



January 29, 2015

Matthew C. Bassi
Planning Director
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar CA 92595

Re: Johnson & Sedlack Letter, dated January 21, 2015

Dear Mr. Bassi,

The following discussion responds to additional comments submitted by Johnson & Sedlack. These comments were faxed to the City just prior to the Planning Commission meeting on January 21, 2015. Since the comments were submitted after the stipulated public review period, per CEQA the City is not obligated to prepare responses. However, Staff requested that responses be prepared to assist the City Council in understanding the issues raised in the letter.

Comment JS2-1

CEQA requires that the final EIR provide a good faith, reasoned analysis in response to comments made on the draft EIR raising environmental issues. (Guidelines § 15088 (c).) The Response may take the form of revisions to the draft EIR, making changes to the text of the draft, and/or be provided in a separate section of the final EIR. (Guidelines § 15088(d))

The Final EIR here fails to adequately respond to comments made or make a single revision to the draft EIR in response to comments. Several letters were received

commenting on the substance of the draft EIR and raising concerns. These concerns were not addressed in good faith. Specific instances are addressed below.

Response JS2-1

The commentor is providing an opinion regarding the manner in which various unidentified comments were addressed within the Final EIR. In point of fact, Section 3.0, *Comments of Responses*, of the Final EIR provides 68 pages of detailed responses to all eight letters received on the Draft EIR during the public review period.

Comment JS2-2

The Final EIR states that changes have been made to the project, but fails to disclose the changes in the Final EIR Section 2 “Revisions and Errata Corrections”. For instance, at p. 3-25 the Final EIR states, “Since the time that the Draft EIR was circulated for public review, the Applicant has added a bus stop/turn-out on the Project site.” This information was not included in an updated project description or traffic portion of the EIR.

Response JS2-2

The addition of an on-site bus transit stop was a decision that was made during the consultation between City Staff and the Project Applicant, as a product of the City’s overall design review process. From an environmental perspective, the addition of the transit stop is a positive attribute. The transit stop has no material effect on the findings and conclusions of the Draft EIR, and need not be included in the errata section of the Final EIR. Other than this one example, the Commentor has not identified any other changes made to the Project in the Final EIR.

Comment JS2-3

The EIR found that operational and cumulative air quality impacts would result from the Project. CEQA requires that all feasible mitigation be adopted to reduce the significant effects of a project. In our comments on the DEIR, we recommended some thirty (30) mitigation measures to reduce these air quality impacts, yet the responses to comments show none of these mitigation measures was considered or adopted. The

Response instead cites the ruling in *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042 (“SCOPE”) to claim it need not consider this mitigation because of the large number of measures. The SCOPE case is, however, not on point where the letter from this firm recommended each of the mitigation measures and did not state, as in SCOPE that “not all measures would be appropriate for every project.” To the extent there is any question on this point, to reiterate: each of the mitigation measures recommended in our prior letter on the Draft EIR should be adopted for this Project.

Response JS2-3

While the commentor correctly states that the previous response to their comments referenced the SCOPE ruling, the commentor omits the remainder of the response. It is presented here in its entirety:

“The commentor provides numerous additional measures as a means to reduce the operational threshold exceedances of VOC and NO_x identified within the Draft EIR. However, no indication as to the efficacy of the proposed measures in reducing Project impacts is provided, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts. Certain other suggested measures proposed by the commentor replicate project components, existing policies/requirements/regulations, and would not constitute an “additional” mitigation measure. Both of these exceedances are primarily derived from tailpipe exhausts from customers. In fact, 99 percent of the NO_x emissions and 77 percent of the VOC emissions are from tailpipe exhaust.

In *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (“SCOPE”) (2011) 197 Cal.App.4th 1042, opponents challenged an EIR, which concluded that the increased GHG emissions associated with Project vehicles and transportation sources would be significant, and that there were no feasible mitigation measures to reduce the impact to a less-

than-significant level. The opponents challenged this latter claim, citing a comprehensive list of suggested mitigation measures for GHG emissions prepared by the California Attorney General's office.

In response, the court ruled that the city was not required to address the feasibility of each of the numerous measures recommended by the Attorney General, distinguishing cases where courts faulted an agency for not considering specific, potentially feasible measures (see, e.g., 197 Cal.App.4th at 1055 ("Considering the large number of possible mitigation measures . . . as well as the [opponent's admission] that not all measures would be appropriate for every project, it is unreasonable to impose on the city an obligation to explore each and every one.")). Furthermore, the Court noted that emissions from vehicle exhaust are controlled by the state and federal government, and were therefore outside the control of the project.

