or the ethics.

Our spiraling national debt and new found global "responsibilities" force us to re-evaluate our personal contribution to financial recovery in terms of a legacy which we will share with the coming generations. To leverage our progeny from this eternal debt, we'll need to save every dollar we can on our purchases regardless of the concessions that must be made. This is therefore not the time for employees to demand rights in the workplace when they should be thankful to find jobs. This is a painful but necessary step in the redistribution of wealth in a global economy, right? Why should local coffers not pick up the cost of services for which Wal Mart employees cannot pay? And why expect Wal Mart to provide medical coverage for employees when nationalized health care is just around the corner? If the dollar continues to depreciate and prices go up, with Wal Mart's strong purchasing power and control of suppliers, we know that we will have guaranteed access to products and produce, even as the other retailers fail. But with a Wal Mart store and grocery in every community, why would we need anything else? It's an Orwellian dream come true.

If our economy should further collapse, won't we as a nation, back this giant as we did the banks? Its vast resources and its 2 million employees worldwide create a mega infrastructure whose failure would further devastate our chances for financial recovery. From a standpoint of National Security, we must ask ourselves if the mega infrastructure of a global Wal Mart isn't exactly what we would need if we were facing a national emergency and the government needed to distribute food to a hungry populace. True?

We are at the edge of the cliff. 'Mega media, mega banks, mega retail and mega grocery all in partnership with mega government? This is the antithesis of the small business ideals that our country has embraced since its

FUJII-1

inception. This is the natural conclusion of an economy corrupted by thinking profit could be created by debt and that the fate of the many should be controlled by a powerful few, be they bankers or businesses. None of this can be solved by creating another "too big to fail" or by perpetuating the corruption which created it. None of this can be solved by eliminating competition and thereby a community's choice.

It's time to walk away from the edge of this cliff. In the broad sense, we must look at what all of the "too big to fails" are costing us or we will concede the futures of our own children into indentured servitude. We have trusted wiser minds to understand the workings of markets and money and assumed that if we were hard working and fair that we would succeed. We tied our futures to an illusion. Instead, we have learned that our wealth is not what were working for, but what we were giving away.

In this specific case, we must not overburden our already competitive grocery stores. The low paying Wal Mart jobs would not make up for the fair wage positions that could be lost in other stores. 'And I wonder if the contributions Wal Mart makes to local charities would be outweighed by the expense of assisting those who Wal Mart will hire at sub-standard wages. I wonder if the revenue paid to City coffers will really cover the cost of doing business with Wal Mart.

We must work our way back to understanding the ethics of business and the worth of every individual. Support our local stores, our local farmers markets and the ethics of the market place. That is not the Wal Mart way, but it is ours.

Virginia Fujii

Milpitas resident

FUJII-1
CONT

Virginia Fujii (FUJII)

Response to FUJII-1

The author expressed opposition to the proposed project and provided a lengthy commentary on Walmart's corporate practices.

Walmart's corporate practices are addressed in Master Response 1.

Public Comment Letter

Milpitas Walmart Expansion Project Draft Environmental Impact Report

Please submit your comments by Monday, December 14, 2009 at 5:00pm.

Date: NOV. 19, 2009
Name: (print) MARLENE GASTELUM
Address: 1859 SHENANDOAH AVE
MILPITAS CALIF 95035

GASTELUM

Comments or Concerns:

I myself do not like Walmart. I'm afraid
the other markets would down under.
Wal-Mart has gotten too big and
powerful. Its their way out no way.

Marlene Gastelum (GASTELUM)

Response to GASTELUM-1

The author expressed opposition to the proposed project, citing Walmart's corporate practices.

Walmart's corporate practices are addressed in Master Response 1.

Cindy Hom

From: Stephen Gilbert [gilbertstg@comcast.net]
Sent: Thursday, November 19, 2009 5:47 PM
To: Cindy Hom
Cc: Stephen Gilbert
Subject: Wal-Mart Super Center

GILBERT
Page 1 of 1

Ms. Hom,

I am writing to voice my strong opposition to the Wal-Mart Supercenter.

I have worked in communities with a Wal-Mart Supercenter and watched as longtime local businesses closed down, unable to compete with the cut throat pricing that Wal-Mart can offer. Many of the storefronts left behind remain vacant as new retailers are reluctant to enter the retail environment.

I commute daily through the I 880/237 corridor and dread the impact the new store could have on my traffic. I drive daily from my home off of Piedmont Road to my employment in Mountain View. I spend the majority of my commute coming and going just getting through Milpitas. Even on weekends, it is very frustrating to go from my home as far as city hall, let alone to I 880. I frequently sit through traffic lights two to three times, due to the heavy traffic flow. Is the city is also planning to significantly increase traffic lanes north/south and east/west to accommodate the increased traffic flow? Otherwise, the impact on citizens in the city will be very negative.

GILBERT-1

The history of Wal-Mart is a history of abuse of employees. Several states have sued successfully and reaped millions of dollars in penalties for overtime violations, discriminatory practices, and other abuses. Is that the corporate citizen we want to reward in Milpitas? Wal-Mart will employ a large number of part-time minimum wage employees. How will that help Milpitas? The corporation has a policy of counseling their employees so that they can apply for welfare benefits since their pay is so low. How will that help the other taxpayers in Milpitas?

I strongly oppose the opening of a Wal-Mart Supercenter.

Steve Gilbert
2223 Mesa Verde Drive
Milpitas, CA 95035
(408) 262-6764
gilbertstg@comcast.net

Stephen Gilbert (GILBERT)

Response to GILBERT-1

The author expressed opposition to the proposed project, citing potential adverse impacts on competing businesses, traffic congestion on local streets, and Walmart's corporate practices. The author inquired if the City has any plans to significantly increase traffic lanes to accommodate traffic flow associated with the proposed project.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

Traffic is addressed in Master Response 3.

Walmart's corporate practices are addressed in Master Response 1.

November 23 2009

To: Ms Cindy Horn

Assistant Planner City of Milpitas

Dear Ms Horn;

Many years ago when I bought my home in Milpitas it was a wonderful small town with many small local businesses. Main Street was thriving and vibrant and it was a delight to walk and shop in town. Now it is nothing but a shopping center for the Bay Area. Most of the small businesses have closed. Main Street is a blighted area and more small shops are closing every day.

Traffic has become a congested mess even on the weekends and now you're thinking of letting one of the most destructive businesses in the nation build a Wal-mart megastore. Which will certainly add to the destruction of the quality of our lives in this town? Their treatment of their workers is appalling. They pay low wages, don't cover health insurance and are adding to the demise of the middle class. I don't believe it will even generate enough taxes to make up for the tax base it destroys. The last thing we need in Milpitas is a megastore.

Please have the courage to say no to this huge wealthy corporate takeover. If you don't we may just as well change the city name to "Big Wal-mart", because that will probably be how we will be differentiated from all the other cities here.

Oh how I wish I had bought in Sunnyvale those many years ago.

Sincerely yours;



Ethel Gould

757 Flume Ct

Milpitas CA

GOULD-1

Ethel Gould (GOULD)

Response to GOULD-1

The author expressed opposition to the proposed project, citing blight on Main Street, traffic congestion on local roadways, and Walmart's corporate practices.

The urban decay analysis in Section 4.11, Urban Decay assessed existing urban decay conditions and did not find that Main Street was blighted. Refer to Section 4.11, Urban Decay for further discussion.

Traffic is addressed in Master Response 3.

Walmart's corporate practices are addressed in Master Response 1.

Cindy Hom

From: CnM Griffin [cmgriffin@sbcglobal.net]
Sent: Wednesday, December 02, 2009 5:11 AM
To: Cindy Hom
Subject: Walmart Expansion

GRIFFIN-1
Page 1 of 1

We fully endorse the expansion of Walmart in Milpitas. The store provides may jobs, lowers costs in this bad economy, provides tax dollars to the city, county and state, and is a part of a good company.

GRIFFIN-1

We hope the Milpitas government approves the expansion.

Marcia and Charles Griffin

Marcia and Charles Griffin (GRIFFIN)

Response to GRIFFIN-1

The authors expressed support for the proposed project, citing anticipated economic benefits. No response is necessary.

Dear planning commission & City Council,

I am writing this to reject the expansion of Walmart. If Walmart did expand, it would jeopardize my job, I don't know how I would be able to support my 2 kids. Please don't let this happen to me & others and our families.

408-823-7862 griselde.
2087 Castleton Dr.
Yonkers CA 95148.

GRISELDA-1

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DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

Griselda [Last name not provided] (GRISELDA)

Response to GRISELDA-1

The author expressed opposition to the proposed project and stated that her job may be jeopardized by the project.

Job losses are addressed in Master Response 2.

October 27, 2009

RECEIVED

OCT 29 2009

City Council/Planning Commission
455 E. Calaveras Blvd.
Milpitas, CA 95035

OFFICE OF THE
MAYOR & COUNCIL

RE: WALMART EXPANSION

GUERRERO

Members of City Council and Planning Commission: My wife and I shop at Walmart at least once or twice a week and would like to have a "Super Walmart" here in Milpitas to avoid traveling to Gilroy's store when we need to purchase many different kinds of items not available at the local store. Please do all you can to support this project so our citizens can go to one store to make their purchases instead of traveling all over town and clogging up the streets.

-1

Your support of this project will be very much appreciated by Milpitas residents and others in outlying areas. Thank you for considering support of the Walmart expansion. We're sure the expansion will be very beneficial to all who live in this city and the surrounding areas.

Sincerely,

I. J. Guerrero & Mary Guerrero
238 S. Park Victoria Dr.
Milpitas, CA 95035-5725

I. J. Guerrero
Mary Guerrero

I.J. and Mary Guerrero (GUERRERO)

Response to GUERRERO-1

The authors expressed support for the proposed project, citing anticipated reduced trip lengths. No response is necessary.

My husband and I are opposed to the proposed Supercenter of Wal-Mart. We hope the community will rally againts it!!!

Teresita Guting

GUTING-1

Teresita Guting (GUTING)

Response to GUTING-1

The author expressed opposition to the proposed project. No response is necessary.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Hom,

I am writing with grave concern to the potential sale of alcohol and 24-hour operations at the Wal-Mart store in Milpitas. The health and welfare of the community is at risk with the proposition in the Draft Environmental Impact Report.

HE-1

The fact that the store is not within 1,000 feet of residential neighborhoods is why permitting Wal-Mart to sell alcohol 24-hours a day, 7-days a week is a threat to the area. McCarthy Ranch and the surrounding businesses do not operate on a 24-hour basis. The area is typically devoid of people between the hours of 11pm to 6am.

If Wal-Mart starts operating 24-hours a day, it will impact the dynamic of the area. Whereas now people do not inhabit or loiter the area at unreasonable hours, a change in operations will make the area desirable for undesirables. This will impact our police, fire and emergency services. Wal-Mart might provide security for their store; they will not (to my knowledge) be providing security for the other businesses along that strip.

HE-2

Conversely, had our Wal-Mart store been located near residential neighborhoods, the area might already be positioned to handle this store change. This is evident in the current businesses that sell alcohol and operate on a 24-hours basis throughout Milpitas proper.

HE-3

The Draft Environmental Impact Report is deficient in the study of impacts to both the sale of alcohol and operating on a 24-hours, 7-day a week basis. The report should address the potential impacts to police, fire and emergency services as a result of these changes on the surrounding area – not just Wal-Mart. Further, the City of Milpitas should consider limiting the sale of alcohol between the hours of 7am and 10pm as a condition of approval because of the potential harmful impacts to the community. Thank you.

HE-4

[Handwritten signature]
Yo He
130 Rescom Drive. #386
San Jose, CA 95134
yhelewahe@gmail.com

RECEIVED

DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

Yu He (HE)

Response to HE-1

The author expressed concern about the expanded Walmart operating 24 hours a day and potential impacts on health and welfare from alcohol sales.

The author's specific concerns will be addressed in Response to HE-2 through Response to HE-4.

Response to HE-2

The author stated, "The fact that the store is not within 1,000 feet of residential neighborhoods is why permitting Walmart to sell alcohol 24-hours a day, 7 days a week is a threat to the area." The author stated that businesses in the McCarthy Ranch area do not operate 24 hours a day and the area is typically devoid of people between 11 p.m. and 6 a.m.

To correct several misstatements:

- As stated on page 3-28, the project is within 1,000 feet of residential uses and, therefore, is required to obtain a conditional use permit.
- As stated in page 3-27, state law prohibits alcohol sales between 2 a.m. and 6 a.m. and, therefore, the expanded Walmart (if approved) would not retail alcohol 24 hours a day.
- The McCarthy Ranch Marketplaces includes several businesses that operate between 11 p.m. and 6 a.m., including In-N-Out Burger (which operates until 1 a.m. Sunday through Thursday and 1:30 a.m. on Friday and Saturday) and Starbucks (which opens at 5 a.m. Monday through Friday). As such, the author's statement that the McCarthy Ranch area is typically devoid of people between 11 p.m. and 6 a.m. is incorrect.

Neither the City of Milpitas General Plan nor the Milpitas Zoning Ordinance prohibits 24-hour operations or alcohol sales in the McCarthy Ranch area. Regarding the latter issue, there are several existing businesses in the McCarthy Ranch Marketplace that sell alcohol, including Applebee's, On The Border, and Black Angus. Thus, it can be reasoned that 24-hour operations or alcohol sales are not considered to be incompatible with or otherwise inappropriate for the McCarthy Ranch area.

Response to HE-3

The author stated that if the Walmart store was located near residential neighborhoods, the surrounding area "might already be positioned to handle the store change." The author asserted, "This is evident in the current businesses that sell alcohol and operate on a 24-hour basis throughout Milpitas proper."

The expanded Walmart store would comply with all applicable provisions of both the City of Milpitas General Plan and Zoning Ordinance. (Refer to Section 4.7, Land Use for detailed discussion.)

Therefore, it can be concluded that the expanded Walmart would not pose a land use conflict with any

surrounding land uses. Accordingly, the author's suggestion that the proposed project would create land use conflicts with surrounding uses is not supported by any factual evidence.

Response to HE-4

The author alleged that the Draft EIR is deficient in evaluating potential impacts of alcohol sales and 24-hour operations. The author asserted that the Draft EIR should address the potential impacts on police, fire, and emergency medical services as a result of these changes on the surrounding area. The author stated that the City of Milpitas should consider limiting alcohol sales to between the hours of 7 a.m. and 10 p.m. as a condition of approval because of the harmful impacts to the community.

Both the Milpitas Police Department and Milpitas Fire Department were consulted about potential impacts during the preparation of the Draft EIR. Both agencies provided written responses, which are provided in Appendix G of the Draft EIR, and indicated that they did not expect the proposed project's characteristics (including alcohol sales and 24-hour operations) to adversely impact their ability to provide public safety services to the community. Therefore, it can be concluded that public safety would not be adversely impacted.

Regarding the author's proposed condition of approval concerning limiting alcohol sales to between the hours of 7 a.m. and 10 p.m., as explained above, neither the Police Department nor the Fire Department indicated that alcohol sales represent a significant impact to public safety or suggested this type of limitation on this activity. Furthermore, as noted in Response to HE-2, several existing businesses in the McCarthy Ranch Marketplace sell alcohol, and neither agency indicated that this existing condition jeopardizes public safety. As such, there is no legal basis for imposing this proposed limitation as either a mitigation measure or a condition of approval.

Cindy Hom

From: Pam Hennings [phennings@sbcglobal.net]
Sent: Friday, November 20, 2009 10:41 AM
To: Cindy Hom
Subject: Please Stop Walmart Supercenter!

HENNINGS

I will vote NO. Its gpong to be bad enpigh woth the stasium and bart. Keep milptas nice,
how it used to be.

-1

Pam hennings
Resident pf milpitas for 43 years
Big bend drive

Pam Hennings (HENNINGS)

Response to HENNINGS-1

The author expressed opposition the proposed project. No response is necessary.

Cindy Hom

From: Supplyside@aol.com
Sent: Monday, November 30, 2009 7:47 AM
To: Cindy Hom
Subject: Support of WalMart expansion at McCarthy Ranch

Dear Ms. Hom and City of Milpitas Planning Department,

I support this expansion for several reasons:

1. Although it will provide competition to the existing retailers in Milpitas, that's what our economic system is based on, free trade and competition.
2. This expansion will provide new jobs, more tax to the city and more opportunities for those on limited and fixed incomes to purchase their daily bread.
3. WalMart is a main anchor in McCarthy Ranch, why would want to reduce the draw to this shopping center in these tough economic times?
4. I am against many rumors running rampant in our community instigated by people with hidden agendas, such as the union. The unions, in my opinion, are running a mud slinging campaign against this expansion and it is simply for their own, hidden agenda of keeping the union fat cats FAT!

HERRERA-1

Please cast a vote for expanding the WalMart at McCarthy Ranch.

Peter Herrera
430 Evans Road
Milpitas, CA 95035

Peter Herrera (HERRERA)

Response to HERRERA-1

The author expressed support for the proposed project, citing anticipated economic benefits. No response is necessary.

From: Jim Hsia [mailto:jimhsia@yahoo.com]
Sent: Sunday, December 13, 2009 10:39 AM
To: opinion@themilpitaspost.com
Cc: Cliff Williams; Cliff Williams; Mary Lavelle
Subject: Grocery Stores Change in Milpitas

When Safeway opened their new 100,000+ square foot store in Milpitas Town Center, Save Mart refused to invest in their store and soon closed their Lucky store. Now in its place, we have the new Marina Food market with a wide selection of Asian foods.

Ms. Touchton (Milpitas Post, December 10, 2009) opposes Walmart's 18,000 square foot expansion because the Save Mart on Calaveras Blvd may also close. If her organization is truly interested in building a better community for Milpitas, shouldn't Ms. Touchton be rallying Save Mart to modernize their store so our community can have a wider range of markets to shop?

When I was at Walmart on Friday afternoon following Thanksgiving, I saw a packed parking lot with numerous shoppers. In lean economic times, it's nice to see that Milpitas is a destination for many shoppers. Our community benefits--and our city strengthens its valuable tax base.

Jim Hsia

HSIA-1

Jim Hsia (HSIA)

Note to reader: The author's letter consists of a letter to the editor that was published in the Milpitas Post in December 2009.

Response to HSIA-1

The author expressed support for the proposed project and provided commentary on claims made by project opponents. No response is necessary.

Cindy Hom

From: Crystal Ide [crystalide@sbcglobal.net]
Sent: Saturday, November 21, 2009 10:06 AM
To: Cindy Hom
Subject: WAL-MART SUPERCENTER

A LARGER WAL-MART IS NOT A GOOD MOVE FOR MILPITAS. OUR COMMUNITY HAS ALWAYS BEEN SMALLER AND MORE INDEPENDANTLY SEPARATED FROM OTHERS. WE HAVE DONE WELL UTILIZING SMALLER BUSINESSES AND PROMOTING DOING BUSINESS WITHIN. THAT ENCOURAGES THE RESIDENTS HERE TO CONTINUE TO OPEN BUSINESSES AND BUY PROPERTY IN MILPITAS. HAVING GIANT WAL-MARTS AND WHAT THEY BRING INTO THE AREA IS NOT WORTH THE LOSS IN VALUES. THEY ARE BAD TO THE EMPLOYEES, THEY BUY AND SELL TAINED PRODUCTS FROM COUNTRIES LIKE CHINA WITHOUT REMORSE AND OUR CHILDREN AND WELL AS US ALL SUFFER THINKING WE ARE GETTING A GREAT BUY. PLEASE, I ENCOURAGE YOU TO STOP THIS FROM EVOLVING AND FURTHER BREAKING DOWN OUR GOOD CITY FROM POOR DECISIONMAKING AND MANAGMENT THAT HAS BEEN INCREASING THROUGHOUT THE YEARS. LETS GET MILPITAS IN THE EYES OF EVERYONE AS A SPECIAL CITY WITH MORALS AND ONE THAT CARES FOR ITS INNER GROWTH AND IMAGE. THANK YOU FOR READING THIS AND I HOPE THAT IT SETS IN YOUR HEART AS TRUTH AND CARE FOR WHAT CITIZENS REALLY WANT THAT YOU REPRESENT...

FRED AND CRYSTAL IDE

IDE-1

Fred and Crystal Ide (IDE)

Response to IDE-1

The authors expressed opposition to the proposed project, citing potential adverse impacts on competing businesses and Walmart's corporate practices.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The authors did not provide any comments on the urban decay analysis.

Walmart's corporate practices are addressed in Master Response 1.

12/13/09

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JANE
Page 1 of 1

DEC 14 2009

Dear Planning Commission

CITY OF MILPITAS
PLANNING DIVISION

I despise Walmart and all they are about. They are not only bad for Milpitas but for the whole U.S.A.

I'm real sick and tired for paying for their health care, and their world wide greed. More! more! more.

Just what our Economy doesn't need. If they come into Milpitas I know I will

lose my job - I am a grocery clerk and my family will be out on the street! Do you care?

I hope you have a heart? We don't need another grocery store. Stop the greed with Walmart. Save the grocery stores here. Sincerely
Jane

Jane [Last name not provided] (JANE)

Response to JANE-1

The author expressed opposition to the proposed project, citing Walmart's corporate practices and potential adverse impacts on competing businesses.

Walmart's corporate practices are addressed in Master Response 1.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

From: David Jordan [mailto:dvjrdn@msn.com]
Sent: Tuesday, January 05, 2010 7:43 PM
To: Cindy Hom
Subject: DEIR (Walmart Expansion)

Dear Ms. Hom:

As Milpitas residents since 1984, My wife (Elvira) and I want you to know we wholeheartedly support Walmart's request to offer expanded services to our community.

JORDAN-1

David Jordan
567 Glasgow Ct.

David Jordan (JORDAN)

Response to JORDAN-1

The author expressed support for the proposed project. No response is necessary.

From: Erik Kaeding [mailto:]
Sent: Sunday, January 10, 2010 12:41 PM
To: James Lindsay; Robert Livengood; Pete McHugh; Debbie Giordano; Armando Gomez; Althea Polanski
Cc: Sheldon AhSing; Mike Ogaz; Tom Williams
Subject: Questions and Concerns about Proposed Wal-Mart Supercenter

Dear Mr. Lindsay and Members of the Milpitas City Council:

I have learned through a friend that the Wal-Mart at McCarthy's Ranch as applied to expand into a super center with full service grocery facilities. I have the following questions and concerns about this application:

KAEDING.1-1

Questions

1. At what phase in the planning process is Wal-Mart's application?
2. On what dates will the Planning Commission and Council meet to discuss any and all aspects of this application?
3. Has the City begun to prepare an EIR for this application? How and when can community members comment on any aspect of the EIR?
4. Will any general plan or zoning ordinance amendments be required for Wal-Mart to construct the super center?
5. Will the application require a conditional use permit, subdivision approval, and/or approval from any bodies other than the City (e.g., water board)?
6. As the development of a super center would no doubt increase vehicle miles traveled (VMT) in the Bay Area, will this proposal implicate any regional plan under SB 375?

KAEDING.1-2

KAEDING.1-3

KAEDING.1-4

KAEDING.1-5

KAEDING.1-6

KAEDING.1-7

Concerns

1. McCarthy's Ranch is located along the Coyote Creek. My property abuts the creek on the San José side. Given the inadequacy of the levees in our area, flooding is always a concern of residents in my neighborhood. I worry that increasing the impervious surface area at McCarthy's Ranch by increasing the size of Wal-Mart and/or its parking lot will increase run-off into the creek.
2. There is no doubt that development of a super center will increase VMT in the area, thus increasing carbon emissions. This is especially true given that most large grocery stores in Milpitas are located within walking distance of high density housing

KAEDING.1-8

KAEDING.1-9

developments, but McCarthy's Ranch is not within walking distance of any housing development.

KAEDING.1-9
CONT

3. When in Milpitas, I like to shop at small ethnic food stores. I am concerned that development of a food center would put some of my favorite stores out of business.