The Court's holding in SCOPE is analogous to the Project at issue, where the new Walmart building would be constructed to maximize building efficiency, in accordance with Walmart's building practices as well as California Code of Regulations Title 24. However, the greatest emissions associated with the proposed Project are generated by motor vehicles. As a commercial project, only about two percent of the vehicle trips are generated by employees. The remaining trips would be generated by customers. There are no feasible measures to reduce or restrict the number of customer vehicles traveling to and from the site to a level where the net increase in operational emissions would not exceed the thresholds of significance recommended by the SCAQMD for NO_x or VOC. Any such measures would be beyond the control of the City and the Project.

In sum, this comment does not appear to identify any substantive inadequacy within the EIR, and merely suggests that "something could be done" to reduce emissions. Particularly in light of the court's ruling in

SCOPE, these potential other mitigation measures were not required to be discussed in the Draft EIR.

All feasible mitigation measures to reduce operational emissions were adequately addressed within the Draft EIR, and no further response is necessary.”

Summarizing the above, the air quality impacts referenced by the commentor are primarily derived from tailpipe exhausts from customers. In fact, 99 percent of the NO_x emissions and 77 percent of the VOC emissions are from tailpipe exhaust. As a commercial project, only about two percent of the vehicle trips are generated by employees. The remaining trips would be generated by customers. There are no feasible measures to reduce or restrict the number of customer vehicles traveling to and from the site to a level where the net increase in operational emissions would not exceed the thresholds of significance recommended by the SCAQMD for NO_x or VOC. Any such measures would be beyond the control of the City and the Project.

Additionally, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts. It is noted however, that Mitigation Measure 21 provided by the commentor (“Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.”) has, in effect, been implemented by the Project, and will be required pursuant to the Project Conditions of Approval. Analysis and conclusions of the Draft EIR are not affected.

Comment JS2-4

The Responses claim no mitigation is available to reduce air quality impacts from mobile sources from Project customers. Not so. The City should require the Project install EV Fast/Quick Charge stations for 10% of its parking area provide preferential parking for carpools/vanpools for another 10% of the parking area in areas closest to Project entrances in order to encourage the use of zero emissions vehicles and carpooling. The Project could also be designed to be more pedestrian and bicycle

friendly by providing clearly marked connections to surrounding areas and adjacent development and end of trip facilities for employees (e.g. bike lockers, showers). There should also be a clear and convenient pedestrian path from the store to the newly added bus stop. The Project can also work to off-set the emissions of mobile sources by installing sufficiently sized photovoltaic panels.

Response JS2-4

The commentor offers suggestions that they feel would reduce air quality impacts generated by mobile sources from Project customers. Many of the suggested measures are already part of the Project. For example, there are clearly marked pedestrian sidewalks to both Bundy Canyon and Monte Vista to and from the Walmart and the outparcel. The Project initially included 50 bicycle parking locations, including bike lockers, and the City has required an additional 17 for a total of 67. (Planning Condition of Approval No. 17). Finally, the Project includes 16 EV charging spaces. Regardless, the commentor provides no qualitative information regarding the efficiency of implementing the suggested measures. The commentors suggestions and opinions in this regard will be forwarded to the City Council for consideration during their deliberations. Analysis and conclusions of the Draft EIR are not affected.

Comment JS2-5

Regarding traffic mitigation, our prior comments noted that traffic mitigation is uncertain and improperly deferred in violation of CEQA because the EIR provides new “fair share” programs will be established in the event that a particular measure does not fall under an existing fee-based program (see, DEIR p. 4.2-59). This represents uncertain mitigation. There is mention of the City’s DIF Program and the TUMF program, but no disclosure of which needed improvements will be covered by these programs.

Response JS2-5

As stated within *CEQA Guidelines*, Section 15130: “A projects contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact.” As such, the payment of fees is an appropriate form of mitigation for cumulative impacts.