KAEDING.1-10

4. Most of the major grocery chains in our area are union shops that offer excellent health and other benefits to employees. I understand that Wal-Mart's benefit program is less sufficient. Where super centers are built, large chain supermarkets tend to go out of business. As a taxpayer, I am concerned about increased demands on the public purse as grocery store employees go unemployed and as the public is forced to subsidize Wal-Mart's failure to provide adequate benefits.

KAEDING.1-11

5. From a revenue perspective, I do not think that development of a super center is in the City's best interest. As I have noted, I am concerned that a super center will cause supermarkets in the City to lose business and possibly close entirely. These stores sell nontaxable and taxable items alike. If they close, the City will lose 1-percent sales tax revenue. Conversely, the City will not increase revenues by allowing Wal-Mart to construct a super center because the store would be adding only non-taxable items to its inventory under such a proposal. Moreover, if large supermarkets are forced to close -- which, as I have noted, tend to be near housing in Milpitas -- this will cause blight that will no doubt decrease nearby residential property values, causing the City to lose property tax revenues.

KAEDING.1-12

Thank you for your attention to this issue. I look forward to your response to my questions so that I may stay informed and involved throughout this process.

KAEDING.1-13

Best regards,

Erik D. Kaeding

Erik Kaeding (KAEDING.1)

Response to KAEDING.1-1

The author provided introductory remarks to preface the letter. No response is necessary.

Response to KAEDING.1-2

The author inquired about the status of Walmart's application.

Walmart filed an application with the City of Milpitas in early 2009 to expand the existing store in the McCarthy Ranch Marketplace. After the application was deemed complete, the City of Milpitas initiated the CEQA process in March 2009 with the issuance of the Notice of Preparation. The Draft EIR was released on November 5, 2009 and circulated for public review until December 21, 2009. The Final EIR was released in February 2010 and the Planning Commission is anticipated to consider Walmart's application in March 2010.

Response to KAEDING.1-3

The author inquired about what dates the Planning Commission and City Council will meet to discuss Walmart's application.

Refer to Response to KAEDING.1-2 regarding when the Planning Commission is anticipated to consider Walmart's application.

The Walmart application would only be heard by the City Council if the Planning Commission's decision on the application it is appealed.

Response to KAEDING.1-4

The author asked if the City has begun to prepare an EIR and how and when can community members comment on aspect of the EIR.

Refer to Response to KAEDING.1-2.

Response to KAEDING.1-5

The author inquired if any General Plan or Zoning Ordinance amendments will be required.

As indicated in Section 4.7, Land Use of the Draft EIR, the proposed project is consistent with the existing General Plan designation of General Commercial and zoning designation of General Commercial. Refer to Section 4.7, Land Use for further discussion.

Response to KAEDING.1-6

The author inquired if the application will require a conditional use permit, subdivision approval, or other approvals from any bodies other than the City of Milpitas.

The discretionary approvals being sought by the applicant are listed on page 3-28 of the Draft EIR, along with approvals that may be required by other agencies.

Response to KAEDING.1-7

The author stated that the proposed project would increase vehicle miles traveled (VMT) and inquired what the implications of this are on any regional plan developed pursuant to Senate Bill 375.

At the time of Draft EIR issuance (November 2009) and Final EIR issuance (February 2010), no regional plans have been developed pursuant to Senate Bill 375. Therefore, it is not possible to evaluate the proposed project against the provisions of these plans.

Note that the CEQA Guidelines do not require changes in VMT to be evaluated at the project level. Furthermore, a number of factors influence VMT such as origin and end points, trip routing, frequency of trips, and the number of stops that occur during a trip. Thus, attempting to calculate changes in VMT would be speculative.

Response to KAEDING.1-8

The author stated that his property abuts Coyote Creek and asserted that flooding is a concern because of the inadequacy of the levees along the waterway. The author expressed concern that increasing impervious surface coverage on the project site would result in greater runoff into Coyote Creek.

As stated in Impact HYD-4, the store expansion area currently contains impervious surfaces (e.g., a parking lot and sidewalks), which are drained by the existing storm drainage system. Thus, no net increase in impervious surfaces or runoff will occur as a result of the proposed project.

The author's characterization of the adequacy of the Coyote Creek levees is not supported by the analysis contained in the Draft EIR. As stated on page 7-5, the Santa Clara Valley Water District implemented a number of flood control improvements along the reach of Coyote Creek near the project site during the 1990s. Improvements included levee construction, excavation of a parallel overflow channel, and the development of a bypass channel near the Newby Island Sanitary Landfill. The waterway has not flooded in the project vicinity since the implementation of these improvements.

Response to KAEDING.1-9

The author asserted that there is no doubt that the development of the proposed project will increase VMT and carbon emissions, which will be exacerbated by the lack of housing within walking distance of the project site.

The proposed project's greenhouse gas emissions were evaluated in Impact AIR-7 in Section 4.2, Air Quality. Vehicular tailpipe emissions were included in the analysis. As shown in Table 4.2-17, net new project emissions (including tailpipe) would total 710 metric tons of carbon dioxide equivalent (MMT_{CO2}), which is below the Bay Area Air Quality Management District's (BAAQMD) proposed threshold of 1,100 MMT_{CO2}.

Neither the City of Milpitas General Plan nor the BAAQMD's proposed CEQA Guidelines prohibit nor discourage the development of retail land uses in areas that are not within walking distance of

housing. Note that surrounding retail, restaurant, and office uses within the McCarthy Ranch area are within walking distance of the existing Walmart store.

Response to KAEDING.1-10

The author stated that he was concerned that the proposed project would result in closure of ethnic food stores.

Ethnic food stores are addressed in Master Response 2.

Response to KAEDING.1-11

The author stated that most of the major grocery store chains in the Milpitas area are unionized and offer health and benefits to employees. The author asserted that Walmart's benefits are less sufficient and expressed concern about increased demands on public services from "Walmart's failure to provide adequate benefits."

Benefits provided to employees are outside the scope of the Draft EIR because they do not have physical impacts on the environment. Refer to Master Response 1 for further discussion.

Response to KAEDING.1-12

The author asserted that the proposed project would not be in the City's best interest because existing supermarkets will close and the Walmart expansion would sell non-taxable items. The author expressed concern that the closure of supermarkets would result in blight and depressed property values, resulting in reduced property tax revenues.

Changes in tax revenues and potential urban decay impacts are addressed in Master Response 2.

Response to KAEDING.1-13

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

Erik D. Kaeding
439 Camille Circle #14
San José, CA 95134

VIA FIRST CLASS AND ELECTRONIC MAIL

January 14, 2010

Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Hom:

It recently came to my attention that the Wal-Mart at McCarthy's Ranch has applied to expand into a supercenter with full grocery facilities. I have an interest in this application because I reside within the market area of the store as defined by the draft EIR. At present, I do not believe that the Planning Commission should approve the EIR. Even if the Planning Commission finds the EIR to be complete, it should nonetheless reject Wal-Mart's proposal when ultimately ruling on the permit application.

KAEDING.2-1

Although my knowledge of the project has come too late to have my concerns addressed in the final EIR, I would nonetheless request that you include my comments in the staff report to the Planning Commission when the final EIR comes before that body for approval. Specifically, I have the following concerns, which I discuss below in more detail:

1. The City will lose sales tax revenue if it approves Wal-Mart's application;
2. Approving Wal-Mart's application would violate the General Plan; and
3. A number of questionable assumptions were made by the drafters of the EIR in concluding that Wal-Mart's expansion should not result in store closures within the market area.

KAEDING.2-2

On the face of the EIR, the City will lose sales tax revenues if it approves Wal-Mart's application. According to Table 4.11-12 on page 4.11-29 of the draft EIR, the Wal-Mart expansion is estimated to generate an additional \$13,780,998.00 in annual food sales. However, because food is not subject to sales taxation, this additional income will not generate revenue for the City. The same table notes that to accommodate the store's new grocery department, square footage representing an estimated \$5,944,429.00 in annual general merchandise sales will give way to the new grocery department. Because most general merchandise *is* subject to sales taxation, this reconfiguration will cause the city to lose sales tax revenues.

KAEDING.2-3

Approving Wal-Mart's application would violate the General Plan (GP). Page 4.11-51 of the draft EIR states that “[c]onventional stores in the market area would likely experience negative sales impacts from the Walmart expansion” Policy 2.a-I of the GP, detailed on page 4.11-26 of the draft EIR, mandates that the City engage in planning that contributes to a “balanced economic base that can resist downturns in any one sector,” that promotes “economic opportunities for all residents,” and that “promotes business retention.” Therefore, a planning decision that would create a significant negative impact on existing stores in the area would violate the GP. Besides causing a downturn in the grocery sector, such a decision would limit the economic opportunities of Milpitas residents and impair the City’s efforts to retain existing businesses.

Allowing Wal-Mart to expand would limit the economic opportunities of Milpitas residents because negative sales impacts on existing, conventional grocery stores would likely lead to lay-offs. While expanding Wal-Mart may create jobs to replace lost positions, the City cannot ignore the fact that most conventional grocery stores are union shops that offer competitive benefits and wages to employees. As the labor community stands poised to demonstrate, Wal-Mart does not compensate its employees nearly as well as these unionized stores.

KAEDING.2-4

In addition to hurting grocery store workers in our community, allowing Wal-Mart to expand would hurt existing businesses, as noted in the draft EIR. This will in turn hurt the City because enabling one retailer to exceed its existing investment backed expectations at the expense of other stores will not promote business retention. For reasons explained below, the draft EIR provides inconclusive evidence that Wal-Mart’s expansion would not cause other stores in the area to close.

A number of questionable assumptions were made by the drafters of the EIR in concluding that Wal-Mart's expansion should not result in store closures within the market area. Specifically, the Planning Commission should question the drafters’ assumptions that 1) population growth will generate sufficient demand to prevent Wal-Mart from causing other stores to close, 2) Wal-Mart will not compete with ethnic food stores, and 3) Wal-Mart’s expansion will divert sales only from food stores. I deal with each of these assumptions in greater detail below.

KAEDING.2-5

1. The draft EIR states on page 4.11-23 that “there is no excess demand for grocery stores that is not being met by retailers in the market area.” Nonetheless, the EIR concludes on pages 4.11-50 and 51 by assuming that the proposed expansion will not cause conventional grocery stores in the market area to close. To arrive at this hypothesis, the drafters predict that population growth in the market area will generate enough demand to absorb Wal-Mart’s estimated grocery sales. This calculation makes two crucial assumptions. First, it assumes that grocery revenues at the Milpitas Wal-Mart store will reflect past revenues at other Wal-Mart stores. Second, it assumes a certain rate of population growth. Because the market area has no surplus demand, conventional grocery stores in Milpitas will likely close if either of these assumptions proves inaccurate. This is particularly disturbing given the number of proposed housing projects in North San José and

KAEDING.2-6

other parts of the market area that have been placed on hold indefinitely as a result of the current economic downturn.	KAEDING.2-6 CONT
2. The assumption that Wal-Mart will not compete with ethnic food stores in the area is clearly erroneous. Ethnic food stores offer a wide range of food items, including items like dairy and produce that can be purchased in discount food centers. Such items account for a significant portion of these stores' sales, and a dip in those sales could cause ethnic stores to close. This fact is particularly true of smaller ethnic food stores, <u>which were entirely excluded from review in the draft EIR</u> (see Table 4.11-17).	KAEDING.2-7
3. Table 4.11-16 on page 4.11-36 of the draft EIR assumes that the proposed expansion would not divert sales from non-food stores. This assumption neglects the fact that most conventional grocery stores in Milpitas are anchor stores in large shopping centers. Shoppers diverted from conventional stores by Wal-Mart will ultimately spend less money at the smaller shops and restaurants in those shopping centers, which may cause some stores to lay-off workers or to close.	KAEDING.2-8
Thank you for your attention to these considerations. I hope that in the end the City will do the right thing with Wal-Mart's application.	KAEDING.2-9
Warm regards,	

Erik D. Kaeding

Cc: Robert Livengood, Pete McHugh, Debbie Giordano, Armando Gomez, and Althea Polanski

Erik Kaeding (KAEDING.2)

Response to KAEDING.2-1

The author provided introductory remarks to preface the letter and expressed opposition to the proposed project. No response is necessary.

Response to KAEDING.2-2

The author outlined his concerns about the Draft EIR. The author’s specific concerns are addressed in Response to KAEDING.2-3 through Response to KAEDING.2-8.

Response to KAEDING.2-3

The author stated that the City of Milpitas will lose sales tax revenues if the Walmart expansion is approved.

Changes in tax revenues are addressed in Master Response 2.

Response to KAEDING.2-4

The author stated that the proposed project violates the General Plan because it is inconsistent with Policy “2.a-1,”³ which requires that the City endeavor to maintain a balanced economic base that can resist downturns in any one sector. The author alleged that the proposed project would be inconsistent with this policy because it would have a negative impact on competing stores, as well as limit economic opportunities of Milpitas residents and impair the City’s efforts to retain existing businesses. The author provided commentary on Walmart’s corporate practices. The author stated that the proposed project would hurt existing businesses because the City would allow “one retailer to exceed its existing investment backed expected at the expense of other stores,” which would not promote business retention. The author asserted that the Draft EIR provides inconclusive evidence that Walmart’s expansion would not cause other stores in the area to close.

The Draft EIR evaluated consistency with Policy 2.a-I-6 on Pages 4.7-11 and 4.7-11. The text of the consistency analysis is reprinted below:

<p>Policy 2.a-I-6</p>	<p>Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector.</p>	<p>Consistent: The proposed project consists of expanding and upgrading the existing Walmart store to offer grocery sales and enhance general merchandise sales. The proposed project would enhance Milpitas’ commercial retail offerings, particularly for everyday household items, and would contribute to maintaining a balanced economic base that can resist downturns in any one economic sector.</p>
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Taken at face value, Policy 2.a-I-6 is intended to promote a diversified economic base. The proposed project would introduce a businesses that currently does not exist in the Milpitas—a freestanding

³ It appears the author intended to reference Policy 2.a-I-6, as there is no Policy “2.a-1.”

discount superstore that would operate 24 hours a day. Thus, the Draft EIR appropriately concluded that the proposed project was consistent with this policy. Note that City staff reviewed the Policy 2.a.I-6 consistency statement prior to release of the Draft EIR and found it to be an acceptable interpretation of the policy.

Regarding the author's claims that the proposed project would have negative impacts on competing retailers and, therefore, be inconsistent with the policy, this interpretation is not supported by the policy text. As with the opening of any new businesses or expansion of any existing business, competitors may experience adverse effects. If indeed the policy was intended to address the potential adverse impacts associated with new or expanded businesses, one would expect the policy to state something to that effect. However, there is no such language in the policy and, therefore, there is no basis for concluding that the proposed Walmart expansion is inconsistent with the policy.

Walmart's corporate practices are addressed in Master Response 1.

The urban decay analysis findings are addressed in Master Response 2.

Response to KAEDING.2-5

The author asserted that a number of questionable assumptions were made in the urban decay analysis. The author outlined his concerns, which include the assumption that population growth will generate sufficient demand to prevent Walmart from causing other stores to close, that Walmart will not compete with ethnic food stores, and the Walmart expansion will divert sales only from food stores. The author's specific concerns are addressed in Response to KAEDING.2-63 though Response to KAEDING.2-8.

Response to KAEDING.2-6

The author alleged that the Draft EIR's assumptions regarding population growth in the market area are erroneous. The author cited a statement on page 4.11-23 about there being no exceed demand from grocery stores that is currently not being met by existing retailers in the market area and then asserted that it is at odds with the conclusion on pages 4.11-50 and 4.11-51 that the project will not cause conventional grocery stores to close. The author asserted that this assumption relies on new population growth being sufficient to absorb Walmart's grocery sales. The author claimed this was flawed because it assumes that Walmart store will reflect past revenues at other Walmart stores and because it does not account for new residential development projects in Milpitas and North San Jose that have been placed on hold.

The author's characterization of the population growth assumptions used in the urban decay analysis is incorrect. As discussed on pages 4.11-32 through 4.11-35, the proposed project is anticipated to capture \$213,000 from new households. For comparison purposes, the proposed project is anticipated to generate \$7 million in new net sales. Thus, demand from population growth only represents 3

percent of the proposed project's sales. The urban decay analysis conclusions regarding store closure are further discussed in Master Response 2.

Regarding the author's claims that the analysis inappropriately assumed that the proposed project will reflect past revenues at other Walmart stores, the sales estimate shown in Table 4.11-12 relies on the company's average sales per square foot figure of \$422.73 (refer to Table 4.11-11). Using a company's average sales per square foot figure is an accepted approach to calculating estimated sales for new retail projects. The author did not provide any evidence about why this approach is incorrect.

Finally, as for the author's claims that the analysis relied on population growth from projects that have been placed on hold, this is also incorrect. As stated on page 4.11-32, the urban decay analysis projected that 2,098 new households would be added to the market area between 2008 and 2011. As shown in Table 4.10-12, there are several residential projects that are under construction within the market area. Examples include Robson Homes (48835 Kato Road, Fremont – 114 dwelling units) and KB Homes (48921 Warm Springs Boulevard, Fremont – 342 dwelling units). Additionally, as shown in Table 4.10-12, the City of Milpitas has approved several other residential projects. Approved residential projects in the City as of spring 2009 include Terra Serena, Aspen Family Apartments, Matteson Residential, Alexan Residential, Murphy Ranch Residential, and Sinclair Renaissance projects. Thus, assuming either a complete stop or a substantial curtailment in residential growth as implied by the author is unwarranted. Furthermore, as stated previously, new population growth was only anticipated to account for 3 percent of the proposed project's sales and, therefore, even if growth occurred at a lower rate than anticipated, it would not materially change the conclusions of the urban decay analysis.

Response to KAEDING.2-7

The author asserted that the assumption that Walmart would not compete with ethnic food stores is clearly erroneous. The author stated that ethnic food stores offer a wide range of food items including dairy and produce that can also be purchased at discount food stores. The author asserted that these items account for a significant portion of ethnic food stores revenue. The author claimed that smaller ethnic food stores were entirely excluded from review.

Ethnic food stores are addressed in Master Response 2.

Response to KAEDING.2-8

The author asserted that the Draft EIR erroneously assumes that the proposed project would not divert sales from non-food stores. The author claimed that this assumption failed to account for most conventional grocery stores in Milpitas being anchor stores for shopping centers and, thus, shoppers who switch their patronage to Walmart would spend less money at small shops and restaurants.

As stated on page 4.11-28, the proposed project would result in a net increase of 32,600 square feet of food sales and a net decrease of 14,062 square feet of general merchandise sales area relative to

existing conditions. Thus, existing general merchandise retailers in the market area would be expected to experience less competition from the expanded Walmart, while grocery stores would experience more competition. Accordingly, the Draft EIR appropriately focused the urban decay analysis on competing food stores.

Regarding the author's claim that the analysis failed to account for Walmart customers spending less money at small shops and restaurants in supermarket-anchored shopping centers, this is not supported by any evidence. Rather, there are many types of businesses in supermarket-anchored shopping centers that do not compete with Walmart. Examples include banks/financial services, barber shops/salons, coffee shops, dry cleaners, fitness centers, postal/shipping, and sit-down restaurants. Furthermore, existing smaller businesses that compete with Walmart (apparel, electronics, health and beauty, novelties, pet supplies, sporting goods, etc.) may experience less competition as result of the reduction in general merchandise square footage. Therefore, no basis exists to conclude that smaller businesses and restaurants in supermarket-anchored shopping centers would be adversely impacted by the proposed project.

Response to KAEDING.2-9

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

From: Erik Kaeding [mailto:edk1978884@gmail.com]
Sent: Friday, January 22, 2010 9:40 PM
To: cwilliams@; lciardella@; gsandhu@; ntabladillo@; smandal@; stao@; mtiernan@
Cc: James Lindsay
Subject: Specific concerns regarding Walmart's proposed expansion

Dear Milpitas Planning Commission Members:

I would like to express my concerns about the proposed expansion of Walmart into a supercenter with grocery facility. I believe that the Planning Commission should deny certification of the EIR because its discussion on urban decay is incomplete. I also believe that the Commission should reject Walmart's use permit application because the proposed expansion is not in the public interest. If the Commission decides to approve Walmart's application, then it should adopt the scaled back project alternative described by the draft EIR as the "environmentally preferred" alternative. The Commission should also refuse to allow Walmart to operate twenty-four hours a day unless the company is willing to accept a permit condition obligating it to provide adequate late night security patrols.

KAEDING.3-1

The Commission should deny certification of the EIR because that document's discussion of urban decay is inadequate and incomplete. Instead of exploring the impact of supercenter expansions in communities similar to Milpitas, the EIR depends upon statistical manipulations and unfounded assumptions to conclude that Walmart will not cause area businesses to close. The EIR falsely assumes that Walmart will not impact non-food stores, despite the fact that grocery stores in Milpitas are anchor stores for a number of small businesses throughout the City. Ignoring the overlap in product lines between ethnic food stores and larger supermarkets (e.g., produce and dairy products), the EIR also assumes that Walmart will have little impact on ethnic stores. Moreover, a number of small ethnic food stores were left out of the study entirely. The most concerning aspect of the draft EIR is that while predicting that Walmart will not cause stores to close, it admits that the market area has no excess demand for groceries. The EIR reaches this conclusions by assuming that population growth in the market area will absorb the store's grocery sales. However, if the EIR's sales and population growth estimates prove incorrect, then stores in the area may very well close as a result of the expansion. Given the downturn in the economy and the number of housing projects on hold in the market area, the population growth estimates in the EIR may will prove overly optimistic.

KAEDING.3-2

The Commission should also reject Walmart's permit applications because the proposed expansion is not in the public interest. The City will lose sales tax dollars under the current proposal. Walmart plans to convert existing floor space dedicated to general merchandise sales to grocery sales. The draft EIR estimates that this will cause Walmart to lose nearly \$6 million in general merchandise sales annually. Because general merchandise is taxed and food is not taxed, this conversion will result in a significant loss of 1-percent sales tax dollars to the City. Aside from lost tax revenues, Walmart's proposal is not in the public interest because it will negatively impact area businesses.

KAEDING.3-3

The EIR admits that there will be negative impacts on local stores even if they are not forced out of business. That means that regardless of whether stores in Milpitas close, jobs will be lost and local businesses will lose money. The City is not being true to its general plan commitment to retain existing businesses if it allows local stores to suffer. However, if the Commission denies the use permit application, then all local businesses, including Walmart, can continue to meet their investment backed expectations.

KAEDING.3-3
CONT

Walmart may justify interfering with its competitors investment backed expectations by claiming that the proposed expansion will create new jobs. However, Walmart predicts that the supercenter will create fewer than 100 jobs, and as noted above, jobs will be lost at other stores in the City. The Commission cannot ignore the fact that most of the large supermarkets in Milpitas are union shops that provide excellent pay and benefits to their employees, whereas Walmart employees across the country collect an estimated \$1.556 billion in public assistance on account of the company's inadequate pay and benefits package. The City will not be better off by replacing well paying jobs with poorly paid jobs.

KAEDING.3-4

If the Commission decides not to reject Walmart's permit application, then it should at least scale down the proposal. The EIR describes a 50-percent reduction in the size of the proposed addition as the "environmentally preferred" alternative to Walmart's current proposal. This option would cause fewer negative impacts for other stores in the market area.

KAEDING.3-5

The Commission should also refuse Walmart's request to operate twenty-four hours a day. No doubt this change in hours will lead to increased crime in Walmart's parking lot, and the company is notorious for failing to provide adequate exterior security. The City can ill afford to have its police force perform that function for Walmart. If the Commission does allow Walmart to operate twenty-four hours a day, then the use permit should contain a condition requiring Walmart to provide adequate security patrols at night.

KAEDING.3-6

Thank you for your time and consideration of my opinions on this matter.

KAEDING.3-7

Regards,

Erik D. Kaeding

Erik Kaeding (KAEDING.3)

Response to KAEDING.3-1

The author summarized the points in his letter. The author's specific points are addressed in Response to KAEDING.3-2 through Response to KAEDING.3-6.

Response to KAEDING.3-2

The author stated that the Draft EIR's evaluation of urban decay is inadequate and incomplete, reiterating statements made in Comments KAEDING.2-6 through KAEDING.2-8.