Development projects are only required to mitigate their proportional share of the identified impact. To this end, the City of Wildomar currently has a number of programs, including the Riverside County Transportation Uniform Mitigation Fee (TUMF), Riverside County Road and Bridge Benefit District (RBBB), and the City of Wildomar Development Impact Fee (DIF). The Project would be further required to pay fair share fees to identified intersections that are not included within these programs. As explained on Draft EIR page 4.2-43, the Project would contribute a fair share percentage towards the costs of recommended improvements. Fair share fees assessed of the Project in this manner would be collected by the City and deposited to a dedicated Capital Improvement Project account created for the express purpose of constructing the improvements. Finally, and most importantly, the EIR determined that cumulative impacts in this regard (where fair share fees would be required) would be significant and unavoidable. This is due to the fact that construction of the improvements could not be guaranteed to be completed concurrent with the timing of the impact.

All Cities have this type of Capital Improvement Project account which allows them to prioritize the funding and construction of improvements based on need. This process fulfills the Project's responsibility to fund its fair share of specific improvements.

The commentor is also referred to Table 1-5 of the Traffic Impact Analysis (TIA) which provides a comprehensive summary of intersection improvements, at what point the impact would occur, and whether the improvement of covered under a TUMF, RBBB, or DIF program. For improvements not covered by one of the afore-mentioned programs, the Project's fair share percentage of the required improvement is provided.

Comment JS2-6

The Response to Comments fails to either provide adequate mitigation, provide greater detail and disclosure in the EIR, or in good faith respond to the comment made. (Response JS-9) Our prior comment did not state that a fair share fee payment program could not be adequate mitigation, just that it was not adequate here where no there is no existing fair share program for some roadways, and where it is not shown that the

TUMF or DIF programs will mitigate (and timely mitigate) for impacts to other impacted roadways. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not adequate where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is inadequate as there is no evidence mitigation will actually result.

Response JS2-6

The commentor presents an opinion regarding the adequacy of the payment of fees to mitigate traffic impacts to roadways not covered under existing TUMF or DIF programs. To the contrary, and as stated within the Draft EIR (page 4.2-77) and Final EIR (page 3-38 and 3-39), the Project would be required to pay fair share fees to identified intersections that are not currently included within these programs. The Project would contribute a fair share percentage towards the costs of the recommended improvements, which would be collected by the City and deposited to a dedicated Capital Improvement Project account created for the express purpose of constructing the improvements. The Capital Improvement Project account allows the City to prioritize the funding and construction of improvements based on need. This process adequately fulfills the Project's responsibility to fund its fair share of specific improvements. Finally, and most importantly, the EIR determined that cumulative impacts in this regard (where fair share fees would be required) would be significant and unavoidable. This is due to the fact that construction of the improvements could not be guaranteed to be completed concurrent with the timing of the impact.

Comment JS2-7

Commenter Paul Colmer expressed concerns that the Project would develop a raised median on Bundy Canyon Road which would prevent left turns from Cherry Street and Canyon Ranch Road onto Bundy Canyon. The Response states only that the "raised median" would not alter turns from these streets, but with no response as to why or

how installing a raised median would not prevent these lefts. (Response PC-2) Absent something more, the response defies logic.

Mr. Colmer also commented that there may be traffic impacts development near the "Farm" begins. The Responses do not address cumulative impacts from construction of the Farm and this Project.

Response JS2-7

It should be noted that the design of roadway improvements is outside of the purview of the Project. The City of Wildomar General Plan Circulation Element designates Bundy Canyon Road as an urban Arterial Highway (152-foot right-of-way) with a raised median. Consistent with this designation, the Project will be required to construct the ultimate half-section, including the median.

Additionally, the City has an on-going roadway improvement program to construct Bundy Canyon Road from Cherry Street, easterly into the City of Menifee. Once complete, Cherry Street would be right in/right out at Bundy Canyon Road. However, the current design provides median breaks at Canyon Ranch Road and Sellers Road. As part of this program, the intersection of Canyon Ranch Road/Bundy Canyon Road will be controlled by either a stop sign or traffic signal. The traffic signal at the intersection of Sellers Road/Bundy Canyon Road will be installed by the Project. Residents typically using Cherry Avenue wishing to travel easterly on Bundy Canyon Road could easily access the Sellers Road signal via Waite Street. Analysis and conclusions of the Draft EIR are not affected.