Refer to Response to KAEDING.2-6 through Response to KAEDING.2-8.

Response to KAEDING.3-3

The author stated that the Planning Commission should reject Walmart's application because the expansion is not in the "public interest" as a result of lost sales tax dollars and adverse economic impacts on competing businesses.

Changes in tax revenue and impacts on competing businesses are address in Master Response 2.

Response to KAEDING.3-4

The author asserted that the jobs created by the Walmart expansion would be offset by jobs lost at competing businesses. The author stated that the jobs provided by Walmart are not as good as union jobs at local supermarkets.

Changes in employment are address in Master Response 2.

Walmart's corporate practices are addressed in Master Response 1.

Response to KAEDING.3-5

The author stated that the Planning Commission should consider a scaled-down version of the project if it chooses not to reject the application. The author noted that the 50-Percent Reduction Alternative was identified in the Draft EIR as the environmentally superior alternative and stated that this option would cause fewer negative impacts on other stores. No response is necessary.

Response to KAEDING.3-6

The author stated that the Planning Commission should refuse Walmart's request to operate 24 hours a day because this would result in increased crime in the parking lot. The author stated that if the Planning Commission does allow Walmart to operate 24 hours a day, it should require adequate security patrols as a condition of approval.

The Milpitas Police Department was consulted about the proposed project's impacts on public safety during the preparation of the Draft EIR. The Police Department indicated that it did not expect the project to cause a change in calls for service relative to existing levels. The Police Department also stated that it did not have any other concerns about providing police protection to the proposed

project. Therefore, it can be reasoned that the Police Department does not anticipate the proposed project to significantly increase crime or otherwise jeopardize public safety. Refer to Section 4.9, Public Services and Utilities for further discussion.

Response to KAEDING.3-7

The author providing closing remarks to conclude the letter. No response is necessary.

December 6, 2009

Planning Commission
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear City of Milpitas Planning Commissioners:

I am concerned about the urban decay analysis in the EIR report for the Walmart expansion. The documentation is inadequate.

The report assumes that the project won't compete with non-discount grocery stores. But the report does not provide any evidence to that effect.

I would like to see more information in the final EIR that details this issue. Overall, I think the Planning Commission should reject the Walmart proposal.

Thank you for your time.

Sincerely,

al. Kallal

*Anzhang KALBALI
225 Spence Ave.
Milpitas, CA 95035
C: 835-0329*

"Peace"

KALBALI-1

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Anzhang Kalbali (KALBALI)

Response to KALBALI-1

The author noted that the Draft EIR's urban decay analysis assumes that the proposed project would not compete with non-discount grocery stores and asserted that the analysis does not provide any evidence to support that assumption. The author requested that more information be provided in the Final EIR about this issue.

The author's comments are addressed in Master Response 2.

December 14, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Dept.
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Walmart Expansion Project

Dear Ms. Mom;

Regarding the Walmart expansion, we completely oppose this project in Milpitas, for the following reasons:

1. Milpitas is served by several major grocery chains and independent markets. They are located in areas that include housing and many forms of transportation, and benefit the local residents.
2. Walmart's super center would serve no local neighborhoods and would only benefit those driving into the area as bus service is limited.
3. It would lower living standards as workers would not earn a substantial living wage to support a family in this area. It would, also, make it difficult for current grocery union workers to negotiate new contracts and maintain their living standard.
4. Walmart has the advantage of large scale buying and could lower prices making it impossible for the current groceries to compete.
5. It would not add to the sales tax revenue since most groceries are not taxable, and Walmart already sells a great many of these items in their current location. There is no need for a super center in this area.
6. These super centers usually have longer hours or are open 24 hours making it necessary to provide additional police protection in the McCarthy Ranch area. Will the City have the funding to provide this service?

KISOR-1

Walmart has tried in several surrounding cities to add these super centers and wisely these communities have turned them down, we hope Milpitas has the courage to do the same. As a resident of this community for over 38 years, we look forward to city growth that will truly benefit the city, not this expansion.

Yours truly,



Stanley L. Kisor
Arlene M. Kisor

December 14, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Dept.
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Walmart Expansion Project

Dear Ms. Mom;

Regarding the Walmart expansion, we completely oppose this project in Milpitas, for the following reasons:

1. Milpitas is served by several major grocery chains and independent markets. They are located in areas that include housing and many forms of transportation, and benefit the local residents.
2. Walmart's super center would serve no local neighborhoods and would only benefit those driving into the area as bus service is limited.
3. It would lower living standards as workers would not earn a substantial living wage to support a family in this area. It would, also, make it difficult for current grocery union workers to negotiate new contracts and maintain their living standard.
4. Walmart has the advantage of large scale buying and could lower prices making it impossible for the current groceries to compete.
5. It would not add to the sales tax revenue since most groceries are not taxable, and Walmart already sells a great many of these items in their current location. There is no need for a super center in this area.
6. These super centers usually have longer hours or are open 24 hours making it necessary to provide additional police protection in the McCarthy Ranch area. Will the City have the funding to provide this service?

KISOR-4

Walmart has tried in several surrounding cities to add these super centers and wisely these communities have turned them down, we hope Milpitas has the courage to do the same. As a resident of this community for over 38 years, we look forward to city growth that will truly benefit the city, not this expansion.

Yours truly,



Stanley L. Kisor
Arlene M. Kisor

Stanley and Arlene Kisor (KISOR)

Response to KISOR-1

The authors expressed opposition to the proposed project, citing potential adverse impacts on competing grocery stores, the lack of neighborhood-serving attributes of the project, Walmart's corporate practices, the lack of new sales tax revenue from the proposed project, and impacts on police protection.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The authors did not provide any comments on the urban decay analysis.

Neither the City of Milpitas General Plan nor the Milpitas Zoning Ordinance requires grocery stores to be neighborhood-serving. Therefore, whether the proposed project is neighborhood-serving or not is outside of the scope of the Draft EIR's analysis.

Walmart's corporate practices are addressed in Master Response 1.

Changes in sales tax revenue are addressed in Master Response 2.

Police protection impacts were evaluated in Section 4.9, Public Services and Utilities. The Police Department was consulted during the preparation of the Draft EIR and indicated that the 24-hour operation of the expanded Walmart would not present any significant impacts. The authors did not provide any comments on the police protection analysis.

Response to KISOR-2

The authors provided a comment card referring to the comments provided in Comment KISOR-1. Refer to Response to KISOR-1.

Response to KISOR-3

The authors provided a comment card referring to the comments provided in Comment KISOR-1. Refer to Response to KISOR-1.

Response to KISOR-4

The comment is identical to the comments provided in Comment KISOR-1. Refer to Response to KISOR-1.

Dear, ms: HOM

KODA

Walmart has such negative impact on smaller communities with small business, Milpitas has many small business that depend on it's citizens to support their services. If Walmart starts to sell groceries in Milpitas many small business will have to close, I work at the Palo Alto store as a manager and I know Baley's -1 corporation would close the Jacklin Location. The choice of shopping at different location will be severely limited to Walmart. Please stop Walmart from opening a grocery department in our town.

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PLANNING DIVISION

Thank you,

Patricia Koo

Patrick Koda (KODA)

Response to KODA-1

The author expressed opposition to the proposed project, citing potential adverse impacts on competing businesses, specifically the Nob Hill supermarket on Jacklin Road.

Impacts on Nob Hill are addressed in Master Response 2.

From: maurik [mailto:maurik@sbcglobal.net]
Sent: Thursday, January 14, 2010 11:38 AM
To: Mary Lavelle
Subject: Walmart Expansion

I am writing to you today in total support of the Walmart Expansion to a full service center. I for one am very excited to be able to lend my support for this project. I have shopped at the Walmart Super Centers in other citys and states and was amazed at the the varity and value of the products. I would really benefit from a Walmart Super Center here in Milpitas. I work the night shift and am returning home from work at about 8:30 A.M. and many times just don't have the energy to go from store to store. Also many stores don't open until 10:00 and by then it is just too late for me. It takes me days to get all my shopping done. I am also limited because I am handicapped and by the time I drive to several different stores, park and walk in I am already exhausted. Having the Walmart Super Center in Milpitas would really be a wonderful bonus for me and my family. I also hope that consideration will be given to the lower income families and people on a fixed income that this Super Center would help, especially in this economy.

KROUSE-1

Mrs. Karen Krouse
240 Callan Street
Milpitas, Ca 95035

Karen Krause (KROUSE)

Response to KROUSE-1

The author expressed support for the proposed project, citing the convenience of 24-hour operations.

No response is necessary.

Nov. 24, 2009

5. Cindy Horn:

LAMH

I am writing about increasing
Wal-Mart store to a Supercenter
I am not in favor of enlarging
Wal-Mart. The City of Milpitas has
a large grocery store close and
many business buildings and
stores empty. I don't believe we
need more!

Please vote no on enlarging
Wal-Mart to a Supercenter.

Sincerely,
Laurel Y. Lamh
1411 Yellowstone Ave.
Milpitas, CA 95035-6913

Laurel Lamh (LAMH)

Response to LAMH-1

The author expressed opposition to the proposed project, citing potential adverse impacts on competing businesses.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

November 30, 2009

Dear Planning Commission:

I am writing to raise objections to the Draft EIR on the Walmart expansion project. In particular, I want to raise several environment and design issues.

LARSEN-1

- The Draft EIR has not adequately taken into account the environmental impact that would be caused by increased water consumption at the proposed Walmart expansion. The State of California continues to face water shortages and drought. Water issues need to be addressed in the EIR.

LARSEN-2

- It is my understanding that Walmart has an energy efficiency rating system for its stores, and this store in its current design is not an energy efficient Walmart. Why should the Milpitas Walmart be designed to have an inefficient carbon foot print, when Walmart is investing in energy efficient building in other jurisdictions?

LARSEN-3

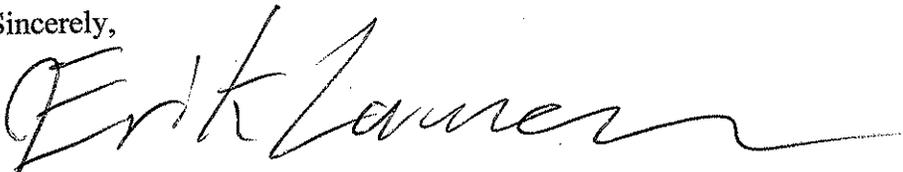
- The proposed Walmart expansion is also an architectural nightmare. It is classic BIG BOX. Other Walmart stores are designed to meet community esthetic standards. The Walmart expansion fails to incorporate the high community design standards that Milpitas is known for.

LARSEN-4

I urge the Planning Commissioners to reject the Walmart expansion Draft EIR based on the environmental and design issues that I raise in this letter. Thank you for your attention to this matter.

LARSEN-5

Sincerely,



Erik Larsen

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753 Kizer Street, Milpitas, CA 95035, eglarsen67@yahoo.com

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PLANNING DIVISION**

Erik Larsen (LARSEN)

Response to LARSEN-1

The author stated that he has several objections to the Draft EIR's analysis.

The author's specific objections are addressed in Response to LARSEN-2 through Response to LARSEN-4.

Response to LARSEN-2

The author stated that the Draft EIR did not adequately evaluate the environmental impact associated with the increase in water consumption associated with the proposed project. The author noted that California continues to face water shortages and drought, and water supply issues need to be addressed in the Draft EIR.

The Draft EIR addressed potable water supply impacts in Impact PSU-3 in Section 4.9, Public Services and Utilities. The analysis indicated that the proposed project would increase domestic water consumption by 2,600 gallons per day. Mitigation Measure PSU-3 requires the applicant to install water conservation measures, including low-flow or ultra low-flow toilets and urinals, and sensor-activated faucets in restrooms. With the implementation of this mitigation measure, impacts on potable water supply would be less than significant.

Furthermore, the City of Milpitas, the potable water supplier to the proposed project, indicated that because the proposed project is within the allowable Floor Area Ratio for the project site, no adverse impacts on the water system would occur; refer to Impact PSU-3 for further discussion.

The author did not provide any comments on this analysis; therefore, no further response can be provided.

Response to LARSEN-3

The author stated that it his understanding that Walmart has an energy efficiency rating system for its stores and that the proposed Walmart expansion "is not an energy efficient Walmart." The author rhetorically asked why should the Milpitas Walmart be designed to have an inefficient carbon footprint, when Walmart is investing in energy efficient buildings in other jurisdictions.

Energy efficiency is addressed in Master Response 4.

Response to LARSEN-4

The author stated that the proposed project is an "architectural nightmare" because it is "classic big box." The author asserted that other Walmart stores are designed to meet community aesthetic standards and claimed that the proposed project does not incorporate the community design standards Milpitas is known for.

The Draft EIR evaluated the proposed project's visual character impacts in Impact AES-1 in Section 4.1, Aesthetics, Light, and Glare. As stated in that analysis, the proposed project complies with all

applicable provisions of the Zoning Ordinance (e.g., Floor Area Ratio) and its elevations are consistent with the surrounding visual character of the McCarthy Ranch Marketplace. Therefore, the proposed project was found to have a less than significant impact on visual character. The author did not provide any specific comments on this analysis.

The proposed project is subject to Site and Architectural Review by the Milpitas Planning Commission. As part of this discretionary approval process, the Planning Commission will have the ability to review the proposed project's architectural characteristics. Accordingly, the author's comments on the proposed project's architectural characteristics are most appropriately directed to the Planning Commission.

Response to LARSEN-5

The author stated that the Planning Commission should reject the Draft EIR based on the aforementioned issues raised in his letter.

All of the author's specific points were addressed in Response to LARSEN-2 through Response to LARSEN-4. As indicated in those responses, all of the author's comments were addressed in the Draft EIR.

December 1, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms Hom:

The draft Environmental Impact Report (EIR) is flawed. New analysis should be conducted and the document should be rewritten or completely rejected.

There are a number of Walmart stores in the area that serve as regional Walmart stores for the East and South Bay. The draft EIR doesn't take into account the impact that this expansion project will have on other Walmart stores in the area. In other words, it could be that customers are simply going to be siphoned from another store to this one, resulting in no new job creation for the region - - but we don't know because the draft EIR didn't look at those issues.

LEE-1

If new analysis is not completed, the City of Milpitas - - the Planning Commission and the City Council - - should oppose the Milpitas Walmart expansion project.

Sincerely,



Chansoo Lee,
Pastor
Sunnyhills UMC

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CITY OF MILPITAS
PLANNING DIVISION

Chansoo Lee (LEE)

Response to LEE-1

The author asserted that the Draft EIR is flawed because it did not evaluate the potential for the expanded Milpitas Walmart to siphon customers from other existing Walmart stores in the East Bay and South Bay. The author stated that this could result in no new job creation for the region. The author asserted that the Planning Commission and City Council should oppose the project if the new analysis is not completed.

Impacts on other Walmart stores are addressed in Master Response 2.

Cindy Hom

From: gerry lobyoc [globyoc@yahoo.com]

Sent: Friday, November 20, 2009 1:05 PM

To: Cindy Hom

Hello, RE: Wal-mart Supercenter. The concerned citizens of Milpitas should Not and would NOT allow another Supercenter in the heart of the city itself. It is too much to handle. We have too much traffic already morning and afternoon. We should not be the exemption when other bay area cities reject those kind of proposals in the past. Do NOT ADD more head aches. How much would be the sacrifice versus income? Thanks a lot.

LOBYOC-1

Gerry Lobyoc (LOBYOC)

Response to LOBYOC-1

The author expressed opposition to the proposed project, citing potential traffic impacts.

Traffic is addressed in Master Response 3.

12-17-09

To Mrs. Cindy Horn,

In response to the flyer that came about Wal Mart Super Center.

I feel its a good thing, in fact Wal Mart doesn't charge the high prices that other stores do which helps people on low income.

As far as the environment there won't be as much pollution because everything will be in one store, therefore there won't be as much driving.

In fact we have an Asian market & shopping center almost on every corner, they are even building one in the old Home Depot on Deerpark Rd. I don't see anyone fighting to keep them out

Why not have a market we can all enjoy. I believe everyone enjoys Wal Mart. Just go there on the weekend and you will see this.

Even as small as Morgan Hill, they have a Super Center so why not Milpitas?

Mrs. B. Logan
Milpitas

B. Logan (LOGAN)

Response to LOGAN-1

The author expressed support for the proposed project. No response is necessary.

From: Lori Lopez [mailto:lorilopez@yahoo.com]
Sent: Monday, January 04, 2010 7:35 PM
To: Cindy Hom
Subject: Walmart Expansion

This expansion, would be a disadvantage. The service at the Milpitas site is sorely lacking in more ways than 10, and would create more parking problems. I do think there should be further on site studies made before sinking much need money into this project. Many of the other stores in that shopping center are pulling up stakes and going elsewhere. The only benefit to an expanded walmart is 24/7 service and i do believe that shopping center would fail, there are other stores which provide same services without the 45 minute in-line wait, or language barrier service. A project of this magnitude should have been addressed to the open public by way of mailers and site evaluators doing random interviews with the public. The flow in the store is not strong enough to withstand the endorsement from Milpitas at the location. Maybe at another local site would help.

LOPEZ-1

Thank You for letting me voice my opinion

Lori

Lori Lopez (LOPEZ)

Response to LOPEZ-1

The author expressed opposition to the proposed project, citing customer service at the existing store and potential parking impacts. The author stated that the proposed project would likely cause the McCarthy Ranch Marketplace to fail. The author asserted that the City should have sent out mailers about the project and hired “site evaluators” to do random interviews with the public. The author suggested that there is not enough customer volume at the store and that an alternative local site would be better.

The quality of customer service does not have physical impacts on the environment and, therefore, is outside the scope of the Draft EIR’s review.

Parking impacts were evaluated in the Draft EIR in Impact TRANS-5. Mitigation Measure TRANS-5 requires the applicant to provide off-street parking in accordance with Municipal Code requirements. Therefore, adequate parking would be provided by the project. The author did not provide any comments on the parking analysis.

The Draft EIR considered the potential for the proposed project to be developed at an alternative location. Refer to pages 5-16 and 5-17 of the Draft EIR for further discussion.

Public notification of the project was provided at various stages of the project. In accordance with the CEQA Guidelines, the City of Milpitas mailed public notices concerning the proposed project to all project owners and residents within a 1,000-foot radius of the project site. Public notices that were sent out included:

- An invitational flier for the environmental scoping meeting held on March 16, 2009 at the Milpitas Community Center to solicit input on the scope of the EIR.
- Notices (e.g., the Notice of Preparation and the Notice of Availability) were also sent to public agencies and individuals who requested to be on the project mailing list. These notices are posted for a 30-day review period with the Santa Clara County Clerk.
- The environmental document is made available for public review via the City’s website, Milpitas Library, and City Hall and to submit comments to Planning Staff.

Public hearing notices for the project entitlement will also be distributed for the Planning Commission hearing tentatively scheduled for March 24, 2010. In accordance with Milpitas Municipal Code XI-10-64.03, the public hearing will be advertised in the local newspaper, public hearing notices will be mailed to property owners and residents within a 1,000-foot radius, and the site will be posted with a sign that provides the name of the project, the project description, and the date and time of the hearing. The public will also have opportunity to review the Planning

Commission staff report, resolution, project plans, and attachments prior to the hearing date via the city web site.

Mr. & Mrs. T.M. Mac Kinnon
632 N. Abbott Avenue
Milpitas, California
95035-3837

Nov. 23, 2009

MACKINNON
Page 1 of 1

RE: WAL-MART Super Center

DEAR Ms. Horn:

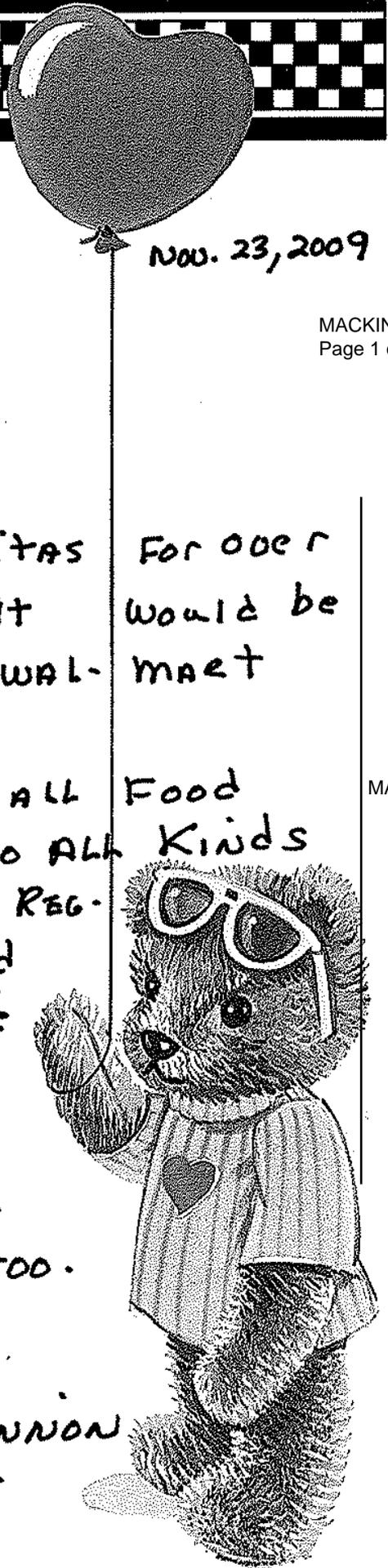
AS Residents OF MILPITAS For over
40 years we FEEL that it would be
A BIG MISTAKE to let WAL-MART
Expand.

We HAVE SO MANY SMALL Food
business's that cater to ALL kinds
OF ethnic Supplies. Our REG-
ULAR Grocery stores AND
SMALL LIQUOR stores are
more than ADEQUATE For
Residents needs.

NO MORE EXPANSION -
this GOES For HOUSING, TOO.

Sincerely

Rimma AND TERRY MAC KINNON



MACKINNON-1

Rimma and Terry MacKinnon (MACKINNON)

Response to MACKINNON-1

The authors expressed opposition to the proposed project, citing potential adverse impacts on competing businesses.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The authors did not provide any comments on the urban decay analysis.

1610 Clear Lake Ave
Milpitas, CA 95035
Dec 17, 2009

Milpitas Planning Commission
Milpitas City Hall
455 East Calaveras Blvd
Milpitas, CA 95035

MCCARTHY

Gentlemen -

We are writing to express our
opposition to any further expansion
of Walmart. We feel that Walmart
is detrimental to the survival of our
established businesses and to quality
of life in Milpitas, and indeed in
the country as a whole! We also
understand that wages and benefits
for their workers are lamentable.

Sincerely,

Don + Barbara McCarthy

Don and Barbara McCarthy (MCCARTHY)

Response to MCCARTHY-1

The authors expressed opposition to the proposed project, citing potential adverse impacts on competing businesses and Walmart's corporate practices.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The authors did not provide any comments on the urban decay analysis.

Walmart's corporate practices are addressed in Master Response 1.

From: Rob Means [mailto:rob.means@electric-bikes.com]
Sent: Thursday, December 17, 2009 4:51 PM
To: Cindy Hom
Subject: letter to Planning Commission re Wal-Mart expansion

Planning Commissioners,

Following is a letter that expresses my viewpoints on the proposed expansion of Wal-Mart. I hope you will make it easier for the City Council to say "no" by turning down this expansion request.

MEANS.1-1

Rob Means
1421 Yellowstone Avenue
Milpitas, CA 95035-6913
408-262-0420 rob.means@electric-bikes.com

Wal-Mart is evil
(an Other Voices article for the Milpitas Post)

Transnational corporations like Wal-Mart are evil, so we should not subsidize them. Soon, the Milpitas City Council must decide whether we will.

As reported in the Post, Wal-Mart wants to expand their current facility by offering groceries. They can afford to lose money on about 400 commonly purchased grocery items because they make more by selling other stuff. You see, the average Wal-Mart customer visits the store about once a week. Grocery stores, and Wal-Mart Supercenters offering groceries, are often visited 3 or 4 times each week. Each visit gives Wal-Mart another opportunity to sell flat-screen TVs and other stuff to those customers. And that's the real source of profit.