In regard to the commentors assertion that cumulative impacts from development of The Farm Specific Plan, in addition to the Wildomar Walmart Project, have not been assessed, it is noted that Draft EIR Table 4.2-10 presents a list of all "related projects" that were considered to be complete, fully occupied, and generating traffic by Opening Year. Projects 18 (Spring Meadow Ranch) and 21 (Oak Creek Canyon) make up The Farm Specific Plan. These projects, and thus the Specific Plan, were indeed considered

within the analysis of cumulative impacts of the Project. Analysis and conclusion of the Draft EIR are not affected; no revisions are necessary.

Comment JS2-8

As previously commented, as to noise impacts, the analysis (Table 4.4-9) assumes that the “proposed” eight-foot high screen wall will be constructed. This wall must be made a mandatory requirement of the project in order to rely upon it in the calculation of noise impacts.

Response JS2-8

The commentor is directed to Section 3.4.6, *Walls and Screening*, of the Draft EIR (page 3-23). The eight-foot screening wall is a Project component, and therefore, correctly reflected within the noise calculations. The wall will also be required within the Project Conditions of Approval.

Comment JS2-9

Noise also must be deemed significant during nighttime hours where Table 4.4-8 states that receptor R4 will experience nighttime noise at 47.8 dbA due to the project, and where this exceeds the adopted threshold of significance 45 dBA. As commented in our prior letter and also in comments received from Beryl Yasinovsky, mitigation for such impacts may include restricting project hours or at least truck/delivery hours.

Response JS2-9

The commentor is directed to Draft EIR Table 4.4-10, “Nighttime (10 p.m. to 7 a.m.) Operational Noise Impacts.” The column titled “Reference Ambient Noise Levels” demonstrates that the ambient noise condition for receiver location R4 is 63.7 dBA Leq, which is mostly due to the fact that this receiver is located approximately 600 feet from I-15. While the Project operational noise level is 47.8 at this location, this noise level would be overshadowed by the existing ambient noise level.

From an acoustical perspective, the Project would contribute a mere 0.1 dBA, which is below the State threshold of significance as presented in Draft EIR Table 4.4-2. As

shown therein, if the ambient noise level is between 60-65 dBA the Project would need to contribute at least 3 dBA to be considered significant. Since the Project's contribution to the ambient noise level is 0.1 dBA, it was correctly categorized as a less-than-significant impact within the Draft EIR.

Findings and conclusions of the Draft EIR are not affected; no revisions are necessary.

Comment JS2-10

This is natural drainage occurring on the site. There is concern that with the project the drainage plan is incomplete or dependent on the development of the residential tract so that drainage issues have not been fully addressed for the project.

Response JS2-10

This issue is fully detailed within Draft EIR Section 4.6, *Hydrology and Water Quality*. Additionally, the commentor raised this issue in his previous comments. The previous response is presented below:

The commentor correctly states that a drainage occurs on the Project site. As noted within Draft EIR Section 4.6, "Hydrology and Water Quality," storm water runoff from the majority of the Project site currently sheet flows across the site generally southwesterly, and then enters the existing 24-inch and 30-inch storm drains located beneath Interstate 15.

Under post-development conditions, the Project storm water management system would convey and discharge storm water runoff in a manner comparable to pre-development discharge patterns. In summary, the Project has been designed to continue the drainage improvements that would be constructed as part of the easterly adjacent tract maps (TTMs 31409 and 32024). The Project storm water management system will ensure that post-development storm water discharge rates do not exceed pre-development conditions.

Contrary to the commentor's assertion that the Project's drainage plan is "incomplete or dependent," the Draft EIR also provides for an interim solution to handle flows in the event the Wildomar Walmart Project precedes the construction of the TTM 31409 and 32024 drainage improvements. Draft EIR page 4.6-20 notes, "...redirection of stormwater discharges pursuant to Conditions of Approval for TTMs 31409 and 32024 would preclude westerly-directed stormwater discharges from these properties entering the Project site, as is currently the case. Should the drainage improvements required pursuant to the Conditions of Approval for TTMs 31409 and 32024 not be timely completed, an Interim Off-site Drainage Concept ... would be implemented by the Project. The proposed Interim Off-site Drainage Concept would be designed to accept, redirect, and convey off-site stormwater discharges currently entering the Project site from the east."

Further, the interim plan is required by Draft EIR Mitigation Measure 4.6.3, as follows:

4.6.3 If determined necessary by the City, the Interim Off-site Drainage Concept described at Section 4.6.4.3, and discussed in detail within Limited Off-Site Storm Drain Analysis for #3882-02 Wildomar, CA Walmart Planning Application No. 13-0086 I-15 & Bundy Canyon Road Wildomar, CA (Nasland Engineering) July 8, 2014 (Off-Site Storm Drain Analysis, included at Draft EIR Appendix F), shall be implemented by the Project Applicant. Final design of the Interim Off-site Drainage Concept is subject to review and approval by the City Engineer.

Based on the detailed, site-specific hydrologic modeling presented in EIR Appendix F, the Project's proposed drainage facilities entail those improvements necessary to adequately collect and convey on- and off-site storm waters, even if the Project is developed prior to the properties located to the east.

No response beyond that provided within the Final EIR, as excerpted above, is required. Findings and conclusions of the Draft EIR are not affected; no revisions are necessary.

Comment JS2-11

The alternatives analysis fails to satisfy CEQA's requirements. CEQA requires an EIR consider a "reasonable range" of project alternatives. The DEIR considers only one alternative beyond CEQA's mandatory "no project" alternative. The evaluation of only one alternative apart from the no-project alternative is not a "reasonable" range of alternatives.

Response JS2-11

The commentor provides a broad, non-specific opinion regarding a "reasonable range of alternatives" without identifying alternatives that the Draft EIR should have considered. Furthermore, this issue was fully addressed previously at Response JS-15 provided at page 3-46 of the Final EIR, and excerpted below.

"Rather than a numerical goal for the presentation of alternatives, CEQA Guidelines Section 15126.6 provides specific guidance related to the selection of alternatives within a Draft EIR. Specifically, an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the basic Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the CEQA Guidelines, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the CEQA Guidelines indicate that the range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision.

In crafting the alternatives to be evaluated for the Project, the following scenarios were considered:

- **Alternative Site Analysis.** As stated in CEQA Guidelines Section 15126.6 (f)(1)(2)(A), the “key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location.” To this end, three possible alternative sites for the Project were preliminarily identified. The locations of these sites are presented in Draft EIR Figure 5.2-1, “Overview of Alternative Sites.”

In summary of Draft EIR Section 5.2.3.1, evaluation of the considered sites indicated that they would be unsuitable or infeasible based on basic screening criteria deficiencies including, but not limited to: a) existing impediments or encumbrances; b) no demonstrable reduction in environmental impacts when compared to the current Project site; or c) potential increased environmental impacts when compared to the current Project site. On this basis, potential alternative locations for the Project were considered, but ultimately rejected.

- **“NO_x Threshold Exceedance” Alternative for Air Quality.** In order to reduce Project operational-source NO_x emissions to levels that would avoid the exceedance of applicable SCAQMD thresholds the Project scope and related vehicle trips would need to be reduced by an estimated minimum 44.2 percent.

In summary, the Draft EIR concludes that, at such a reduction in scope, the Project Objectives would be substantively marginalized and/or not realized in any meaningful sense; and the Project would likely not be further pursued by the Applicant. Neither would the

Project, at an approximate 44.2 percent reduction, conform to FAR policies for the subject site established under the City General Plan. As such, potential alternatives with the specific goal of avoiding significant operational-source NO_x exceedances otherwise resulting from the Project were rejected from consideration and not further evaluated.

- **No Project Alternative.** Related to the commentor's statement, "the no-project alternative is not a no-development/ no-build alternative, but rather assumes the development of the site with high density multi-family residential. Arguably this does not meet the requirements for description and analysis of a "no project" alternative," the Draft EIR (page 5-54) provides the following rationale:

"Given the subject site's "Commercial Retail/Community Center Overlay" designation and underlying "Commercial Retail" General Plan Land Use designation; availability of infrastructure/services, lack of environmental or physical constraints; and proximity of other urban development, it is considered unlikely that the subject site would remain vacant or in a "No Build" condition, and evaluation of a No Build condition would "analyze a set of artificial assumptions that would be required to preserve the existing physical environment." This is inconsistent with direction provided at CEQA Guidelines, Section 15126.6 (e)(3)(B)...

It is also noted that a development similar to the Project was previously proposed for the subject site. In this context, failure to proceed with the Project would likely not result in preservation of existing environmental conditions, and the practical result of the Project's non-approval would be the development of some other variety or configuration of urban uses within the subject site.