MEANS.1-2

But how do we, the community, benefit? Irene Whiteside points out that Wal-Mart contributes money to various local organizations, but she fails to quantify the numbers. I suspect that W-M is contributing an amount so small relative to their profits that it's insignificant compared to what you or I or most local businessmen contribute to our local community - on a percentage basis.

The second favorable argument says that Wal-Mart sales tax receipts are a cash cow for the City that should be expanded. Unfortunately, most food items are not taxed, so don't count on a windfall there. Any bump in tax receipts will come mostly from the increased sales of other stuff. That bump will likely be smaller than the revenues we could expect from an open and operating Save-Mart. Unfortunately, according to the EIR, we won't have Save-Mart because it will likely close.

MEANS.1-3

The Milpitas Post trots out the "more jobs" argument in their 12/10/09 editorial. They say the expansion "will bring 85 new jobs". Where did that estimate come from? If the number came from Wal-Mart, divide it by 2 to get a more accurate projection - and turn that "more jobs" into a loss of 20+ jobs when you factor in the projected loss of 65 jobs when Save-Mart closes. And that doesn't count various unknown small businesses (like my local Indian market) that might close. We'll never know whether the poor economy, or W-M, or a combination killed them off. But they will be gone. As predicted in 2003 by consulting firm Retail Forward, for every Wal-Mart Supercenter that opens, two supermarkets will close their doors. It just happened in Gilroy. So, don't think that job losses will be limited to just the 65 jobs at Save-Mart.

To my mind, however, this is all marginal. The basic issue is that Wal-Mart is a prime example of sociopath transnational corporations. In its pursuit of a single value - profit - it is willing to sacrifice people, the environment, integrity, and the truth. As the movie "The Corporation" clearly points out, corporations are without conscience, and exhibit behavior that is clinically defined as sociopath. I prefer the label "evil" because it runs counter to verdant life and compassionate love.

As they say, power corrupts. And Wal-Mart's power has helped it become one of the most corrupt businesses in America. The 2005 documentary film "Wal-Mart: The High Cost of Low Price" demonstrates Wal-Mart's anti-union practices, detrimental impacts on small businesses, insufficient environmental protection policies, and poor record on workers' rights in the United States and internationally. Bottom line: they are creating serfs in this country and slaves in third-world countries.

In addition to employing far fewer workers than they displace, Wal-Mart provides far less support for their employees. For example, W-M generally pays employees \$4 or \$5 less per hour, which contributes to our pool of working poor. (What would Jesus pay?) The company (with world headquarters based in China) routinely abuses employees through discrimination and by violating hourly-pay rules. "The Retail Revolution: How Wal-Mart Created a Brave New World of Business" by Nelson Lichtenstein also presents an overview of Wal-Mart crimes including widespread sexual and racial discrimination, a history of dodging minimum wage law and unemployment claims, union-busting, destruction of smaller companies, chronic employee theft and bad publicity following the discovery of goods produced by child laborers.

People swarm to Wal-Mart because of the low prices. But what are the societal costs that are not included in the price people pay? What externalized costs do we all bear which are not included in the price consumers pay at check-out? In their pursuit of low prices, Wal-Mart has forced suppliers to stop manufacturing in the U. S. and sent those jobs offshore. The PBS Frontline episode "Is Wal-Mart Good for America?" explores the relationship between U.S. job losses and Wal-Mart's drive to reduce prices and increase profits. Although most analysts cite the reduced cost of (near-slave) labor in other countries, that saving is mostly lost when transportation costs back and forth across the Pacific are factored in. The main savings come from environmental degradation. Instead of paying to keep the environment clean as we do in the U. S. and Canada, offshore

manufacturers often dump their waste products into the environment (or supposedly benign products like children's toys and foodstuffs). That is where the real savings lie. And Wal-Mart forces suppliers to operate that way - or be replaced by others that will play by their rules.

Wal-Mart is too big, too criminal and too monopolistic for our good. They use their power as a transnational corporation to reduce competition, increase profits, and externalize costs. To support such bad behavior by allowing them to expand their influence on our community is not only counter to the general welfare, it furthers the destruction of the middle class in America, the environment worldwide and even our "free market" system. Those are the truly important factors to consider when weighing the Wal-Mart expansion.

MEANS.1-4
CONT

Rob Means
1421 Yellowstone Avenue
Milpitas, CA 95035-6913
408-262-0420 rob.means@electric-bikes.com

Robert Means (MEANS.1)

Response to MEANS.1-1

The author provided introductory remarks and expressed opposition to the proposed project. No response is necessary.

Response to MEANS.1-2

The author offered commentary on recent articles and letters to the editor published in the Milpitas Post. None of the author's comments pertain to the Draft EIR and no further response is necessary.

Response to MEANS.1-3

The author asserted that the proposed project will likely not increase sales tax revenues because most food items are not taxed. The author noted that the Draft EIR stated that Save Mart will likely close.

Changes in sales tax revenues are addressed in Master Response 2.

The Draft EIR's conclusions about urban decay, including potential impacts to Save Mart, are addressed in Master Response 2.

Response to MEANS.1-4

The author provided commentary about a Milpitas Post editorial about the proposed project and about Walmart's corporate practices.

Walmart's corporate practices are addressed in Master Response 1.

From: Rob Means [mailto:rob.means@electric-bikes.com]
Sent: Tuesday, February 09, 2010 12:41 PM
To: Cindy Hom
Subject: Walmart expansion EIR

Cindy,

Following is a list of errors and questions that I noticed in the EIR. I have shared them with two Planning Commissioners, but neither committed to contacting you before the Commission's hearing on the expansion. I know that you (and all of City staff) are overworked. If, however, you get a chance to check on the questions below, I would appreciate some answers (especially for question #2).

MEANS.2-1

=====

In reviewing the Transportation section of the Walmart Expansion EIR, I found the following errors:

MEANS.2-2

1) In Table 4.10-11: Project Trip Generation, the PM Peak Hour (Out) number for the Existing Store is 616; it should be 316.

2) In several tables (including 4.10-4, 4.10-13, and 4.10-14), the intersection of McCarthy Blvd. and Sandisk Drive is referenced. The Drive is actually named Sumac.

MEANS.2-3

3) In Table 4.10-13: Near-Term Intersection Level of Service Summary, the PM Peak delay numbers for McCarthy/Sandisk are listed as 2054.8 and 2216.4 (34 and 37 minutes respectively). Those numbers are an order of magnitude bigger than any other delays, so I suspect they are wrong.

MEANS.2-4

In reviewing the Transportation section of the Walmart Expansion EIR, the following questions occurred:

1) In the last paragraph on page 4.10-30 is a reference to "Trip Generation, 8th Edition", and on the next page in the second paragraph is a reference to "Trip Generation Manual, 2nd Edition". Is this a typographical error, references to separate Editions of the same manual, or references to separate manuals?

MEANS.2-5

2) In Table 4.10-10: Trip Generation Rates, the Daily rates for the existing store is 57.24, while the Daily rate for the expanded store is 53.13. That seems inconsistent with the fact that grocery-selling Walmarts attract their customers to the store more frequently than Walmarts that do not sell groceries. It also suggests that Walmart is spending money to expand its store and get fewer customers per 1000 sq. ft. of store space (an unlikely objective). Are these Daily rates really the values specified in the Trip Generation Manual, 8th Edition?

MEANS.2-6

3) In Table 4.10-10: Trip Generation Rates, the Midday Peak Hour rates for the existing store and the expanded store are the same. If people tend to shop for groceries more during the day than early morning or PM rush hour, then the (apparent) assumption by the authors that the rates will be the same seems to lack support. What is their argument for using the same numbers?

MEANS.2-7

4) In Table 4.10-13: Near-Term Intersection Level of Service Summary, I had difficulty determining how the changes in Critical V/C and Critical Delay were computed. As a result, I don't understand how the Midday Peak Delay for the Southeast Walmart Driveway/Ranch Drive intersection can rise from 42.5 seconds to 54.8 seconds while the V/C is 0.0 and the change in Critical Delay only rises by 3.0. (Two rows down, an increase in delay from 75.7 to 80.7 yields substantially different changes in V/C and Delay.) Can I get an explanation?

MEANS.2-8

5) In Exhibit 4.10-6: Project Trip Distribution, 19% of traffic to/from Walmart is expected to come from west of Walmart along 237 - an area populated mostly by businesses, not homes. It appears that expected traffic to/from Walmart from central Milpitas along Hwy. 237 adds up to 28% (6% plus 7% plus 15% from I-680). Is that correct?

MEANS.2-9

=====

If I can be of assistance, please contact me.

Rob Means, Electro Ride Bikes and Scooters

408-262-8975 rob.means@electric-bikes.com

1421 Yellowstone Ave., Milpitas, CA 95035-6913

Discover cycling that's Easy, Safe, Fast - and FUN!

Robert Means (MEANS.2)

Response to MEANS.2-1

The author stated that he identified several errors and had several questions concerning the Draft EIR Transportation section. The author's specific comments are addressed in Response to MEANS.2-2 through Response to MEANS.2-9.

Response to MEANS.2-2

The author stated that Table 4.10-11 incorrectly showed that 616 trips exited the project site under the PM peak hour. The author indicated that the correct value is 316 trips.

The correction is noted in Section 4, Errata. Note that the correction does not change the net trip generation values shown in the bottom row.

Response to MEANS.2-3

The author stated that several tables incorrectly identify "Sumac Drive" as "Sandisk Drive."

The City of Milpitas confirmed that Sandisk Drive is the correct name of the street. No corrections to the Draft EIR text are necessary.

Response to MEANS.2-4

The author stated that the PM peak-hour delay figures for McCarthy Boulevard/Sandisk Drive in Table 4.10-13 are shown as "2054.8" and "2216.4," which are orders of magnitude larger than other delays shown in the table.

Delay for two-way stop controlled intersections is calculated by the Highway Capacity Manual as being the delay experienced at the worst stop-controlled approach. In this case, the calculated delay at the westbound approach during the PM peak is extremely high, due to the high conflicting traffic along McCarthy Boulevard. In reality, however, drivers at side-street approaches who experience significant delays tend to accept smaller gaps in conflicting traffic when making a turning movement onto the main street. This acceptance of smaller gaps is not reflected in the results of the analysis. Actual delay will be lower than reported.

Furthermore, the westbound approach, which serves a large business park, experiences sharp peaks in traffic. This is very common occurrence for uses such as office buildings and schools. This behavior results in lower peak-hour factors, which conservatively bumps up volumes used in the delay calculations to reflect worst-case conditions. Furthermore, it is also noted that the westbound exit was conservatively evaluated as a single lane exit for left/thru/right movements because this reflects the existing pavement striping. However, the driveway is sufficiently wide to allow two vehicles to exit at the same time in the event that the left/thru turning vehicles need to wait longer than right turning vehicles. Kimley-Horn and Associates, the traffic subconsultant, evaluated the driveway as one left/thru and one right turn lane to more closely match actual operation of the exit. Results of the evaluation indicate that PM peak delays for the Near Term and Near Term Plus Project conditions at

the westbound approach are reduced to 746.3 seconds and 803.5 seconds, respectively. Both conditions still yield an LOS F and, thus, do not materially change the conclusions previously presented in the Draft EIR.

Response to MEANS.2-5

The author noted references to “Trip Generation, 8th Edition” and “Trip Generation Manual, 2nd Edition” and inquired if there was a typographic error.

Trip Generation, 8th Edition and Trip Generation Manual, 2nd Edition (also known as Trip Generation Handbook, 2nd Edition) are two separate documents and are correctly identified in the Draft EIR. Trip rates for various land uses are summarized in Trip Generation, 8th Edition. This is a standard reference used by jurisdictions throughout the country for the estimation of trip generation potential of proposed developments. The Trip Generation Handbook, 2nd Edition is a separate resource also published by the Institute of Transportation Engineers (ITE). This publication provides guidance on the proper use of data presented in Trip Generation, as well as supplemental information on estimation of trip generation (i.e. pass-by reductions).

Response to MEANS.2-6

The author referenced the daily trip generation rates shown in Table 4.10-10 for Land Use Codes 813 and 815, and stated that it seemed inconsistent that a Walmart selling groceries would generate fewer daily trips than a non-grocery Walmart. The author stated that these values suggest that Walmart is spending money to expand its store to get fewer customers per 1,000 square feet of floor space. The author inquired if these daily trip values are in fact correct.

The daily trip generation rates shown in Table 4.10-10 for Land Use Codes 813 (Free Standing Discount Superstore) and 815 (Free Standing Discount Store) correctly reflect the values provided in Trip Generation, 8th Edition. Daily rates presented in ITE’s Trip Generation, 8th Edition are based on detailed studies at 25 discount stores and 45 discount superstores across the United States. The lower trip generation rate for Land Use Code 813 largely reflects the “cross shopping” opportunities afforded by a discount superstore (i.e., a Walmart with a grocery component). Cross shopping occurs when a customer is able to consolidate what would otherwise be separate trips to different stores into one trip to a single store, thereby resulting in fewer overall trips. Additionally, discount superstores are generally substantially larger than standard discount stores, which also contributes to a lower trip generation rate per square foot.

Finally, the daily trip generation rates in Table 4.10-10 are not intended to be used to estimate store sales or otherwise gauge the economic impact of the expanded store. Rather, they are intended only for use in evaluating project-related traffic impacts. In addition, trip generation values are not representative of vehicle occupancy and do not account for persons who traveled to the store by other means (transit, bicycle, or on foot). Thus, they do not support the author’s suggestion that the Walmart expansion would result in fewer customers per 1,000 square feet of floor space.

Response to MEANS.2-7

The author asked why the midday peak-hour rates shown in Table 4.10-10 for the existing Walmart store and expanded Walmart store are identical.

As explained on pages 4.10-28 and 4.10-29, the City of Milpitas requested that midday peak-hour traffic analysis be performed. Trip Generation, 8th Edition does not provide weekday midday peak-hour trip generation rates for Land Use Codes 813 or 815; therefore, Kimley-Horn and Associates conducted counts at Walmart driveways as the basis for estimating trip generation. This same trip rate was also used to estimate trip generation for the proposed expanded Walmart, as no other data was available.

While the project itself may generate more traffic during some other time of the day, such as around noon, the peak of “adjacent street traffic” represents the time period when the uses generally contribute to the greatest amount of congestion, with the PM peak commonly being the greatest congestion period. However, because of the abundance of restaurants (both fast food and sit-down facilities) within the McCarthy Ranch Marketplace coupled with the concentration of retail uses, the intersections along Ranch Drive may experience non-typical peak traffic patterns. Therefore, traffic counts were also conducted between 11:00 a.m. and 1:00 p.m. at selected intersections surrounding the project site for weekday midday analysis.

Response to MEANS.2-8

The author requested an explanation of how changes in Critical Volume-to-Capacity (V/C) and Critical Delay were calculated for the Southeast Walmart Driveway/Ranch Drive intersection in Table 4.10-13.

Critical delay and critical V/C represent the delay and V/C associated with the critical movements of the intersection, or the movements that require the most traffic signal green time. For unsignalized intersections such as the Southeast Walmart Driveway/Ranch Drive intersection, Critical V/C is not reported. Therefore, results for unsignalized intersections are more appropriately marked as “Not Applicable” rather than zero, as was reflected in the previous traffic study.

Response to MEANS.2-9

The author noted that the trip distribution graphic in Exhibit 4.10-6 shows that 19 percent of project traffic would originate from the west via SR-237, which is characterized by non-residential land uses. The author also stated that it appears that traffic from central Milpitas is expected to account for 28 percent of project trip distribution.

Trip distribution and assignment is discussed on pages 4.10-31 and 4.10-32 of the Draft EIR. As stated on those pages, the project trip distribution accounted for locations of existing Walmart stores in San Jose, Mountain View, and Fremont, trip distributions identified in previous traffic studies, and the characteristics of the roadway network.

Regarding the author's comment about non-residential areas being to the west, note that the 19 percent of project trips anticipated to use this portion of SR-237 would largely be trips originating from San Jose, Santa Clara, and Sunnyvale. These trips would include both residents and employees who are located within these cities.

Ms. Cindy Hom

Dec. 20, 2009

455 East Calaveras Blvd.

Milpitas, Ca 95035

Re: Expansion on Walmart

Dear Ms. Hom,

MENDIZABAL

I am opposed to the Walmart expansion. It will affect existing grocery stores, in particular Save Mart and Nob Hill. Per the EIR, Save Mart will most likely go out of business. I believe Nob Hill will too. Besides the actual supermarket closing, these are the anchor stores for the shopping centers. Once the anchor store closes it affects all the smaller stores in those complexes. People come to the anchor store and stay in a shopping center to utilize other services whether it is dining, shopping or whatever else may be offered. We do not want ghost shopping centers throughout town. It sends a negative message to potential businesses and home owners.

Aside from the closing of stores, there will be the loss of jobs. Expanding Walmart will not produce additional quality jobs. It will not replace the jobs lost by the closing of the other stores. It will cannibalize the existing stores of employees and will pay them less. Many of the employees who work for Walmart cannot live on the income from Walmart alone. They either need to be subsidized by our government agencies or get second jobs just to make ends meet. This is not what Milpitas needs. For those people who enjoy shopping at Walmart, they can but they can do their grocery shopping at the existing grocery stores. We have a nice selection of Asian markets, including the new Marina Market, along with the Save Mart, Nob Hill, Safeway, and Lucky supermarkets. We don't need another market especially in a non residential area.

-1

Respectfully,


Nancy Mendizabal

2225 Edsel Dr.

Milpitas, CA 95035

408-262-3626

Nancy Mendizabal (MENDIZABAL)

Response to MENDIZABAL-1

The author expressed opposition to the proposed project and stated that the Draft EIR anticipates that Save Mart will go out of business. The author asserted that Nob Hill will also likely go out of business because of the proposed Walmart expansion and claimed that the losses of supermarket anchor tenants would adversely affect entire shopping centers. The author stated that there will be no net gain in jobs because the new jobs created by the proposed project will simply replace existing jobs at closed supermarkets. The author expressed opposition to Walmart's corporate practices and stated that there is no need for another supermarket in a non-residential area.

Impacts on Save Mart and Nob Hill, and changes in employment are addressed in Master Response 2.

Neither the City of Milpitas General Plan nor the Milpitas Zoning Ordinance prohibits supermarkets in non-residential areas. Therefore, this issue is outside of the Draft EIR's scope.

From: Susan Morgan [mailto:smorgan736@att.net]
Sent: Friday, November 06, 2009 11:43 AM
To: Cindy Hom
Subject: Walmart Expansion Project

Hi Cindy,

Thank you for giving me the opportunity to express my opinion about the proposed Walmart expansion via email. I don't often get involved in anything political, but I am very strongly opposed to a Walmart expansion. I am no chicken little, but I believe only bad things can come from an expanded Walmart. I stopped shopping there years ago when I learned just how poorly they treat their employees. I have also seen a documentary about Walmart, and it sickens me. They don't care about anything except profit. The conditions of their factories in China are beyond words. They take from the community, and give nothing in return. They would put SaveMart out of business, leaving me no place to shop for groceries. Crime in Milpitas is already on the rise; I would hate to see what would happen if Walmart were open 24 hours a day. Please do anything you can to keep Walmart from expanding--find an endangered species there, or Indian remains, or make something up if you have to. Just don't let them destroy Milpitas.

MORGAN-1

Sincerely,

Susan Morgan

Susan Morgan (MORGAN)

Response to MORGAN-1

The author expressed opposition to the proposed project, citing Walmart's corporate practices, potential adverse impacts at competing businesses, and crime.

Walmart's corporate practices are addressed in Master Response 1.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

The Milpitas Police Department was consulted during the preparation of the Draft EIR, and its comments about the proposed project were addressed in Section 4.9, Public Services and Utilities. The author did not provide any comments on the police protection analysis.

Public Comment Letter

Milpitas Walmart Expansion Project Draft Environmental Impact Report

Please submit your comments by Monday, December 14, 2009 at 5:00pm.

Date: 12/12/09
Name: (print) Danial Muhammad
Address: 876 Hermiston Dr. San Jose
CA.

RECEIVED

DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

Comments or Concerns:

1 ~~I~~ ¹ oppose the Walmart expansion because ¹ the analysis of the ~~Savement~~ ^{Savement} Closures states that the city's anti-graffiti ordinance and other measures sufficiently mitigate any blight that would be caused by the closure and abandonment of buildings due to the Walmart expansion. But anti-graffiti measures don't prevent the graffiti from taking place and don't sufficiently deal with safety and crime issues in blight urban areas.

2 ② The Milpitas General Plan states that the city must attempt to retain businesses and expand employment in its land use decisions. This project then violates the City's General Plan because it is likely to close not retain businesses and the expansion of employment is nominal once the regional impact on the jobs is taken into account.

3 ③ The Geography of traffic study in the draft EIR may not correspond with the "market area" used in the urban decay analysis. This seems odd and deserving of at least an explanation if not a second look.

4 ④ Walmart has an energy efficiency rating system for its stores, and this store is not an energy efficient Walmart. Why not when Walmart is investing in energy efficient building in other jurisdictions?

Danial Muhammad (MUHAMMAD)

Response to MUHAMMAD-1

The author expressed opposition to the proposed project because the Draft EIR's urban decay analysis concluded that the City's anti-graffiti ordinance and other measures sufficiently mitigate blight impacts. The author asserted that the anti-graffiti ordinance itself does not prevent graffiti and does not prevent safety and crimes issues associated with blight.

The existence of the anti-graffiti ordinance itself was not the basis for concluding that urban decay impacts would be less than significant. Rather, it was a number of factors, including low vacancy rates in market area retail centers, recent history of re-tenanting vacant grocery stores (e.g., Marina Foods), and anticipated increases in demand for groceries from population growth. Refer to Master Response 2 for further discussion of the urban decay analysis findings.

Regarding the author's statement that the anti-graffiti ordinance itself does not prevent graffiti, the reference to the City's ordinance on page 4.11-68 served to indicate that the City of Milpitas has existing measures to address potential urban decay conditions in place. Furthermore, given the general absence of graffiti in Milpitas, it can be reasonably concluded that the ordinance is enforced; therefore, reasonable certainty exists that any graffiti that does appear will be abated within a short period.

Response to MUHAMMAD-2

The author stated that the proposed project conflicts with a City of Milpitas General Plan policy concerning expanding employment and retaining businesses because it is likely to close other businesses.

General Plan consistency is addressed in Master Response 5.

Response to MUHAMMAD-3

The author stated that the geography of the traffic study does not correspond with the market area in the urban decay analysis.

The consistency between the traffic study and urban decay study is addressed in Master Response 2.

Response to MUHAMMAD-4

The author stated that the proposed Walmart expansion is not energy efficient. The author stated that Walmart is building energy efficient buildings in other jurisdictions.

Energy efficiency is addressed in Master Response 4.

Cindy Hom

From: Terri Murphy [tl-murphy@msn.com]
Sent: Thursday, November 19, 2009 7:30 PM
To: Cindy Hom
Subject: Wal-Mart Supercenter - YES!!

I 'vote' that you allow the Wal-Mart Supercenter to open in Milpitas. I was unable to attend tonight's Public Community Meeting, but I would like to register my opinion, nonetheless. I have been a home-owning resident of Milpitas since 1982, and from what I've seen and experienced, Wal-Mart has been good for the citizens of our community, and I do not believe the negative claims that some make regarding the Draft Environmental Impact Report. Please do what you can to enable Wal-Mart to open their Supercenter in Milpitas.

MURPHY-1

Sincerely,
Terri Murphy
201 Bixby Drive
Milpitas, CA 95035
tl-murphy@msn.com

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Terri Murphy (MURPHY)

Response to MURPHY-1

The author expressed support for the proposed project. No response is necessary.