Accordingly, it is presumed that if the Project were not constructed, the No Project Alternative would comprise another development proposal representing the highest and best use of the subject site.

If however, a No Project/No Build scenario were maintained, its comparative environmental impacts would replicate the existing conditions discussions for each of the environmental topics evaluated in this EIR; and comparative impacts of the Project would be as presented under each of the EIR environmental topics. In all instances, a hypothetical No Build scenario would result in reduced environmental impacts when compared to the Project. A No Build condition would achieve none of the basic Project Objectives.

In light of the preceding discussions, for the purposes of this Alternatives Analysis, and to provide for analysis differentiated from the Project, the No Project Alternative considered herein assumes mixed-use development of the subject site integrating multi-family residences with supporting amenities. This development mix is allowed under the site's General Plan Commercial/Retail-Community Center Overlay land use designation. Location of residential uses and related amenities proximate to a major transportation corridor (Interstate 15) also supports Southern California Association of Governments (SCAG) 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) promoting reduced commute distances and travel times within the region."

As presented in the previous excerpt, instead of merely reiterating existing site conditions (which does not appear to provide decision-makers with any benefit), the No Project Alternative evaluates a scenario in which a different type of project, allowed under the

site's current land use designations, was developed instead of the proposed Walmart Project.

- **Reduced Intensity Alternative.** The Reduced Intensity Alternative considered within the Draft EIR focuses on alternatives to the Project which would reduce or avoid certain significant air quality impacts. As discussed within Draft EIR Section 4.3, "Air Quality," operational-source air pollutants generated by the Project (due primarily to Project traffic and related mobile-source emissions) would exceed SCAQMD regional thresholds for VOC and NO_x. The Project's threshold exceedances of these pollutants constitute violations of existing SCAQMD air quality standards.

As indicated on Draft EIR page 5-60, to achieve the least restrictive SCAQMD operational threshold (VOC), operational-source VOC emissions under the Reduced Intensity Alternative would need to be approximately 93.3 percent of VOC emissions otherwise generated by the Project (a 6.7 percent net reduction in Project operational-source VOC emissions). Similarly, NO_x thresholds could be achieved under the Reduced Intensity Alternative provided that operational-source NO_x emissions did not exceed 55.8 percent of NO_x emissions otherwise generated by the Project (an approximate 44.2 percent reduction in Project operational-source emissions).

Of the total operational VOC and NO_x emissions generated by the Project, approximately 91.5 percent (by weight) are due to Project-related traffic. In general terms then, the Project's operational-source VOC emissions could be reduced by 6.7 percent through an approximate correlating reduction in total ADT thereby achieving applicable SCAQMD VOC thresholds. Similarly, the Project's operational-source NO_x emissions could be reduced by 44.2

percent through an approximate correlating reduction in total ADT, thereby achieving applicable SCAQMD NO_x thresholds.

As presented in Draft EIR Table 5.2-1, the Project's greatest per square foot trip generator would be the proposed Fast-Food with Drive-Through Restaurant use (3,900 square feet; 496.12 trips per day/TSF; 1,935 total ADT). This single use would generate approximately ten times as many trips per day/TSF than would the other Project uses and would account for approximately 15.8 percent of the Project's total 12,258 ADT. The proposed Walmart (200,000 square feet; 50.75 trips per day/TSF; 10,150 total ADT) would account for approximately 82.8 percent of the Project's total ADT. The proposed Specialty Retail Use (3,900 square feet; 44.42 trips per day/TSF) would generate approximately 173 ADT, or approximately 1.4 percent of the Project total ADT.

Based on the preceding paragraph, the Draft EIR evaluates the Reduced Intensity Alternative based on modifications to the proposed outparcel uses.

As detailed above, the Draft EIR describes a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the basic Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. The discussion of alternatives and their relative merits and impacts are provided in a manner that fosters informed decision-making. Findings and conclusions of the Draft EIR are not affected; no revisions are necessary.

No response beyond that provided within the Final EIR, as excerpted above, is required. Findings and conclusions of the Draft EIR are not affected; no revisions are necessary.

Comment JS2-12

The no-project alternative does not meet the requirements for description and analysis of a “no project” alternative pursuant to CEQA Guidelines § 15162.2(e)(3)(B). The purpose of a “no project” alternative is to provide the circumstance under which the project does not proceed. (CEQA Guidelines § 15162.2(e)(3)(B).) Consideration of a “build” alternative in lieu of a “no build” alternative is improper unless the failure to proceed with the project will not result in preservation of existing environmental conditions. There is no evidence this is the case here, yet the EIR assumes the development of the site.