From: Nick Narcowich [mailto:nick4motives@yahoo.com]
Sent: Friday, January 01, 2010 9:13 PM
To: Cindy Hom
Subject: Super Green Light for Super Wal-Mart

Cindy,

My wife & I just got back from a Christmas visit with my mom in St. George, Utah. With only about 150K people, there are 2 Super Wal-Mart's in St. George, and another in Hurricane, Utah – only ½ an hour away. I find it sad that we have such a small Wal-Mart here in Milpitas, and one that closes. I didn't even know that Wal-Mart closes until I came to the Milpitas Wal-Mart. Why shouldn't we have a Super Wal-Mart here? They are wonderfully convenient; it is true, they don't carry everything, but you may find that you can combine several trips with one to a Super Wal-Mart. Folks will need to go to their regular stores for some of the items they like to buy, that is for sure. But, I think this will be a big plus for Milpitas, and the surrounding stores. With tax income, jobs – and we sure need those here – and shopping variety. I would give this project a Super Green Light!

NARCOWICH-1

Nick Narcowich
Magic Jack
408-905-1086

Nick Narcowich (NARCOWICH)

Response to NARCOWICH-1

The author expressed support for the proposed project, citing increased convenience for local residents. No response is necessary.

From: Andrew Nguyen [mailto:andrewn1107@yahoo.com]
Sent: Thursday, November 05, 2009 5:48 PM
To: Cindy Hom
Subject: Comments on Walmart Draft EIR

To whom it may concern,

As a Milpitas resident and homeowner for the past 9 years, I'm delighted to learn about the Walmart expansion. It will bring a competitive prices in groceries and convenience (by expanding hours) for us. This "Super Walmart" model has been used successfully in Texas and other states, so my vote is a "yes" to such project.

Regards,
Andrew

NGUYEN-1

Andrew Nguyen (NGUYEN)

Response to NGUYEN-1

The author expressed support for the proposed project. No response is necessary.

From: dori_ortega@agilent.com [mailto:dori_ortega@agilent.com]

Sent: Wednesday, January 13, 2010 2:08 PM

To: Cindy Hom

Subject: Support for Wal-Mart in Milpitas

Hi Cindy,

I just wanted to say that I really support the idea for the expansion of the Wal-Mart in Milpitas. I live in San Jose and I drive all the way to Gilroy to do my grocery shopping at the Supercenter there. Recently a Wal-Mart with a grocery market opened up in Morgan Hill and once in awhile I go there now, but they don't have the selection that the Super Wal-Mart has in Gilroy.

If Milpitas is able to step it up and make their store like the Gilroy store, I know that it's going to bring so much more business for the city.

None of the Wal-Mart's here in the San Jose, Milpitas, Mt.View, Fremont area are worth going to.

Please bring groceries to the Milpitas Wal-Mart. Make it great! Make it big! Make it a Supercenter!!!! People will drive from other nearby cities to shop at your store, as I do in Gilroy!

Regards,

Dori Ortega

ORTEGA-1

Dori Ortega (ORTEGA)

Response to ORTEGA-1

The author expressed support for the proposed project, citing enhanced selection and convenience.

No response is necessary.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Hom,

The Draft Environmental Impact Report for the proposed Wal-Mart expansion at McCarthy Ranch is far from a 'fair and balanced' study of the true environmental impacts of this expansion. It will drastically impact our already congested highways and roads. It will increase the amount of air pollution and carbon footprint of our community. It will impact our existing grocers and small market stores.

OSEDA-1

When there is a net loss of businesses, there is no financial gain as a result of this expansion. Please take that into consideration as you prepare the final study.

OSEDA-2

Sincerely,

Pena Oseka
355 Dixon Landing
Milpitas, CA 95035

RECEIVED

DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

Pena Oseda (OSED)

Response to OSEDA-1

The author stated that the Draft EIR does not provide a “fair and balanced” study of the “true environmental impacts” of the proposed project. The author stated that the proposed project will drastically impact already congested roads and highways and increase the amount of air pollution and greenhouse gas emissions. The author stated that the proposed project will impact existing grocers and small market stores.

The analysis in Section 4.10, Transportation addressed the potential for the proposed project to impact intersection operations, freeway ramp operations on SR-237, roadway segment operations, and queuing. The author did not provide any specific comments on this analysis.

The analysis in Section 4.2, Air Quality included modeling of criteria pollutant emissions, diesel particulate matter, and greenhouse gas emissions that would occur from construction and operation activities. The author did not provide any specific comments on this analysis.

The analysis in Section 4.11, Urban Decay addressed the potential for competing businesses to be adversely impacted by the proposed project. The author did not provide any specific comments on this analysis.

Response to OSEDA-2

The author stated that the proposed project would not achieve any financial gain because there would be a net loss of businesses.

As shown in Table 4.11-13, total retail expenditures within the market area would increase by more than \$45 million between 2008 and 2011 as a result of population growth. Of this figure, \$9.3 million additional sales would occur in the food store category (grocery stores). Collectively, this indicates that new demand will be generated within the market area, some of which will be met by existing businesses and some by new or expanded businesses. Although certain existing businesses may see sales diverted to other businesses, the author’s statement that this represents a “net loss of businesses” is incorrect because of the amount of new expenditures that would occur.

Public Comment Letter

Milpitas Walmart Expansion Project Draft Environmental Impact Report

Please submit your comments by Monday, December 14, 2009 at 5:00pm.

Date: 11.19.09
Name: (print) Letra Perkins
Address: 3294 Cortese Cir #24
San Jose, Ca, 95127

Comments or Concerns:

I think more research should be done in your EIR report.
Real research should be done about the real impact the expansion of Walmart will do to other local grocery stores and small businesses. More than one grocery store will be impacted.
Please do some more research. Many more people will be impacted than you think.

PERKINS-1

Letresa Perkins (PERKINS)

Response to PERKINS-1

The author stated that additional research should be conducted concerning impacts to local grocery stores. The author stated that more than one grocery store will be impacted.

The analysis in Section 4.11, Urban Decay addressed the potential for competing businesses to be adversely impacted by the proposed project, including every grocery store within the market area. Refer to Master Response 2 for further discussion of the conclusions of the urban decay analysis.

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Dear planning Commission

CITY OF MILPITAS
PLANNING DIVISION

I am writing to express that I oppose the expansion of Milpitas WalMart on Ranch Drive.

QAMAR-1

Following are the reasons why I am against the expansion.

1. The City of Milpitas hired CBRE, a consultant of Walmart, to do significant parts of the EIR. This relationship between the City and Walmart creates a financial incentive for CBRE to favor the proposed Walmart expansion. As a result CBRE's analysis is biased and incorrect.
2. The EIR doesn't take into account the impact that this expansion project will have on other Walmart stores in the

QAMAR-2

QAMAR-3

area. In other words, it could be that customers are simply going to be siphoned from another stores to this one, resulting in no new job creation for the region - but we don't know because the EIR didn't look at these issues.

QAMAR-3
CONT

3. The Urban decay analysis in the EIR is inadequate. The report assumes that this project won't compete with non-discount grocery stores, but provides no evidence to that effect.

QAMAR-4

4. The report states that one local store is likely to close, a nearby SaveMart, but states that the impact of the stores closure is not significant.

QAMAR-5

Sincerely,

Madiha Qamar

Madiha Qamar (QAMAR)

Response to QAMAR-1

The author expressed opposition to the proposed project and provided introductory remarks to preface the letter. No response is necessary.

Response to QAMAR-2

The author asserted that the City of Milpitas hired CBRE Consulting, a “consultant of Walmart,” to do significant parts of the Draft EIR. The author claimed that the relationship between the City and CBRE creates a financial incentive for CBRE to favor the proposed Walmart expansion. The author alleged that this renders CBRE’s work to be biased and incorrect.

CBRE Consulting’s work is addressed in Master Response 2.

Response to QAMAR-3

The author asserted that the Draft EIR’s urban decay analysis did not evaluate the potential for the expanded Milpitas Walmart to siphon customers from other existing Walmart stores in the East Bay and South Bay. The author stated that this could result in no new job creation for the region.

Impacts on other Walmart stores and changes in employment are addressed in Master Response 2.

Response to QAMAR-4

The author claimed that the urban decay analysis is inadequate because it assumes that the expanded Walmart store would not compete with non-discount grocery stores but provides no evidence to this effect.

Non-discount grocery stores are addressed in Master Response 2.

Response to QAMAR-5

The author stated that the report concluded that a local grocery store is likely to close, but found that the impact of store closure is not significant.

The conclusions of the urban decay analysis are provided in Master Response 2.

12/12/09

If Walmart puts meat, Produce and grocery
it will affect me greatly as a employee
at Savemart Supermarket please reconsider
the expansion of Walmart.

Thank you
Jay Ramirez

RAMIREZ

-1

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CITY OF MILPITAS
PLANNING DIVISION

Jay Ramirez (RAMIREZ)

Response to RAMIREZ-1

The author stated that the proposed Walmart expansion would greatly affect him personally because he works at Save Mart. The author asked that the City reconsider the proposed project.

The analysis in Section 4.11, Urban Decay addressed the potential for competing businesses to be adversely impacted by the proposed project, including Save Mart. The author did not provide any specific comments on this analysis. As such, no further response can be provided.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

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DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

Dear Ms. Hom,

The urban decay analysis and summary in the Walmart draft environmental impact report for McCarthy Ranch is both offensive and incomplete. The report directly states that, "*the proposed project, in conjunction with these planned and approved projects, may divert enough sales from the Save Mart located in the Calaveras Plaza to cause store closure.*" It then goes on to not discuss the net loss of jobs and revenues to the City of Milpitas as a result of the Save Mart closure, instead it instead makes the ludicrous assessment that the property owners of the 'Market Area' are active owners and, therefore, will not allow the shopping area to fall into blight. It further assumes that the City of Milpitas will approve additional commercial, retail options that would offset the closure of Save Mart. The environmental impact report should detail the total number of job losses and revenue losses due to the closure of Save Mart as a result of the Walmart expansion. The closure of Save Mart will require the regular, neighborhood residents to find a new shopping option. This will result in additional car trips and additional impacts on the air quality and roads.

RUBINU-1

Further, the admittance that the Walmart Supercenter 'may' result in the closure of another grocery store negates the market study in the environmental report that says there is room for another grocery option in Milpitas. The closure of one store as a result from another means there is not enough of a market area to sustain another grocer.

RUBINU-2

Joseph Rubino
Joseph R
2151 OAKLAND RD. #36
S2. CA 95131
402-294-9464

Joseph Rubinu (RUBINU)

Response to RUBINU-1

The author stated that the Draft EIR’s urban decay analysis is both “offensive and incomplete” because it does not discuss the net loss of jobs and revenues to the City of Milpitas from the closure of Save Mart. The author stated that the urban decay analysis makes the “ludicrous assessment” that shopping center property owners would not allow their properties to become blighted. The author asserted that the Draft EIR should detail the total number of job losses and revenue losses attributable to the closure of Save Mart, as well as additional traffic and air pollution impacts from longer vehicle trips.

The Draft EIR’s urban decay conclusions and traffic and air pollution impacts are addressed in Master Response 2.

Response to RUBINU-2

The author asserted that the urban decay analysis’ findings that the proposed project may result in the closure of an existing grocery store “negates” the market study’s conclusion that there is room for another grocery option in Milpitas. The author asserted that closure of one store as a result of another means that there is not enough of a market area to sustain another grocery.

To clarify, the urban decay analysis does not state that there is room for another grocery option in Milpitas. Refer to Master Response 2 for further discussion of the urban decay conclusions.

Public Comment Letter

Milpitas Walmart Expansion Project Draft Environmental Impact Report

Please submit your comments by Monday, December 14, 2009 at 5:00pm.

Date: 12-13-09
Name: (print) JERRY LEE Ruggiero
Address: WORK FOR Nob Hill Foods
401 JACKLIN Rd
MILPITAS CA 95035

RECEIVED

DEC 14 2009

Comments or Concerns:

CITY OF MILPITAS
PLANNING DIVISION

The Walton Family own's Walmart & Sam's STORE !!
4 of the Walton Family member ARE RANK IN THE TOP 10
Riches people in the USA! BILLIONAIRES MANY TIMES OVER !!
WHY do we, THE TAX PAYER'S HAVE TO PAY FOR THERE
HEALTH-CARE FOR THE WALMART WORKER'S !!
It's NOT like THE WALTON'S CAN'T AFFORD IT !!
It's Greed - Greed AND MORE Greed
Walmart Treats there workers LIKE CRAP !!
There NOT ONLY BAD FOR MILPITAS, BUT BAD
FOR THE WHOLE USA !!!
Low wages plus No HEALTH CARE BENEFITS
THAT there workers CAN AFFORD.
MANY - MANY SMALL BUSSINESS AND Mom & Pop
STORES HAVE CLOSED BECAUSE OF WALMART !!
Greed - Greed - AND MORE Greed
SHAME ON THE WALTON FAMILY

JERRY LEE
Nob Hill worker
30 year's

RUGGIERO-1

Jerry Ruggiero (RUGGIERO)

Response to RUGGIERO-1

The author expressed opposition to the proposed project, citing Walmart's corporate practices and potential adverse impacts on competing businesses.

Walmart's corporate practices are addressed in Master Response 1.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

RECEIVED

December 11, 2009

DEC 14 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

CITY OF MILPITAS
PLANNING DIVISION

Dear Ms. Hom,

Milpitas has an opportunity to become a leader in the Bay Area by requiring Wal-Mart to include solar panels on its rooftop to minimize its carbon footprint. The LED lights and white roof only go so far with a building over 150,000 square feet and the thousands of daily vehicle and truck trips. Wal-Mart can certainly afford solar panels and isn't our community worth being a leader in energy conservation?

At the end of the day, Wal-Mart is selling this project as a benefit to our community, so our community leaders should require a few premium conditions as a matter of approval. Providing solar panels is a short-term cost for a long-term benefit, particularly to our community.

The DEIR should include studies and benefits to installing solar panels on the expanded Wal-Mart store. Thank you.

Sincerely,

Chris Rupe
299 Sylvia Ave.
Milpitas, Ca. 95035
408-262-4065
Scouttonto@aol.com

RUPE-1

Chris Rupe (RUPE)

Response to RUPE-1

The author stated that the City of Milpitas should require Walmart to install solar panels to minimize its carbon footprint. The author stated that LED lights and a white roof will only provide minimal benefit for a 150,000 square foot building that attracts thousands vehicle trips on a daily basis. The author stated that the Draft EIR should study the issue of installing solar panels on the expanded Walmart.

To preface the response, none of the state strategies identified in the Draft EIR (e.g., the California Air Resources Board Scoping Plan, the California Air Pollution Control Officers Association white paper, and the Attorney General's Office) mandate that new development projects install photovoltaic solar systems. Rather, these documents identify solar as one 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.

The Draft EIR laid out its reasoning for why photovoltaic solar system is not a feasible measure for the proposed project on pages 4.2-58 and 4.2-59. As stated:

Not Feasible. Although Walmart Stores, Inc. is exploring the feasibility of using solar technology to power its stores through its Solar Power Pilot Project, it has not yet been determined if the technology can reliably provide enough electricity to be economical. Current solar technology can provide between 10 to 30 percent of a store's electrical needs and is only economically feasible in the short term with the use of subsidies and incentives. Moreover, Walmart Stores, Inc. purchases electricity from renewable sources in lieu of generating it onsite at its stores. Finally, as previously noted, PG&E currently obtains more than half of its electricity from non-carbon sources, and this figure will increase in the coming years because of the Renewable Portfolio Standards established in AB 32. For these reasons, onsite solar generation is not considered feasible for the proposed project.

Reinforcing this conclusion, Table 3-2 provides a summary of the estimated costs of solar power under various scenarios. As shown in the table, the net loss of solar would range from \$2.3 million to \$3.5 million over the 20-year estimated life of the system. The most costly mitigation measures identified in the Draft EIR are those associated with traffic impacts, which are shown to total \$211,960 (refer to Mitigation Measures TRANS-1 and TRANS-3). In contrast, the estimated losses (\$2.3 million to \$3.5 million) would exceed by far the cost of the traffic mitigation measures.

Table 3-2: Estimated Photovoltaic Solar Costs

Item	Value		
Photovoltaic Solar Panels (500-kilowatt system)	\$4.1 million		
Annual Electrical Requirements	2.37 million kilowatt hours		
Annual Electricity Costs	\$284,400		
Solar as Percentage of Electricity Supply	10%	20%	30%
Annual Savings From Solar Panels	\$28,440	\$56,880	\$85,320
Estimated Life of Photovoltaic Solar Panels	20 years		
Net Loss	(\$3.5 million)	(\$2.9 million)	(\$2.3 million)
<p>Notes:</p> <p>Cost of photovoltaic solar panels assumed to be \$8.20/watt, which is the California average cost of installation as identified in an October 21, 2009 Science Daily article, "Installed Cost Of Solar Photovoltaic Systems In United States Fell In 2008," available online at http://www.sciencedaily.com/releases/2009/10/091021144249.htm.</p> <p>Table 4.9-11 in the Draft EIR assumes that the expanded Walmart would use 2.37 million kilowatt hours of electricity annually.</p> <p>Electricity costs estimated at \$0.12/kilowatt hour.</p> <p>Percentage of solar is provided by Walmart at http://walmartstores.com/Sustainability/9090.aspx.</p> <p>Estimated 20-year life of solar system obtained from K2 Solar at http://www.k2solar.com/commercial_top.html.</p> <p>Cost estimates do not assume any subsidies or factor in operations or maintenance costs.</p> <p>Source: Michael Brandman Associates, 2010.</p>			

The calculations in Table 3-2 do not assume the use of subsidies because of the uncertainty surrounding such financial instruments. The California Solar Initiative is structured to provide the largest incentives for early installers, with declining subsidies as more capacity is installed. As of January 2010, the California Solar Initiative indicates that the PG&E territory is at Step 6 of 10, with a subsidy of \$1.10 per watt. The next step (Step 7) will result in the subsidy decreasing to \$0.65 per watt and the final step (Step 10) will have a subsidy of only \$0.20 per watt⁴. The reduction in subsidies has resulted in several large businesses (e.g., Safeway) foregoing solar installation because such projects were no longer economically viable with the reduced subsidy amount⁵. Thus, there is a strong likelihood that incentives would not be available or would not provide any significant economic benefit by the time the proposed project breaks ground, provided that the project is approved.

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. In this case, requiring photovoltaic solar, which would represent a significant financial burden and accomplish only minimal greenhouse gas reductions, would be inconsistent with the aforementioned rough proportionality standard. CEQA provides that costs must be in proportion to impacts; therefore, lead agencies have the discretion to identify reasonable financial limits to mitigation measures.

⁴ Refer to the Statewide Trigger Point Tracker for further details about subsidies: <http://www.csi-trigger.com>.

⁵ See "Rising Cost of Solar Keeps Buyers Away," San Francisco Business Times, April 21, 2009.

Moreover, as discussed in the Draft EIR, there are more effective ways to promote non-carbon energy use. PG&E, the existing energy provider to the Milpitas Walmart store, is subject to the terms of AB 32's Renewable Portfolio Standards and, therefore, must obtain 33 percent of its energy from renewable sources by 2020. Note that this does not include the electricity obtained from non-carbon nuclear and large hydroelectric sources, which are not classified as "renewable sources" by the AB 32 legislation. PG&E's 10-K Annual Report notes that nuclear and hydroelectric represent 78 percent of its own generating capacity, and the utility purchases 17 percent of its total electricity supply from the California Department of Water Resources and irrigation districts, which provide hydroelectric power. Therefore, by simply staying on the grid and implementing energy efficiency measures, the proposed project may achieve as much, if not more, greenhouse gas reductions than through installation of an onsite solar energy generation system.

For these reasons, substantial evidence exists demonstrating that photovoltaic solar panel installation is not economically feasible and is not mandated by any greenhouse gas reduction strategy. Therefore, the Draft EIR appropriately considered the feasibility of photovoltaic solar panel installation and arrived at the conclusion that it does not constitute feasible mitigation.

To whom it may concern:

We are unable to attend the Community Meeting this evening, Nov 19; however we want to voice our concerns. We do not support the Wal-Mart Supercenter for the following reasons:

- Wal-Mart pays lower wages and benefits than most of its competitors. In this economy we should be supporting the best wages for all.
- A supercenter will displace other existing retail.
- Businesses will close as a result of a Supercenter. Property values will fall due to urban decay and property taxes will be lower.
- The DEIR states that a 24 hr. Supercenter will have a "significant unavoidable impacts on the roadways due to traffic increases.
- Our community will lose when mom and pop operations lose out to the supercenter lowering the overall quality of life.
- There is already a Wal-Mart supercenter just over the 880. Enough is enough!!!

SANDERS-1

Please Stop the development of this Wal-Mart Supercenter.

Instead, consider requesting the addition of a Trader Joe's. It has good wholesome food, passed on to the consumer at the best prices; it minimizes packaging and supports all manner of sustainable marketing. A win-win situation all the way around!

Thank you,
Meg Sanders
Susan Floethe
1391 Saratoga Dr.
Milpitas, CA 95035

Meg Sanders (SANDERS)

Response to SANDERS-1

The author expressed opposition to the proposed project, citing Walmart’s corporate practices, potential adverse impacts on competing businesses, the Draft EIR’s identification of significant unavoidable impacts on roadway segments, and the presence of a “Walmart supercenter just over the 880.”

Walmart’s corporate practices are addressed in Master Response 1.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

Traffic is addressed in Master Response 3

Finally, regarding the author’s statement that there is an existing Walmart Supercenter nearby, this is not correct. The nearest Walmart store with a grocery component is in Morgan Hill. Furthermore, the lack of an existing Walmart store with a grocery component in the Milpitas area played a significant role in defining the market area used in the urban decay analysis; refer to Section 4.11, Urban Decay for further discussion.

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SIDDIQUE

Planning Commission

DEC 14 2009

This is regarding the expansion of Wal-Mart in Milpitas. I am totally against it, because it will cause lot of un-employment in other small business.

-1

Some of the reasons are as follows:

1) The analysis of the SaveMart closure states that the city's anti-graffiti ordinance and other measures sufficiently mitigate any blight that would be caused by the closure and abandonment of buildings due to the Wal-Mart expansion.

-2

2) The Milpitas General Plan states that the city must attempt to retain businesses and expand employment in its land used decisions. This project, then, violates the City's General plan because it is likely

-3

to close not retain businesses, and the expansion of employment is normal once the regional impact on jobs is taken into account.

-3
CONT

3) the geography of the traffic study in the draft EIR may not correspond with the "market area" used in the urban decay analysis. This seems odd and deserving of at least an explanation if not a second look.

-4

4) Walmart has an energy efficiency rating system for its stores, and the store is not an energy efficient Walmart.

-5

Sincerely,

Sabuli Siddique

Sabuhi Siddique (SIDDIQUE)

Response to SIDDIQUE-1

The author expressed opposition to the proposed project, citing potential adverse impacts on competing businesses and job losses.

Job losses are addressed in Master Response 2.

The author's specific comments on the urban decay analysis will be addressed in Response to SIDDIQUE-2 and Response to SIDDIQUE-4.

Response to SIDDIQUE-2

The author expressed opposition to the proposed project because the Draft EIR's urban decay analysis concluded that the City's anti-graffiti ordinance and other measures sufficiently mitigate blight impacts. The author asserted that the anti-graffiti ordinance itself does not prevent graffiti and do not prevent safety and crimes issues associated with blight.

The existence of the anti-graffiti ordinance itself was not the basis for concluding that urban decay impacts would be less than significant. Rather, it was a number of factors, including low vacancy rates in market area retail centers, recent history of re-tenanting vacant grocery stores (e.g., Marina Foods), and anticipated increases in demand for groceries from population growth. Refer to Master Response 2 for further discussion of the urban decay analysis findings.

Regarding the author's statement that the anti-graffiti ordinance itself does not prevent graffiti, the reference to the City's ordinance on page 4.11-68 served to indicate that the City of Milpitas has existing measures to address potential urban decay conditions in place. Furthermore, given the general absence of graffiti in Milpitas, it can be reasonably concluded that the ordinance is enforced and, therefore, reasonably certainty exists that any graffiti that does appear will be abated within a short period.

Response to SIDDIQUE-3

The author stated that the proposed project conflicts with a City of Milpitas General Plan policy concerning expanding employment and retaining businesses because it is likely to close other businesses.

General Plan consistency is addressed in Master Response 5.

Response to SIDDIQUE-4

The author stated that the geography of the traffic study does not correspond with the market area in the urban decay analysis.

The consistency between the traffic study and urban decay study is addressed in Master Response 2.

Response to SIDDIQUE-5

The author stated that the proposed Walmart expansion is not energy efficient. The author stated that Walmart is building energy efficient buildings in other jurisdictions.

Energy efficiency is addressed in Master Response 4.

Cindy Hom

From: madhulika@hindu-world.com
Sent: Thursday, November 19, 2009 9:42 PM
To: Cindy Hom
Subject: NO Wal-Mart Supercenter in Milpitas

SINGH

Dear Ms. Hom,

I, as a resident of Milpitas, strongly oppose the development of a Wal-Mart Supercenter for many reasons including the fact that because of the Great Mall a lot of small Mom-and-Pop type store have closed. This Wal-Mart Supercenter will be the death knell of the remaining small individually owned business that the life and breath of Milpitas. It will put many people out of jobs; our property values will go down and Milpitas will no longer be a wonderful place to make home.

-1

Sincerely,
Madhulika Singh
2237 Lacey Dr,
Milpitas, CA 95035

Madhulika Singh (SINGH)

Response to SINGH-1

The author expressed opposition to the proposed project, citing potential adverse impacts on competing businesses, job losses, and the deterioration of quality of life.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

Job losses at competing businesses are addressed in Master Response 2.

Regarding the author's statement about the deterioration of quality of life, note that the Draft EIR evaluated the proposed project's impacts on "quality of life" issues such as aesthetics, noise, public safety, and traffic. The author did not provide any comments on these analyses.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Hom,

I am deeply upset over Wal-Mart's application to sell alcohol 24-hours a day, 7-days a week with the expansion of their existing store. The Draft Environmental Impact Report only makes two references to 'alcohol'. One refers to Wal-Mart's intent and the second to the store's General Commercial zoning, allowing it to sell alcohol. The report fails to adequately address the impacts of alcohol sales on existing local businesses that also sell alcohol.

The report only addresses the impacts of grocery sales on existing businesses as a result of the Wal-Mart expansion. However, many small 'mom-and-pop' owned gas stations and convenience stores, those that do not sell groceries, will be financially impacted by Wal-Mart's foray into alcohol sales. These smaller, locally owned stores do not sell groceries.

The Draft Environmental Impact Report should study impacts to alcohol and tobacco sales to local businesses as a result of the expansion. The City should require Michael Brandmen Associates to study the financial impacts of alcohol sales on these smaller formatted stores.

Sincerely,



KT@Killertone.com

680 Mente Linda Loop
Milpitas

SNYDER-1

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CITY OF MILPITAS
PLANNING DIVISION

Carlos Snyder (SNYDER)

Response to SNYDER-1

The author stated that he is “deeply upset” about Walmart’s proposal to sell alcohol 24 hours a day, 7 days a week. The author asserted that the Draft EIR makes only two references to “alcohol” and claimed that it did not evaluate the impacts of alcohol sales on existing businesses that sell alcohol, such as convenience stores and gas stations. The author stated that the Draft EIR should study impacts associated with alcohol and tobacco sales on local businesses.

To correct several misstatements:

- As stated on page 3-27, state law prohibits alcohol sales between 2 a.m. and 6 a.m. Therefore, the proposed project, if approved, would not retail alcohol 24 hours a day.
- The Draft EIR discusses alcohol sales in several places, including pages 3-14, 3-27, 3-28, 4.7-8, and 4.7-24.
- The existing Walmart store currently sells tobacco products and, therefore, competes with other retailers in the market area for tobacco sales. The proposed project would not alter this existing condition.

Regarding the author’s statement that the Draft EIR did not evaluate impacts of alcohol sales on existing businesses that sell alcohol such as convenience stores, there are several reasons why the expanded Walmart would have little to no potential to compete with these businesses:

- The City of Milpitas has an adopted General Development Policy that restricts gasoline service stations from selling alcohol and limits the floor area for the display and sale of prepackaged, single-serving snacks, and dairy products, soft drinks, and sundry items to 250 square feet. Thus, convenience stores associated with gas stations would not compete with Walmart for alcohol sales.
- Convenience stores (including those associated with gas stations) generally serve consumers who are making smaller, impulse purchases such as a beverage or a snack. Typically, these consumers are seeking the nearest retailer and may be making the purchase in conjunction with a gasoline purchase. In contrast, Walmart and other large-format retailers generally serve customers from a broader area, making larger, planned purchases such as household supplies.
- Related to the previous point, convenience stores have much less selection than Walmart and other large-format retailers. Customers seeking a greater selection of products would be unlikely to shop at a convenience store. Likewise, the smaller selection provided by convenience stores implies that they are primarily positioned to serve patrons making smaller, impulse purchases.

- The Milpitas Walmart is located in a non-residential area and is not as close to neighborhoods as existing convenience stores within the market area. This diminishes the ability of the expanded Walmart to cater to customers making impulse purchases.

In summary, Walmart and convenience stores mostly serve non-overlapping customer bases; therefore, little to no adverse impacts on these businesses would occur as a result of the proposed project.

From: tstuntz@aol.com [mailto:tstuntz@aol.com]
Sent: Monday, December 07, 2009 8:30 PM
To: Cindy Hom
Subject: milpitaswalmart@gmail.com

I am so excited at the prospect of having a super walmart here in Milpitas. We have done so many wonderful improvements over the years making Milpitas a more desirable area for shoppers and residents. This too will also offer more job opportunities for our area. It is an exciting time!

STUNTZ-1

Sincerely,
Teri Stuntz

Teri Stuntz (STUNTZ)

Response to STUNTZ-1

The author expressed support for the proposed project, citing potential economic benefits. No response is necessary.

Public Comment Letter

Milpitas Walmart Expansion Project Draft Environmental Impact Report

Please submit your comments by Monday, December 14, 2009 at 5:00pm.

Date: November 19, 2009

Name: (print) Ajay Tallam

Address: 370 Chad Dr
Milpitas, CA 95035

Comments or Concerns:

TALLAM

A cursory review of the DEIR showed several deficiencies that necessitate a completely new revision of the DEIR. This DEIR lacks a provision addressing the accessibility of grocery store access for those residents living near a grocery store the DEIR expects to be closed. Notably residents without access to cars - the poor, elderly and disabled - who will now face an increased burden to purchase their basic food stuffs. ~~Also~~ Also, how will such a store closing affecting an already extremely congested traffic flow in the 880-237 corridor?

How will the new employees of Walmart affect city services, due to their likely part-time and low-wage work? Will actual jobs be created for the area, or will they be siphoned off from other stores, including other WalMarts, in the region? Same question for tax revenues. A new DEIR, published within the 150-page specified limit, needs to be immediately convened. All deficiencies pointed out must be addressed.

Sincerely,
Ajay Tallam

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-2
-3
-4
-5
-6

Ajay Tallam (TALLAM)

Response to TALLAM-1

The author claimed that a “cursory review” of the Draft EIR yielded several deficiencies that necessitate a complete revision of the document.

The author’s specific comments about alleged deficiencies with the Draft EIR are addressed in Response to TALLAM-2 through Response to TALLAM-6.

Response to TALLAM-2

The author stated that the Draft EIR does not evaluate grocery store accessibility for residents living near an existing grocery store that the proposed project would close. The author stated that persons without cars, the poor, the elderly and disabled would face challenges in purchasing basic foodstuffs.

This issue is addressed in Master Response 2.

Response to TALLAM-3

The author inquired how “such a store closing” would affect traffic congestion on Interstate 880 (I-880) and SR-237.

Grocery stores primarily serve local residents. Therefore, a very small percentage of grocery store trips made by Milpitas residents would be expected to use I-880 or the freeway portion of SR-237 (i.e., west of I-880). Furthermore, if an existing grocery store closed, those existing trips would be re-allocated among the remaining local stores. Thus, there would likely not be any net change in freeway trips on I-880 or SR-237.

Response to TALLAM-4

The author inquired about how the new employees of Walmart will affect city services because of part-time work and low-wages.

The Milpitas Fire Department and Milpitas Police Department were consulted about the proposed project’s impacts on public safety. Neither agency indicated that the new jobs created by the project would present any significant challenges to its ability to provide services to the community. Refer to Section 3.9, Public Services and Utilities for further discussion.

Note that City of Milpitas does not provide health care or welfare services.

Response to TALLAM-5

The author inquired about the net change in jobs created by the project, particularly if they would be “siphoned off” from existing stores or other Walmart stores. The author stated that he had the same question for tax revenues.

Changes in employment and tax revenues are addressed in Master Response 2.

Response to TALLAM-6

The author stated that a new Draft EIR within the 150-page limit needs to be prepared, with all deficiencies corrected.

As stated in Response to TALLAM-2 through Response to TALLAM-5, none of the alleged deficiencies cited by the author requires revision of the Draft EIR. Therefore, no legal basis exists to revise the document as indicated by the author.

The Draft EIR length is addressed in Master Response 6.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

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CITY OF MILPITAS
PLANNING DIVISION

Dear Ms. Hom,

I am opposed to the [possible] medical clinic in the proposed Wal-Mart expansion at McCarthy Ranch. I cannot fathom the health issues of treating ill people and serving food in the same enclosed operation? Is it in the benefit of Milpitas residents to be exposed to people with such illnesses as the Swine Flu or Common Flu while doing their basic shopping at Wal-Mart? Outside of 'regular check-ups', a majority of us visit a doctor because they are ill. Many illnesses are contagious, particularly those that are addressed by general medical doctors and nurses. Such illnesses are common colds, the flu, strep throat, etc. Wal-Mart will inadvertently be putting people at health risk with these medical clinics. Overall, I do not feel the DEIR sufficiently addresses the potential environmental impacts of exposing sick individuals seeking care at the medical clinic to regular shoppers, employees and exposed foods. Additional medical and health studies must be completed.

TAN-1

Note: If Wal-Mart chose to modify access to the medical clinic to the outside of the Supercenter (i.e. people can only access from outside not inside the store), then it would likely make it a safe addition. Still, the DEIR should address this alternative as well.

TAN-2

Thank you for your consideration.

Handwritten:
#fan TERESITA Tan
676 Valona St.
MILPITAS CA
(408) 946-46-01

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CITY OF MILPITAS
PLANNING DIVISION

Teresita Tan (TAN)

Response to TAN-1

The author expressed opposition to the proposed medical clinic in the expanded Walmart store, citing the potential health effects of having ill persons inside the store. The author stated that Walmart will inadvertently put people at risk and stated that the Draft EIR did not sufficiently address the potential impacts of exposing customers, employees, and food to clinic users who are ill.

Walmart representatives indicate that cross-infection has not been a problem at Walmart stores with in-store medical clinics. Other retail chains (e.g., CVS, Walgreens, and Target) offer in-store medical clinics and cross-infection has not been reported to be a problem. Additionally, no federal or state public health agency has issued guidance discouraging or prohibiting in-store medical clinics because of the potential for cross-infection.

Furthermore, note that ill customers are not prevented from shopping at Walmart or any other retail outlet, whether or not the store provides a clinic. Thus, customers may be exposed to illnesses when they shop and, therefore, this is an existing condition at the Milpitas Walmart and any other retailer.

For these reasons, the proposed in-store health clinic would not create any significant health risks to customers or employees using the expanded Walmart.

Response to TAN-2

The author stated that Walmart should modify access to the medical clinic so that it can only be accessed from the outside and not from the inside of the store to make it safe. The author stated that the Draft EIR should evaluate this alternative.

As explained in Response to TAN-1, the medical clinic would not create any significant health risks to customers or employees using the expanded Walmart. Therefore, no legal basis exists for requiring the applicant to restrict access to the clinic as proposed by the author.

From: Jo Ann Thompson [mailto:joannjojojoann@yahoo.com]
Sent: Thursday, January 14, 2010 8:32 AM
To: Cindy Hom
Subject: Walmart Supporter

We deserve to have a Super Walmart, or one that carry produce. It is hard to believe the area we live in that we don't have a Super Walmart but a small city, more than 30miles away does. I believe this would be great for the city and all the commuinites it supports. Please, try to see that the people of the bay area could benifit with such a store located in the area of this store.

THOMPSON-1

Regards,
Jo Ann Thompson
Sunnyvale,

Jo Ann Thompson (THOMPSON)

Response to THOMPSON-1

The author expressed support for the proposed project, citing anticipated benefits. No response is necessary.

Cindy Hom**From:** jentouchton@aol.com**Sent:** Thursday, December 03, 2009 10:16 PM**To:** opinion@themilpitaspost.com; Cindy Hom; Erik.Larsen@sanjoseca.gov; cathyd@9to5.org; AlexCathy@aol.com; eglarsen67@yahoo.com**Subject:** Walmart is a Job Killer

I find the letters to the editor about Walmart very interesting. Mr Whiteside's letter (December 3 Milpitas Post) lacks a factual basis in reality. The Walmart expansion will indeed negatively impact Savemart and will jeopardize nearly 65 grocery workers at Savemart and possibly other local stores.

TOUCHTON.1-1

The City of Milpitas hired CBRE, a consultant for Walmart, to do significant parts of the Environmental Impact Report (EIR). While this relationship between the City and Walmart creates a financial incentive for CBRE to favor the proposed Walmart expansion, the recently released draft (EIR) states that SaveMart on Calaveras Blvd would likely close as a result of the Walmart expansion.

TOUCHTON.1-2

The Milpitas General Plan states that the city must attempt to retain businesses and expand employment in its land use decisions. The Walmart expansion, then, violates the City's General Plan because it is likely to close not retain businesses.

TOUCHTON.1-3

Mr Whiteside appears to parrot the corporate line and the prepared talking points of a "benevolent" Walmart. I urge him to read the draft EIR prepared by Walmart's own consultant.

TOUCHTON.1-4

However, I shouldn't be too harsh on Mr Whiteside. The document is 524 pages making it barely comprehensible to the average citizen, and disrespectful of all those who would engage in this process. The draft EIR appears to violate CEQA standards which call for reports to be no more than 125 pages.

TOUCHTON.1-5

Walmart's own consultants have buried the harsh reality amid hundreds of pages of legalese that the expansion project is a job killer for many Milpitas residents who have worked at SaveMart for decades and have contributed to our local economy.

TOUCHTON.1-6

I oppose the expansion of the Walmart store and I wish our new Planning Commissioner, Erik Larsen, the best as he represents the interests of Milpitas residents and works to protect our quality of life. No one deserves to lose thier job in this economic down turn - - the worst since the Great Depression.

TOUCHTON.1-7

Jennifer Touchton
Milpitas Coalition for a Better Community

12/4/2009

Jennifer Touchton (TOUCHTON.1)

Note to reader: The author's letter consists of a letter to the editor that was published in the Milpitas Post in December 2009.

Response to TOUCHTON.1-1

The author provided commentary on a letter to the editor expressing support for the proposed project. The author stated that the proposed project will negatively impact Save Mart and jeopardize the jobs of local grocery workers.

Although not a specific comment on the Draft EIR's analysis, impacts on Save Mart and potential job losses are addressed in Master Response 2.

Response to TOUCHTON.1-2

The author asserted that the City of Milpitas hired CBRE, a consultant for Walmart, to prepare significant parts of the Draft EIR. The author claimed that this relationship between the City and Walmart creates a financial incentive for CBRE to "favor" the proposed project. The author noted that the Draft EIR states that Save Mart would close as a result of the proposed project.

CBRE Consulting's work and potential impacts on Save Mart are addressed in Master Response 2.

Response to TOUCHTON.1-3

The author alleged that the proposed project is inconsistent with City of Milpitas General Plan Policy 2.a.I-7, which concerns expanding employment and promoting business retention, because the proposed project may result in the closure of competing businesses and the subsequent loss of associated jobs.

General Plan consistency is addressed in Master Response 5.

Response to TOUCHTON.1-4

The author provided commentary on a letter to the editor expressing support for the proposed project. No response is necessary.

Response to TOUCHTON.1-5

The author stated that the Draft EIR is 524 pages long, "making it barely comprehensible to the average citizen" and "disrespectful to all those who would engage in this process." The author stated that the Draft EIR "appears to violate CEQA standards, which call for reports to be no more than 125 pages."

Draft EIR length is addressed in Master Response 6.

Response to TOUCHTON.1-6

The author asserted that "Walmart's own consultants have buried the harsh reality amid hundreds of pages of legalese that the expansion is a job killer for many Milpitas residents who have worked at

Save Mart for decades and have contributed to the local economy.” This statement represents personal opinion and no response is necessary.

Response to TOUCHTON.1-7

The author expressed opposition to the proposed project and extended best wishes to Erik Larsen, a new appointee to the Milpitas Planning Commission. No response is necessary.

Jennifer Touchton
753 Kizer Street
Milpitas, CA 95035
(408) 946-7335

December 10, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms Hom:

I am writing in regards to the proposed Walmart expansion. I want to raise three objections to the project.

TOUCHTON.2-1

The City of Milpitas hired CBRE, a consultant for Walmart, to do significant parts of the Environmental Impact Report (EIR). While this relationship between the City and Walmart creates a financial incentive for CBRE to favor the proposed Walmart expansion. This raises a serious issue of conflict of interest. The Draft EIR should be scraped because of what appears to be a serious lapse in ethics on the part of the City.

TOUCHTON.2-2

Secondly, the Milpitas General Plan states that the city must attempt to retain businesses and expand employment in its land use decisions. The Walmart expansion, then, violates the City's General Plan because it is likely to close not retain businesses. The Draft EIR states that the project will indeed negatively impact Savemart and will jeopardize nearly 65 grocery workers at SaveMart and possibly other local stores.

TOUCHTON.2-3

Third, I object to the length of the Draft EIR. The document is 524 pages making it barely comprehensible to the average citizen, and disrespectful of all those who would engage in this process. The draft EIR appears to violate CEQA standards which call for reports to be no more than 125 pages.

TOUCHTON.2-4

I urge the Planning Commission to reject the Draft EIR.

Sincerely,


Jennifer Touchton

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**CITY OF MILPITAS
PLANNING DIVISION**

Jennifer Touchton (TOUCHTON.2)

Response to TOUCHTON.2-1

The author provided introductory remarks and expressed opposition to the proposed project. No response is necessary.

Response to TOUCHTON.2-2

The author reiterated a previous comment made in Comment TOUCHTON.1-2. Refer to Response to TOUCHTON.1-2.

Response to TOUCHTON.2-3

The author reiterated a previous comment made in Comment TOUCHTON.1-3. Refer to Response to TOUCHTON.1-3.

Response to TOUCHTON.2-4

The author reiterated a previous comment made in Comment TOUCHTON.1-5. Refer to Response to TOUCHTON.1-5.

From: Brant Whiteside [mailto:bw-mvp@hotmail.com]
Sent: Thursday, December 17, 2009 3:08 PM
To: Cindy Hom
Subject: walmart..

Dear Ms. Horn,

I support this expansion for several reasons:

1. Although it will provide competition to the existing retailers in Milpitas, that's what our economic system is based on, free trade and competition. If anything, this will draw shoppers from surrounding cities and bring more revenue to the City of Milpitas.
2. This expansion will provide new jobs, more tax to the city and more opportunities for those on limited and fixed incomes to purchase at affordable prices. We know people continue their shopping habits despite new stores that open, and I the surveys support the fact that the "National chains" like Safeway and Lucky will not suffer significantly. They will just have to be more competitive.
3. WalMart is a main anchor in McCarthy Ranch, why would want to reduce the draw to this shopping center in these tough economic times? AND, what if Walmart were to choose to LEAVE the city based on this, and build a whole new store in San Jose or Fremont, perhaps? McCarthy Ranch would suffer tremendous loss, and Milpitas would lose one of its top 5 tax revenue sources. Not to mention the generous grants they give quarterly to schools, the needy, struggling organizations, etc.!!! Don't think that won't happen. It is a VERY REAL POSSIBILITY!
4. I am against many rumors running rampant in our community instigated by people with hidden agendas, such as the union. The unions, are running a mud slinging campaign against this expansion and it is simply for their own, hidden agenda. Why are they quiet about other equally large new grocers such as the Chinese market across from City Hall, the new Seafood City on Landess, etc.?? AND, I am completely infuriated at the appointment of the Chief Steward of the Union as a Planning Commissioner, who will influence the vote of the commission on this expansion. He MUST be made to recuse himself from that vote!!!

Please record my favorable vote on this Walmart Expansion.

Brant Whiteside
1941 Grand Teton Dr.
Milpitas, CA
408-966-2334

WHITESIDE.B-1

Brant Whiteside (WHITESIDE.B)

Response to WHITESIDE.B-1

The author expressed support for the proposed project, citing anticipated economic benefits. No response is necessary

Cindy Hom

From: Irene Whiteside [iwhiteside@gmail.com]**Sent:** Thursday, November 26, 2009 2:35 PM**To:** Cindy Hom**Subject:** In Support of Walmart ExpansionWHITESIDE.I
Page 1 of 2

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms Horn,

I received a mailer from opposers to the Walmart expansion, and they are using terms like "notorious community-killing Wal-Mart Supercenters" and "predatory superstore". Despite their ill-informed use of terminology, we support this "expansion" of the Milpitas Walmart, that will both add revenue to Milpitas in a down economy and add 85 much-needed new jobs.

A letter by Erik Larsen to the Post last week claims that Walmart will "displace" local businesses.

Honestly, just because a Walmart provides customers with a large grocery selection does not mean that other grocery stores, including national chains will be put out of business. These stores, such as Nob Hill, Safeway, Lucky, and SaveMart, are "National Chains". They will not "suffer" from the existence of another local grocery outlet – it is a 'proven fact' that people stay local. They may try the Walmart when it first opens, but you will find that they ultimately go back to their shopping habits, and frequent the stores closest to them. The same fears were uttered when the Safeway Superstore in Milpitas Towne Center opened.

If anything, this Walmart is going to attract more revenue from the surrounding cities of San Jose, Fremont, Alviso, Santa Clara and Sunnyvale. Those who do not see this as a PLUS for Milpitas are truly blind.

Larsen also claimed the risk of "urban decay", or falling property values and taxes. That is the lamest statement I think I've ever heard. How does adding a few more square feet to a store contribute to 'urban decay?' As you are aware, Diana Barnhart, Milpitas' economic development manager, said Walmart is in the city's top five sales revenue producers, along with auto dealer Piercey Toyota and high-tech firm Cisco Systems Inc.

Larsen also claimed that because of supposed 'lower wages,' the 85 new jobs will "displace higher paying jobs in the grocery industry". Let me get this straight, adding more jobs will drain jobs from existing grocery outlets? I'm sorry, that is complete and utter nonsense! If there are higher-paying jobs, they will still be there. That's called free market system!

WHITESIDE.I-1

12/1/2009

And lastly, Larsen claims that the Walmart expansion will cause a "lower quality of life" for citizens of Milpitas. No, really? That's about as far-reaching as I've ever heard for a nonsensical argument by Union leaders who are really the driving force behind this opposition campaign. And, Mr. Larsen is currently applying to the Planning Commission, which is in DIRECT CONFLICT with his position as Chief Steward to the AFSCME Local Municipal Employees Federation, Local 101. This Union vehemently opposes the Walmart expansion.

Currently my retired aunt and uncle are traveling through the United States (from Canada) in their motor home. There are times when they needed to stop, and could not find a campground close by. Their refuge was the Walmart parking lot, as they allow RVs to park overnight in most stores nation-wide. Our relatives also were thankful that they were in a safe place, knowing that the security cameras were there at all times.

-1
CONT

I am very much in favor of this expansion, and encourage you to approve it. Thank you.

--
Kindest regards,

Irene Whiteside
Milpitas Resident.
408-469-1991

Irene Whiteside (WHITESIDE.I)

Response to WHITESIDE.I-1

The author expressed support for the proposed project, citing anticipated economic benefits. The author also provided commentary on claims made by project opponents. No response is necessary.

Cindy Hom

From: Jane Yuan [jyuan850@gmail.com]
Sent: Tuesday, December 01, 2009 9:44 AM
To: Cindy Hom
Subject: AGAINST - Wal-Mart Supercenter

YUAN
Page 1 of 1

Dear Ms. Cindy Hom

I'm submitting my written comments to you in regarding to the City's DEIR for Wal-Mart's Supercenter application.

I'm a long-time Milpitas resident and I'm AGAINST having the Wal-Mart Supercenter in our City for the following reasons:

- I want to see more brand name shops that attract more shoppers to spend more money in Milpitas. The current Wal-Mart is big enough. We need to also attract other kinds of shoppers.
- I want to support our local businesses and I don't want to see the Supercenter driving them out of business.
- I want to see Milpitas attract more higher wage jobs instead of the low paying jobs offered by the Supercenter.
- I like the variety McCarthy Ranch had. Many of them moved away. I'd like to see us recruit other speciality shops to Milpitas.
- Milpitas has enough multiple-unit residence. Our traffic is already too heavy. We don't need more from the Supercenter. Please, no more multiple-unit residence! I like the way Shapell built in Milpitas, nice and wide streets and quality single family houses.

YUAN-1

Regards,
Jane

12/4/2009

Jane Yuan (YUAN)

Response to YUAN-1

The author expressed opposition to the proposed project, citing potential adverse impacts on competing retailers, Walmart's corporate practices, and traffic impacts.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

Walmart's corporate practices are addressed in Master Response 1.

Traffic is addressed in Master Response 3.

December 11, 2009

Ms. Cindy Hom, Assistant Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Hom,

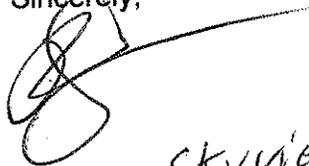
As a Milpitas resident, I have concerns about the proposed medical clinic's impacts on existing medical clinics and doctors practicing in Milpitas. The Draft Environmental Impact Report fails to address the market impacts of the proposed medical clinic on these businesses. The City must address this deficiency to make the environmental report complete.

The city needs to consider the need for another medical clinic in Milpitas as part of this examination. As a matter of point, a Google Internet search for "family clinics, milpitas, California" produces an extensive number of results. One will find that the McCarthy Ranch area has 3 clinics/doctors operating in that area already – the McCarthy Medical Center, the Medical Express Family Practice, and Jacqueline Nguyen, MD.

I additionally found 7 'family clinics' each offering basic care. And there is Kaiser Permanente Milpitas, Alliance Occupational Medicine, India Community Center Medical Clinic, and Wellbound. What are the impacts to these existing, taxpaying local businesses in Milpitas? I believe it is fiscally and morally responsible of the city to take these impacts into serious consideration before approving a 'medical clinic' in the retail big-box giant Wal-Mart.

Please revise the Draft Environmental Impact Report for the Milpitas Wal-Mart expansion accordingly.

Sincerely,



2316 Skyview Place
Fairfield CA 94534
(707)-244-1881

UNSIGNED.1-1

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DEC 14 2009

CITY OF MILPITAS
PLANNING DIVISION

[UNSIGNED LETTER 1] (UNSIGNED.1)

Response to UNSIGNED.1-1

The author expressed concern about the proposed medical clinic's impacts on existing medical clinics and doctors practicing in Milpitas. The author stated that a Google search for "family clinics, Milpitas, California" yielded an "extensive number of results" and listed several examples. The author asserted that the City has a fiscal and moral obligation to consider impacts on existing medical clinics by the proposed project. The author stated that the Draft EIR should be revised to provide this analysis.

Urban decay analyses typically evaluate impacts on competing large-format retailers (e.g., grocery stores and general merchandise stores) because they occupy large spaces and serve as anchors for shopping centers. As such, the closure of a large-format retailer has the potential to cause a "chain reaction" of store closures that ultimately lead to urban decay. (Note that the CEQA nexus with urban decay is the potential for physical impacts on the environment from the deterioration of vacant spaces.) In contrast, medical clinics occupy relatively small spaces and almost never serve as the anchor for a shopping center. Thus, even if the Walmart in-store medical clinic resulted in the closure of one or more existing medical clinics, it would not be considered substantial enough to result in physical deterioration of a shopping center because such spaces are small and would not have a "chain reaction" effect.

Regardless, recent research by the RAND Corporation, a non-profit think tank based in Santa Monica, provides some insights into the customer base for retail clinics (i.e., in-store medical clinics) such as the one proposed as part of the Walmart expansion. A research brief titled "Health Care on Aisle 7"⁶ found the following:

- **Demographics:** The largest group of retail clinic users are young adults, ages 18 to 44, comprising 43 percent of patients. Alternatively, this population group comprises only 23 percent of patients who visit primary care physicians.
- **Primary Care Physician Status:** 61 percent of retail clinic patients were found to lack a primary care physician, versus 80 percent of patients nationally who report having a usual source of care.
- **Health Insurance Coverage:** Two-thirds of retail clinic visits were paid for with health insurance, compared with 90 percent of visits to primary care physicians.
- **Treatment:** 90 percent of retail clinic visits were for 10 simple acute conditions and preventive care. These same conditions accounted for only 18 percent of primary care physician visits and 12 percent of emergency room visits.

⁶ Available online at http://www.rand.org/pubs/research_briefs/RB9491/index1.html

While the RAND study did not examine the impact of retail clinics on more traditional medical practices, the study brief states “it is notable that the majority of retail clinic patients did not have a regular provider, so there was no relationship to disrupt.” The RAND study brief cites study results that indicate that retail clinics are attractive to patients who do not seek care at doctors’ offices. It further cites that the profile of retail clinic and emergency room patients are similar, and that retail clinics could be a substitute site of care for some patients who now seek emergency room care.

In summary, retail medical clinics serve a segment of the health care market that appears to be largely unserved or underserved by the health care industry. As such, the proposed in-store medical clinic would be unlikely to negatively impact local doctors’ offices and medical clinics. Furthermore, the in-store clinic likely would serve patients with minor medical ailments who either currently seek medical care at emergency rooms or do not seek medical care at all.

RECEIVED
DEC 14 2009
CITY OF MILPITAS
PLANNING DIVISION

12/13/09

UNSIGNED.2

DEAR MS. CINDY TOM.

I HAVE BEEN IN THE GROCERY
BUSINESS FOR 20 YRS. LIVE
HERE FOR 19 YRS. HAVEN'T MISSED
THE SUPERWALDMART AT ALL.
THESE TIMES ARE SO HARD RIGHT NOW,
THAT BRINGING IN SUPERWALDMART
WOULD BE DEVASTATING TO US TRYING
TO MAKE A LIVING, PAYING FOR OUR HOUSES,
CARS & KIDS. THANK YOU!

[UNSIGNED LETTER 2] (UNSIGNED.2)

Response to UNSIGNED.2-1

The author stated that the proposed project would be devastating to existing grocery businesses.

The urban decay analysis in Section 4.11, Urban Decay addressed the potential for the proposed project to cause store closure of competing businesses. The author did not provide any comments on the urban decay analysis.

Date: 7/18/09

Dear Council Members,

I am writing to express my deep concern about the proposed expansion of the Milpitas Wal-Mart on Ranch Drive. Wal-Mart has a track record of mistreating its workers while posting billions of dollars in revenue annually. Wal-Mart's effort to sell non-taxable grocery items in Milpitas will negatively impact our local businesses and small grocers, and will drive down wages at a time when working families are struggling to make ends meet.

Our community is a small one, where we should strive to support our local businesses and grocers. Our city should support businesses paying living wages and providing good jobs to this community, not multi-billion dollar corporations which profit only on the backs of workers.

The Milpitas City Council should reject Wal-Mart's proposed expansion and instead consider efforts to provide support to the existing small businesses and grocers in our city.

Thank you for your time,

Chris E. Brumfield
Signature

Chris E. Brumfield
Printed Name

364 Fremont St. 6R.
Address

SF, CA 94116
City, State, Zip

408
Phone Number

Email

FORM LETTER-1

RECEIVED

NOV 20 2009

CITY OF MILPITAS
PLANNING DIVISION

Form Letter

The City of Milpitas received a form letter signed by more than 280 individuals. CEQA Guidelines Section 15003(g) establishes that the CEQA process is not intended to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. Thus, in the interests of avoiding redundancy, one copy of the form letter is reprinted, with an accompanying response. Table 3-3 lists the individuals who signed copies of the letter, and the response is provided below the table.

Table 3-3: Form Letter Signatories

Author Name	Author Name	Author Name
Zain Abedin	Angel Gonzalez	Michael Orlando
John Abellera	George Gonzalez	Adolph Padilla
Minda Abellera	Billie-Jon Green	Jane Paessler
Leia Acosta	Crystal Green	Don Paquin
Staci Acosta	Marsha Grilli	Eleanor Paquin
Chris Adams	Theresa Guardado	Willie Pastoriga
Gabriel Agraz	Debi Guerrero	Apurua Patee
Jesse Agraz	Andrea Gutierrez	Reema Patel
Jesus Agraz	Frank Gutierrez	Daislyn Pease
Patricia Agraz	Richard Hahz	Trewell Perryman
Arnie Aguilar	Serajul Haque	Kimberly Pestano
Blanca Aguilar	Steve Hargis	Anne Pflager
Joel Aguilera	David Haslem	Phillip Pflager
Zaheer Ahmed	Kathryn Hausfeld	David Pham
Magni Ahmedsaid	Lucio Hernandez	Cheryl Piatt
Karl Allmendinger	Maria Hernandez	Margarita Piazza
Amelia Andal	N. Herrera	Tina Pimentel
Danny Andal	Wayne Ho	B. Pimentelli
George Anderson	Chad Hojer	Diana Plummer
Natalie Arias	Judy Hoyt	Normela Puljic
Lorenzo Arriaga	William Hoyt	Lexman Pulumali

Table 3-3 (cont.): Form Letter Signatories

Author Name	Author Name	Author Name
Nicole Arriaga	Maria Islas	Tom Rainwater
Rowena Arriaga	Sandhya Jagadeesh	Xuan Rainwater
Nabeel Asif	Kupil Jain	Juan Ramirez
Nida Asif	Wesline Jean-Michel	Smriti Rana
Harjiwder Atwal	Greg Jimenez	Derothea Randolph
George Bacrazar	Jennifer Jimenez	Wiley Rankin
D. Jean Baker	Elizabeth Johnson	Marsha Reeves
Shelly Barbieri	Monica Jovel	Renee Renteria
Camryn Barnes	Sharon Kachaluba	Alejandro Reyes
Thelma Basco	Melissa Kahler	Shahryar Rezvani
Joan Bazar	Sarabjit Kaur	Lee Riddley
Imelda Berena	Rumzi Khan	M. Rivera
David Blankenship	Sarah Kivela	Virgilio Rivera
Mary Blankenship	Patrick Koda	Christina Robinson
Anna Boggs	David Kolden	Doris Robinson
Daniel Borton	Jim Lacy	Jeff Rohrig
Alice Bower	Deepka Lalwanl	Noel Romero
James Boye	Eathon Lanfri	Christie Rowe
Martha Brenneman	Rosanna Lanfri	Linda Rushing
Robina Brewer	Richard Langhorgz	Lydia Sanchez
Richard Broadwell	Erik Larsen	Andrew Sandberg
Pauline Brown	Lorelei Law	Simoine Sarracine
Linda Burnett	Abby Lee	Steve Saso
Decoda Byington	Oliver Lemaigen	[Illegible] Saucedo
Dagoberto Cabeza	Jose Llamas	[Illegible] Schen
Lee Camp	Theresa Loo	Pamela Schmitz

Table 3-3 (cont.): Form Letter Signatories

Author Name	Author Name	Author Name
Sara Canales	Silvia Lopez	Carolyn Seidel
Marie Cantu	George Loreto	Joe Sele
David Cartwright	Eric Luong	Kiram Shah
Monica Cartwright	David Maestre	Shailendra Sharma
Irineo Castaneda	Dorothy Manley	David Shaw
Manulito Castillo	Steven Mapaplan	Jeff Sicklesteel
Michael Cayton	Denise Marbin	Naseer Siddique
Karla Cervantes	Teri Marquand	Sabuhi Siddique
Sharon Chan	Tammie Martinez	Paul Sigafos
Clifford Choates	Ralph Matta	David Singleton
Mey Chou	Pyone Maung Maung	Marsha Sipat
John Chu	Allysson McDonald	Deana Smith
Charles Cilibrasi	Cheryl McKeel	Monica Smith
Troy Corona	TC McKenzie	Shawn Southerland
James Cunha	Luke McLeod	Shirley Stager
Shirley Dankers	Jennifer McMaster	Linda Stadtmiller
Cristi Dang	Robert Means	Linda Sterio
Rafael David	Michael Mendizabal	Vickie Sterio
Lynne DeBoer	Nancy Mendizabal	Mark Strubbe
Rachel Dettart	Elaine Menendino	Kumar Tallam
Denise Dietzman	Jonathan Miller	Navin Tallam
Beatrice Diggs	Nancy Miller	Srimatha Tallam
Marilina Dizon	Aliyah Mohammed	Euclid Taylor
Cara Drovin	Javed Mohammed	Myint Than
Deborah Drummond	Nadia Mohammed	Megan Thompson
Brian Duckett	Narseen Mohammed	Tara Tiet

Table 3-3 (cont.): Form Letter Signatories

Author Name	Author Name	Author Name
Mark Dwelle	Zeya Mohsin	Jim Torres
Pamela Eaves	Joseph Molcillo	Shausen Tsin
David Elauria	Griselda Montenegro	Javier Vazquez
J. Engle	Leonida Montez	Glenn Velasco
Karen Espitia	Cammie Montini	Jocelyn Verceles
Mimi Evangelista	Shahrokh Mostajecean	Ligaya Viray
Alfred Ferreira	Danial Muhammad	Duy Vo
Lois Fiedler	Mudassar Muhammad	Kelly Wade
Dave Fisher	Irene Murillo	Doug Weiland
Theresa Flores	Jeannie Muse	Margaret Wesling
Vivian Fontenot	Amir Naseer	Ruth White
Daisy G	Farhad Naseer	Cassandra Williams
Patrick Gabriel	Roohie Naseer	Keesha Williams
J.S. Gagne	Yasir Naseer	Sandra Williams
Richelle Gallegos	Truong Nguyen	Rosemary Wood
Anthony Garcia	Robert Norton	Amin Zain
Leo Garcia	Alison Ochoa	Syeda Zain
Mayella Garden	Manuel Ochoa	Merrienne Zamora
Trisha Garrett	Mareile-Angy Ogle	Linda Zaring
Robert Gavette	Shamaen Oldham	Illegible signatures or unsigned letters (3)
Gerald Goldschmidt	Maureen Ong	
Daniel Gonzales	Reuben Oriente	

Response to FORM LETTER

The form letter cited Walmart’s corporate practices and potential adverse impacts on competing businesses. The letter did not reference the Draft EIR or any of the analysis contained in the document.

As indicated in Master Response 1, Walmart's corporate practices do not have physical impacts on the environment and, therefore, are outside of the scope of the Draft EIR's analysis.

The Draft EIR evaluated potential adverse impacts on competing businesses in Section 4.11, Urban Decay. Refer to Master Response 2 for further discussion. The form letter does not provide any comments on this analysis; thus, no further response is necessary.

SECTION 4: ERRATA

The following are revisions to the Draft EIR. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underline (underlined) and all deletions from the text are stricken (~~stricken~~).

Section 3, Project Description

Exhibit 3-5a (Conceptual Elevations – Expanded Walmart Store)

The image in Exhibit 3-5a has been updated to reflect minor changes to the elevations that have occurred since release of the Draft EIR. None of the changes alters any of the conclusions contained in the Draft EIR.

Page 3-26, First Paragraph

The employment estimate has been revised. This change does not alter any of the conclusions contained in the Draft EIR.

Employment

The existing Walmart store employs approximately 330 workers. The expanded store would be expected to increase employment by as many as 85 ~~75~~-jobs, for a total of 415 ~~405~~ positions. Most of the new employment opportunities created by the proposed project would be entry-level, both full-time and part-time.

Section 4.1, Aesthetics, Light, and Glare

Page 4.1-12, Mitigation Measure AES-1b

The text of Mitigation Measure AES-1b has been revised to require that replacement trees be planted prior to the issuance of the final certificate of occupancy. This change does not alter any of the conclusions contained in the Draft EIR.

MM AES-1b Prior to issuance of grading or building permits, whichever comes first, the project applicant shall obtain a tree removal permit from the City of Milpitas for any trees slated for removal with a trunk circumference of 37 inches or more measured at 4.5 feet above ground level. Replacement of such trees shall be performed in accordance with the requirements of the Tree Maintenance and Protection Ordinance. Removed trees that are not covered by the Tree Maintenance and Protection Ordinance (i.e., less than 37 inches in circumference at 4.5 feet above ground level) shall be replaced onsite with a similar tree species at no less than a 1:1 ratio. All replacement trees shall be planted prior to the ~~within 30 days of~~ issuance of the final certificate of occupancy.

Page 4.1-12, Mitigation Measure AES-1c

The text of Mitigation Measure AES-1c has been revised to note that a minor Site Development Permit approval would be required if the second option is pursued. This change does not alter any of the conclusions contained in the Draft EIR.

MM AES-1c Prior to issuance of the final certificate of occupancy, the project applicant shall do one of the following: 1) permanently remove all shipping containers from the project site; or 2) obtain a minor Site Development Permit Approval and install screening measures in accordance with Zoning Ordinance requirements. If the second option is pursued, outdoor storage of containers shall occur in a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum 6 feet in height and outside any front or street side yard setback area.

Section 4.2, Air Quality**Page 4.2-66, Mitigation Measure AIR-7a**

The text of Mitigation Measure AIR-7a has been revised to strike language about the back of the store and also state that the applicant must provide construction details and specifications for the paving materials on construction drawings. This change does not alter any of the conclusions contained in the Draft EIR.

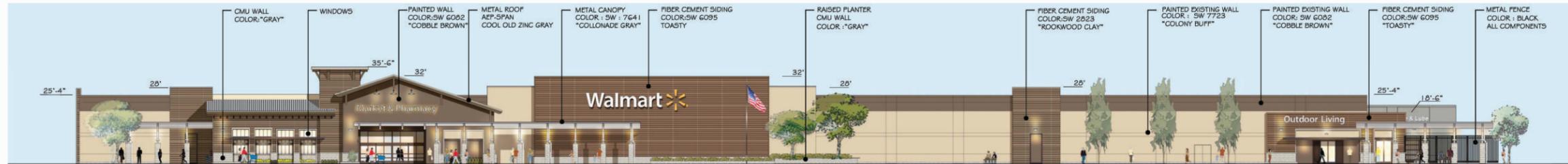
MM AIR-7a The project applicant shall use paving materials with increased solar reflectivity in areas ~~at the back of the store~~ where pavement is replaced. Such materials shall use light-colored aggregate or other appropriate methods to achieve high solar reflectivity. The applicant shall provide construction details and specifications that shall be submitted with construction drawings and installed with improvements.

Page 4.2-67, Mitigation Measure AIR-7c

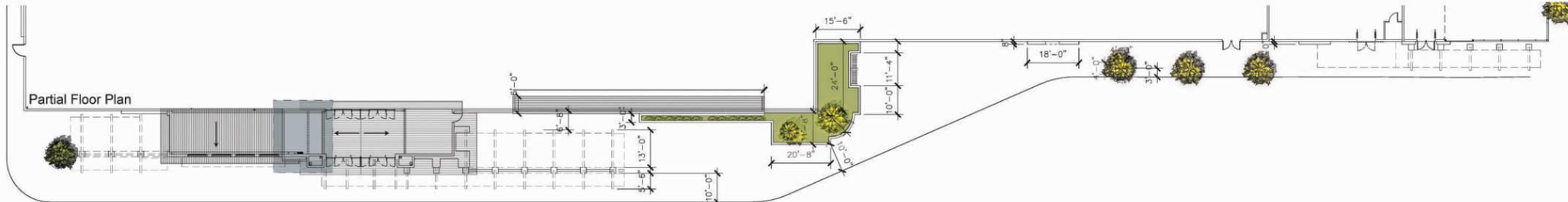
The text of Mitigation Measure AIR-7a has been revised to state that the applicant must provide construction details and specifications for the closed loop system on construction drawings. This change does not alter any of the conclusions contained in the Draft EIR.

MM AIR-7c To reduce fugitive emissions from refrigerants, the applicant shall do the following:

- Prior to building permit issuance, a secondary closed loop system shall be evaluated and implemented, if found to be technically and economically feasible. Details and specifications shall be included with the construction drawings.
- The project applicant shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Milpitas.
- During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is



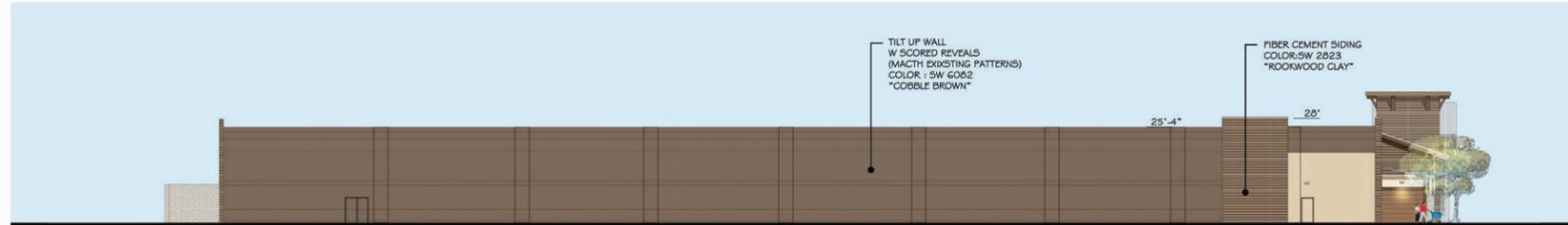
1. Front - East Elevation



2. Rear -West Elevation



3. Right - North Elevation



4. Left - South Elevation

Source: Perkowitz + Ruth Architects, January 2010.

not the same type as is proposed in the new system or more leakage would occur if the refrigerants are reused.

- ~~A secondary closed loop system shall be evaluated and implemented, if found to be technically and economically feasible.~~

Section 4.7, Land Use

Page 4.7-12, Table 4.7-2, Policy 2.a-I-7

A reference to the new jobs created by the project has been revised. This change does not alter any of the conclusions contained in the Draft EIR.

Policy 2.a-I-7	Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.	Consistent: The proposed project is anticipated to create as many as 85-75 new jobs, which is consistent with the objective of expanding employment opportunities.
----------------	--	--

Page 4.7-12, Table 4.7-2, Principle 2.b-G-1

A reference to the new jobs created by the project has been revised. This change does not alter any of the conclusions contained in the Draft EIR.

Principle 2.b-G-1	Support jobs/housing balance programs at the local and regional scale intended to reduce the distance needed to commute.	Consistent: The proposed project would create as many as 85-75 new jobs, most of which (if not all) are anticipated to be filled from the local workforce.
-------------------	--	--

Section 4.9, Public Services and Utilities

Page 4.9-15, Mitigation Measure PSU-3

The text of Mitigation Measure PSU-3 has been revised to state that the applicant must provide construction details and specifications for the water conservation features on construction drawings at the time building permits are sought. This change does not alter any of the conclusions contained in the Draft EIR.

MM PSU-3 Prior to building permit issuance ~~of the final certificate of occupancy~~, the project applicant shall include details and specification in the construction drawings and install the following indoor water conservation measures:

- Low-flow or ultra-low-flow toilets and urinals
- Sensor-activated faucets in restrooms

Page 4.9-18, Mitigation Measure PSU-6a

The text of Mitigation Measure PSU-6a has been revised to change the timing of the measure to prior to construction activities. This change does not alter any of the conclusions contained in the Draft EIR.

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

Page 4.9-18, Mitigation Measure PSU-6b

The text of Mitigation Measure PSU-6b has been revised to state that the applicant must show recycling facilities on construction drawings at the time building permits are sought. This change does not alter any of the conclusions contained in the Draft EIR.

MM PSU-6b Prior to ~~building permit issuance of occupancy permits,~~ the project applicant shall ~~show provide~~ onsite facilities necessary to collect and store recyclable materials. The facilities shall include receptacles in public spaces that are of high-quality design and identify accepted materials.

Section 4.10, Transportation

Pages 4.10-30 and 4.10-31, Table 4.10-11

A typographical error in Table 4.10-11 has been corrected. The correction does not change the net trip generation values shown in the bottom row of the table or any conclusions contained in the Draft EIR.

Table 4.10–11: Project Trip Generation

Category	Square Feet	Daily	AM Peak Hour			Midday Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
Existing Store	126,390	7,235	91	43	134	431	383	814	316	313 616	632
Expanded Store	145,390	7,725	136	107	243	496	440	936	328	342	670
Net Increase	19,000	490	45	64	109	65	57	122	12	26	38

Notes:

Trip generation rates shown in Table 4.10-11 were applied using 1,000-square-foot units (e.g., 126,390 = 126.390).

Source: Kimley-Horn and Associates, 2008.

Page 4.10-59, Fourth Bullet

The intersection operations significance criterion has been revised to match the terminology used in the Santa Clara Valley Transportation Authority Transportation Impact Analysis Guidelines. This change does not alter any of the conclusions contained in the Draft EIR.

2. Addition of the project traffic increases the average control delay for critical movements
~~Exacerbation of unacceptable LOS F operations by increasing the critical delay by more than 4 seconds and increasing the V/C ratio by 0.01 or more. Critical movements are~~

~~those that require the most traffic signal green time. Critical delay and critical V/C represents the delay and V/C associated with the critical movements of the intersection, or the movements that require the most traffic signal green time.~~

Page 4.10-64, Mitigation Measure TRANS-1a

The text of Mitigation Measure TRANS-1a has been revised to clarify the intended uses of the fees required by this measure. This change does not alter any of the conclusions contained in the Draft EIR.

MM TRANS-1a Prior to the issuance of building permits, the project applicant shall provide fair-share fees to the City of Milpitas for improvements to the Dixon Landing Road/N. Milpitas Boulevard intersection and the widening of Dixon Landing Road in the amount of \$31,960 (\$3,000 for the intersection improvement and \$28,960 for the roadway widening). The fees will go towards the following intersection improvements: The intersection improvements shall consist of 1) modifying the signal operation to include a southbound right-turn overlap and subsequent signal timing optimization or 2) adding a northbound left turn lane, a southbound right-turn lane, and eastbound left-turn and right-turn lanes. The widening shall consist of adding an additional lane in each direction between I-880 and N. Milpitas Boulevard. Both improvements are identified in the Valley Transportation Plan 2035. ~~The applicant is responsible for fair share amounts of \$3,000 for the intersection improvements and \$28,960 for the roadway widening.~~

Page 4.10-64, Mitigation Measure TRANS-1b

The text of Mitigation Measure TRANS-1b has been revised to note the estimated fee amount of the signal timing modification. This change does not alter any of the conclusions contained in the Draft EIR.

MM TRANS-1b Prior to the issuance of final certificate of occupancy, the project applicant shall provide the City of Milpitas the full cost of signal timing modifications at the N. McCarthy Boulevard/Ranch Drive (south) intersection in the estimated amount of \$2,500 dollars. The modifications shall consist of re-timing the signal to increase the current cycle length. This mitigation measure shall not apply if the signal timing is modified prior to the applicant seeking the final certificate of occupancy.

Page 4.10-85, Mitigation Measure TRANS-5

The text of Mitigation Measure TRANS-5 has been revised to clarify that the project must comply with the Milpitas Municipal Code Parking Regulations and Development Standards. This change does not alter any of the conclusions contained in the Draft EIR.

MM TRANS-5 Prior to issuance of building permits, the project applicant shall prepare and submit a site plan to the City of Milpitas that demonstrates that off-street parking complies with the Milpitas Municipal Code Parking Regulations and Development Standards. ~~is provided onsite at no less than 5.0 spaces per 1,000 gross square feet of building coverage.~~ The approved site plan shall be incorporated into the proposed project.

Page 4.10-88, Mitigation Measure TRANS-8

The text of Mitigation Measure TRANS-8 has been revised to require the applicant to provide details and specifications for bicycle storage facilities on construction drawings at the time building permits are sought. This change does not alter any of the conclusions contained in the Draft EIR.

MM TRANS-8 Prior to building permit issuance ~~of the final certificate of occupancy,~~ the project applicant shall provide details and specifications for ~~install~~ bicycle storage facilities on the construction drawings and install prior to occupancy. Bicycle storage facilities shall consist of at least one rack located in a visible and convenient location (e.g., near the store entrance) and that provides storage equivalent to 2 percent of the proposed project's minimum parking requirement.

Section 4.12, Urban Decay

Page 4.11-9, Second to Last Paragraph

The description of vacancies has been updated to note recent vacancies that have occurred in the McCarthy Ranch Marketplace. This change does not alter any of the conclusions contained in the Draft EIR.

Except for the Serra Way Shopping Center, none of the existing shopping locations in Milpitas appears to be in poor condition, such that one would consider them to be deteriorating or examples of urban decay. Some of the centers are newer and fresher than others, but none have visible signs of neglect, abandonment, or poor maintenance. The few vacancies in the area consist of a 15,000-square-foot space at McCarthy Ranch, one small pad space at Milpitas Square, and one small space at Parktown Plaza, and the 20,000-square-foot space at the Serra Way Shopping Center. In addition, the Mervyn's store at the Milpitas Town Center closed in 2008 after liquidation and as of April 2009 the space is still vacant.

Following release of the Draft EIR, additional spaces in the McCarthy Ranch Marketplace were vacated, including Sports Authority, Office Max, and CK Furniture. A January 27, 2010 article in the Milpitas Post indicated that several interested parties had contacted the shopping center's management company about re-tenanting the vacant 42,000 square-foot Sports Authority space.

Pages 4.11-10, Last Paragraph and Page 4.11-11, First Paragraph

The discussion of Seafood City has been revised to note that it is expected to open in late March 2010 or early April 2010. This change does not alter any of the conclusions contained in the Draft EIR.

Exceptions to the market tendency toward small vacancies are the 15,000-square-foot vacant space at McCarthy Ranch, the 20,000-square-foot space at Serra Way Center, and the vacant former Meryvn's store in Milpitas. One market source indicated that the space at McCarthy Ranch has been vacant for about 2 years and that the length of this vacancy is attributable to the odd shape of the space, which is long and narrow. However, while the space is vacant, the management has kept the building in good condition. As of April 2009, the Mervyn's space has been vacant for less than 4 months. One broker noted that there have been a number of 2008 retail sales in the market. For example, there is an apparent large vacancy on Landess Avenue and S. Park Victoria, but this former home improvement store space was sold to a developer early in 2008 and is being developed as a retail shopping center called Season's Marketplace that will be anchored by an Asian-themed grocery store called Seafood City. The retail center is currently under construction and Seafood City is scheduled to open in late March or early April 2010. ~~Since this project was approved by the Planning Commission in mid-2008, no forward movement has progressed and building permits have not yet been issued. However, Seafood City has ensured the developer that it is committed to opening a store in Season's Marketplace as planned.~~ These sales indicate a strong retail market where most vacancies do not remain vacant for long, because they are either re-tenanted or sold for possible redevelopment. How this might change during the current recession is uncertain. However, it is clear this market has favorable characteristics and strong fundamentals, positioning the area well to withstand the recession.

Pages 4.11-57, Table 4.11-21

The status of Seafood City and Creekside Landing has been changed from "Proposed" to "Approved." This change does not alter any of the conclusions contained in the Draft EIR.

Section 6, Other CEQA Required Sections

Page 6-2, First Paragraph

A reference to the new jobs created by the project has been revised. This change does not alter any of the conclusions contained in the Draft EIR.

The project site contains an existing Walmart store and associated parking areas. The proposed project does not contain any residential uses and, therefore, would not directly induce population growth through the provision of new dwelling units. The existing Walmart store employs approximately 330 workers. The expanded store would be expected to increase employment by as many as ~~85-75~~ jobs, for total of ~~415-405~~ positions. Most of the new employment opportunities created by the proposed project would be entry-level, both full-time and part-time. The California Employment Development Department indicates that, as of September 2009, there were 3,900 unemployed persons in Milpitas and 104,400 unemployed persons in Santa Clara County. Given the nature of the job opportunities and the availability of labor, it would be expected that the new employment opportunities could be readily filled from the local labor force.

Table 4.11–21: Cumulative Retail Projects

Project (1)	City	Description	Status	Location	Distance from Milpitas Walmart	Expected Opening/Completion
Market Area						
1. Season’s Market Place	Milpitas	Conversion of an 89,704-square-foot commercial building into a 107,000-square-foot retail center. The new center is proposed to include Seafood City, 21,000 square feet of restaurant space, 3,100 square feet of fast food, and 17,000 square feet of retail. This will be a two-story building with the remaining square footage to be office space.	Proposed Approved	1535 Landess Avenue	4.5 miles	2010
2. Creekside Landing	Fremont	Creekside Landing will include a proposed 151,000-square-foot Target, a 142,000-square-foot home improvement center, and the remaining square footage will be a mix of restaurants, apparel stores, home furnishings stores, other retail, and non-retail. Creekside Landing will have a total of 524,000 square feet.	Proposed Approved	North of Dixon Landing, west of the 880 Freeway	2.0 miles	2011
Bordering the Market Area						
3. Fremont Times Square	Fremont	This is an Asian-oriented shopping center totaling 93,511 square feet. The center will be anchored by a 30,000-square-foot Marina Foods.	Under Construction	46408 Warm Springs Boulevard	5.9 miles	2009
4. Whole Foods	San Jose	A 44,000-square-foot Whole Foods Market including outdoor eating area.	Under Construction	155 Stockton Avenue	9.0 miles	2009
5. Safeway	San Jose	This Safeway will be a 23,620-square-foot neighborhood market located beneath Tower 88, a luxury condominium building.	Approved	E. San Fernando and 2nd Street	8.0 miles	2009
6. Safeway	Sunnyvale	This 64,535-square-foot Safeway will be a part of a retail center totaling 110,025 square feet.	Approved	150 E. El Camino Real	9.7 miles	2011
<p>Notes: (1) Numbers match site numbering on the Exhibit 4.11-6 companion map. Source: CBRE Consulting, Inc., 2009.</p>						

Section 7, Effects Found Not To Be Significant

Page 7-7, First Paragraph

A reference to the new jobs created by the project has been revised. This change does not alter any of the conclusions contained in the Draft EIR.

Growth Inducement

The project site contains an existing Walmart store and associated parking areas. The proposed project does not contain any residential uses and, therefore, would not directly induce population growth through the provision of new dwelling units. The existing Walmart store employs approximately 330 workers. The expanded store would be expected to increase employment by as many as ~~85~~ 75-jobs, for total of ~~415~~ 405-positions. Most of the new employment opportunities created by the proposed project would be entry-level, both full-time and part-time. The California Employment Development Department indicates that, as of September 2009, there were 3,900 unemployed persons in Milpitas and 104,400 unemployed persons in Santa Clara County. Given the nature of the job opportunities and the availability of labor, it would be expected that the new employment opportunities could be readily filled from the local labor force. For these reasons, the project would not induce substantial population growth. No impacts would occur.

Appendix H: Traffic Impact Analysis

Page 4, Fourth Bullet

The intersection operations significance criterion has been revised to match the terminology used in the Santa Clara Valley Transportation Authority Transportation Impact Analysis Guidelines. This change does not alter any of the conclusions contained in the Draft EIR.

- Addition of the project traffic increases the average control delay for critical movements
~~Exacerbation of unacceptable LOS F operations by increasing the critical delay by more than 4 seconds and increasing the V/C ratio by 0.01 or more. Critical movements are those that require the most traffic signal green time. Critical delay and critical V/C represents the delay and V/C associated with the critical movements of the intersection, or the movements that require the most traffic signal green time.~~

**Mitigation Monitoring and Reporting Program
for the
Milpitas Walmart Expansion Project
City of Milpitas, Santa Clara County, California**

State Clearinghouse No. 2009032018

Prepared for:



City of Milpitas

Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Phone: 408.586.3279

Contact: Cindy Hom, Assistant Planner

Prepared by:

Michael Brandman Associates

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

Contact: Jason Brandman, Project Director



Michael Brandman Associates

February 18, 2010

Table 1: Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
1. Aesthetics, Light, and Glare					
MM AES-1a: Prior to issuance of building permits, the project applicant shall prepare and submit a sign program to the City of Milpitas for review and approval. The sign program shall demonstrate compliance with the applicable requirements with Milpitas Municipal Code Title XI, Chapter 30. The approved sign program shall be implemented into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		
MM AES-1b: Prior to issuance of grading or building permits, whichever comes first, the project applicant shall obtain a tree removal permit from the City of Milpitas for any trees slated for removal with a trunk circumference of 37 inches or more measured at 4.5 feet above ground level. Replacement of such trees shall be performed in accordance with the requirements of the Tree Maintenance and Protection Ordinance. Removed trees that are not covered by the Tree Maintenance and Protection Ordinance (i.e., less than 37 inches in circumference at 4.5 feet above ground level) shall be replaced onsite with a similar tree species at no less than a 1:1 ratio. All replacement trees shall be planted prior to the issuance of the final certificate of occupancy.	Issuance of permit; Site inspection	Prior to issuance of grading or building permits (whichever comes first); Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department and Public Works Department		
MM AES-1c: Prior to issuance of the final certificate of occupancy, the project applicant shall do one of the following: 1) permanently remove all shipping containers from the project site; or 2) obtain a minor Site Development Permit Approval and install screening measures in accordance with Zoning Ordinance requirements. If the second option is pursued, outdoor storage of containers shall occur in a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum 6 feet in height and outside any front or street side yard setback area.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		

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<p>MM AES-2: Prior issuance building permits, the project applicant shall ensure that all exterior lighting fixtures associated with the Walmart store (building-mounted and freestanding) are shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties.</p>	Approval of plans	Prior issuance building permits	City of Milpitas Planning and Neighborhood Services Department		
<p>2. Air Quality</p>					
<p>MM AIR-3: The following measures shall be implemented during all construction activities:</p> <ul style="list-style-type: none"> • Water all active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of 	Site inspection	During construction activities	City of Milpitas Building and Safety Department		

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<p>Regulations). Clear signage shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Post a publicly visible sign with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Bay Area Air Quality Management District shall also be visible to ensure compliance with applicable regulations. 					
<p>MM AIR-7a: The project applicant shall use paving materials with increased solar reflectivity in areas where pavement is replaced. Such materials shall use light-colored aggregate or other appropriate methods to achieve high solar reflectivity. The applicant shall provide construction details and specifications that shall be submitted with construction drawings and installed with improvements.</p>	Approval of plans and site inspection	Prior to issuance of Building Permit	City of Milpitas Planning and Neighborhood Services Department		
<p>MM AIR-7b: Prior to issuance of the final certificate of occupancy, the project applicant shall post signs in the Walmart loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.</p>	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		
<p>MM AIR-7c: Prior to issuance of the final certificate of occupancy, the applicant shall do the following:</p> <ul style="list-style-type: none"> Prior to building permit issuance, a secondary closed loop system shall be evaluated and implemented, if found to be technically and economically feasible. Details and 	Approval of plans; Site inspection; ongoing	Prior to issuance of the building permit; ongoing.	City of Milpitas Planning and Neighborhood Services Department and		

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<p>specifications shall be included with the construction drawings.</p> <ul style="list-style-type: none"> The project applicant shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Milpitas. During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants are reused. 			Building and Safety Department		
<p>MM AIR-7d: Prior to issuance of the final certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures:</p> <ul style="list-style-type: none"> Public transit information in the employee breakroom. Store management shall post information such as Santa Clara Valley Transportation Authority bus and light rail schedules, maps, and fares. Ride sharing information in the employee breakroom. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities. Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. 	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		
<p>MM AIR-7e: To reduce construction related greenhouse gas impacts, the following measures are required:</p> <ul style="list-style-type: none"> At least 15 percent of the construction vehicles/equipment shall be fueled by an alternative source such as biodiesel and/or electric. 	Submittal of documentation	During construction activities	City of Milpitas Planning and Neighborhood Services Department		

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<ul style="list-style-type: none"> At least 10 percent of all building materials shall be local (within 100 miles); and At least 50 percent of construction and demolition materials shall be recycled. This latter provision shall be coordinated with Mitigation Measure PSU-6a. 					
3. Biological Resources					
<p>MM BIO-1: If vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a 100-foot buffer shall be maintained around the nests; no construction-related activities shall be permitted within the 100-foot buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14).</p>	Submittal of documentation; Site inspection	Within 14 days prior to any construction-related activities during the nesting bird season (February 15 through August 31)	City of Milpitas Planning and Neighborhood Services Department		
4. Geology, Soils, and Seismicity					
<p>MM GEO-1a: Prior to issuance of building permits, the project applicant shall submit a seismic hazards technical study prepared by a qualified geotechnical engineer to the City of Milpitas for review and approval. The report shall be prepared in accordance with the requirements of the Seismic Hazards Mapping Act and shall identify necessary design measures to reduce potential seismic ground shaking impacts to acceptable levels. The</p>	Approval of plans	Prior to issuance of building permits	City of Milpitas Building and Safety Department		

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project applicant shall incorporate the approved design measures into the project plans.					
MM GEO-1b: Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical investigation to the City of Milpitas for review and approval. The design-level investigation shall address the potential for ground failure to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The abatement measures shall be incorporated into the project design.	Approval of plans	Prior to issuance of building permits	City of Milpitas Building and Safety Department		
MM GEO-1c: Prior to issuance of building permits, the project applicant shall submit plans to the City of Milpitas for review and approval that demonstrate that the proposed project is designed in accordance with all state and local seismic safety requirements. Such requirements shall include the California Building Standards Code and Milpitas Municipal Code, Title II. The approved plans shall be incorporated into the project design.	Approval of plans	Prior to issuance of building permits	City of Milpitas Building and Safety Department		
MM GEO-4: During grading and construction, the project applicant shall adhere to all applicable recommendations for abating expansive soil conditions contained in the Geotechnical Engineering Investigation or comparable geotechnical study. This includes the excavation of expansive soils and the subsequent replacement of such soils with non-expansive engineered fill.	Site inspection	During grading and construction	City of Milpitas Building and Safety Department		

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6. Hydrology and Water Quality					
<p>MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Milpitas that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements:</p> <ul style="list-style-type: none"> • Temporary erosion control measures shall be employed for disturbed areas. • No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. 	Approval of plan	Prior to the issuance of grading permits	City of Milpitas Planning and Neighborhood Services Department and Engineering Department		

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<p>MM HYD-2: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Milpitas for review and approval. The stormwater management plan shall comply with the requirements of Milpitas Municipal Code Title XI, Chapter 16 and identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include, but are not limited to:</p> <ul style="list-style-type: none"> • Strategically placed bioswales and landscaped areas that promote percolation of runoff • Pervious pavement • Roof drains that discharge to landscaped areas • Trash enclosures with screen walls • Stenciling on storm drains • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins • Oil/water separators • Regular sweeping of parking areas and cleaning of storm drainage facilities • Employee training to inform store personnel of stormwater pollution prevention measures <p>The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p>	Approval of plan	Prior to the issuance of building permits	City of Milpitas Planning and Neighborhood Services Department and Engineering Department		

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9. Public Services and Utilities					
<p>MM PSU-3: Prior to building permit issuance, the project applicant shall include details and specification in the construction drawings and install the following indoor water conservation measures:</p> <ul style="list-style-type: none"> • Low-flow or ultra-low-flow toilets and urinals • Sensor-activated faucets in restrooms 	Approval of plans	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department, Building and Safety Department and Engineering Department		
<p>MM PSU-6a: Prior to the commencement of construction activities, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The project applicant shall provide documentation to the satisfaction of the City of Milpitas demonstrating that construction and demolition debris was recycled.</p>	Submittal of documentation	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		
<p>MM PSU-6b: Prior to building permit issuance, the project applicant shall show onsite facilities necessary to collect and store recyclable materials. The facilities shall include receptacles in public spaces that are of high-quality design and identify accepted materials.</p>	Approval of plans; Site inspection	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		

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10. Transportation					
MM TRANS-1a: Prior to the issuance of building permits, the project applicant shall provide fair-share fees to the City of Milpitas for improvements to the Dixon Landing Road/N. Milpitas Boulevard intersection and the widening of Dixon Landing Road in the amount of \$31,960 (\$3,000 for the intersection improvement and \$28,960 for the roadway widening). The fees will go towards the following intersection improvements: 1) modifying the signal operation to include a southbound right-turn overlap and subsequent signal timing optimization or 2) adding a northbound left turn lane, a southbound right-turn lane, and eastbound left-turn and right-turn lanes. The widening shall consist of adding an additional lane in each direction between I-880 and N. Milpitas Boulevard. Both improvements are identified in the Valley Transportation Plan 2035.	Receipt of fees	Prior to the issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		
MM TRANS-1b: Prior to the issuance of final certificate of occupancy, the project applicant shall provide the City of Milpitas the full cost of signal timing modifications at the N. McCarthy Boulevard/Ranch Drive (south) intersection in the estimated amount of \$2,500 dollars. The modifications shall consist of re-timing the signal to increase the current cycle length. This mitigation measure shall not apply if the signal timing is modified prior to the applicant seeking the final certificate of occupancy.	Receipt of fees	Prior to the issuance of final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		
MM TRANS-3: Prior to issuance of building permits, the project applicant shall provide a traffic management fee in the amount of \$180,000 to the City of Milpitas. The fees shall be used for circulation and traffic operation improvements within the City of Milpitas, including signal coordination and intersection improvements. Specific improvements that shall be	Receipt of fees	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		

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<p>fully funded by funds collected shall include:</p> <ul style="list-style-type: none"> • McCarthy Boulevard/Technology Drive: The eastbound approach shall be re-striped to provide two left-turn lanes and one shared through/right lane. • McCarthy Boulevard/SR-237 Westbound Ramps: An additional westbound right-turn lane shall be constructed to provide two left-turn lanes, two through lanes, and two right-turn lanes for the westbound approach. • Ranch Drive: The roadway shall be restriped to extend the existing two-way left-turn lane from the northern Walmart driveway to the end of the existing westbound left-turn lane at the McCarthy Boulevard/Ranch Drive (North) intersection. 					
<p>MM TRANS-5: Prior to issuance of building permits, the project applicant shall prepare and submit a site plan to the City of Milpitas that demonstrates that off-street parking is provided onsite complies with the Milpitas Municipal Code Parking Regulations and Development Standards. The approved site plan shall be incorporated into the proposed project.</p>	<p>Approval of plan (Note: Project plans submitted comply with the City’s off-street parking requirements)</p>	<p>Prior to issuance of building permits</p>	<p>City of Milpitas Planning and Neighborhood Services Department</p>		
<p>MM TRANS-8: Prior to building permit issuance, the project applicant shall provide details and specifications for bicycle storage facilities on the construction drawings and install prior to occupancy. Bicycle storage facilities shall consist of at least one rack located in a visible and convenient location (e.g., near the store entrance) and that provides storage equivalent to 2 percent of the proposed project’s minimum parking requirement.</p>	<p>Approval of plans; Site inspection</p>	<p>Prior to issuance of the final certificate of occupancy</p>	<p>City of Milpitas Planning and Neighborhood Services Department</p>		
<p>MM TRANS-9: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Milpitas for review and approval. The plan shall identify the timing and routing of all major construction equipment and materials deliveries to avoid</p>	<p>Approval of plan</p>	<p>Prior to commencement of construction activities</p>	<p>City of Milpitas Planning and Neighborhood Services Department</p>		

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potential traffic congestion and delays on the local street network and the McCarthy Ranch Marketplace, and to encourage the use of I-880 and SR-237. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours (e.g., mornings or evenings) to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.					