Response JS2-12

Commentor references CEQA Guidelines section “15162.2(e)(3)(B),” which does not exist. It appears that Commentor meant “15126.6(e)(3)(B).” The No Project/No Build Alternative is presented within Section 5.2.2.1 of the Draft EIR (page 5-54). As stated, “Given the subject site’s “Commercial Retail/Community Center Overlay” designation and underlying “Commercial Retail” General Plan Land Use designation; availability of infrastructure/services, lack of environmental or physical constraints; and proximity of other urban development, it is considered unlikely that the subject site would remain vacant or in a “No Build” condition. Furthermore, Section 15126.6 states that a “No Build” is reasonable in certain instances, “where failure to proceed with the project will not result in the preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” Accordingly, analyzing a “No Build” Alternative in this instance would be inconsistent with direction provided at CEQA Guidelines, Section 15126.6 (e)(B)(3).

Instead of merely reiterating existing site conditions (which does not appear to provide decision-makers with any benefit), the No Project/No Build Alternative evaluates a scenario in which a different type of project, allowed under the site’s current land use designations, was developed instead of the proposed Walmart Project. Analysis and conclusion of the Draft EIR are not affected; no revisions are necessary.

Comment JS2-13

Moreover, the EIR does not assume “no project” would develop the site in keeping with the existing environmental setting, here with a zoning designation of Rural-Residential (R-R). (CEQA Guidelines § 15162.2(e)(3)(B).) Instead, the EIR assumes the site would be developed with residential uses and supporting amenities “not exceeding those permitted under the City’s R-2 Zone district.” The R-2 zone is much denser, multi-family residential uses not permitted in the R-R designation. (Compare, Wildomar Municipal Code §§ 17.16 and 17.36) The EIR thus violates CEQA by creating and analyzing a set of artificial assumptions, and not evaluating a practical or reasonable “no project alternative” describing what would happen under existing conditions if the project were not to proceed.

Response JS2-13

The development of the No Project Alternative, as defined and evaluated within the Draft EIR, is consistent with the General Plan designation of the site. As stated within the description of the Alternative (page 5-55 of the Draft EIR): “...to provide for analysis differentiated from the Project, the No Project Alternative considered herein assumes mixed-use development of the subject site integrating multi-family residences with supporting amenities. This development mix is allowed under the site’s General Plan Commercial/Retail-Community Center Overlay land use designation.”

The site is located proximate to a major freeway corridor, in the central core of the City of Wildomar. To assume development of the site at a low rural residential density would not provide the public or decision-makers with any useful environmental comparison. Additionally, development of the site in this regard would not fulfill any of the Project objectives. The analysis of the No Project Alternative is correct as presented within the Draft EIR.

Comment JS2-14

The Reduced Density Alternative does not actually reduce the density of the Wal-Mart but only the outparcel. An alternative that reduces the size or scope of the Wal-Mart store should be considered where it would reduce traffic, air quality, and noise impacts.

The elimination of some element of the Wal-Mart, such as the grocery store component, may reduce traffic and mobile emissions while still meeting project objectives.

Response JS2-14

As explained in both the Draft EIR (page 5-60) and the Final EIR (page 3-50), the Reduced Intensity Alternative assumed a reduction of the outparcel because the drive-through restaurant use is the Projects greatest per square foot trip generator (3,900 square feet; 496 trips per day; 1,935 ADT). This single use would generate approximately 10 times as many trips per day than the other Project uses and would account for approximately 15.8 percent of the Projects total 12,258 ADT.

Furthermore, trip generation rates for large format retail stores are blended rates that consider customers, employees, and deliveries. It would be arbitrary and unquantifiable to eliminate specific departments within the Walmart store. Additionally, removal of components of the Walmart store would not be consistent with the Project objectives.

Analysis and conclusions of the Draft EIR are not affected.

Comment JS2-15

The statement of overriding considerations is unsupported by substantial evidence where there is no evidence the Project will have the benefits set out in the findings. Development of the Project and accomplishment of Project objectives are not in and of themselves “project benefits.”

The “project benefits” stated are self-serving, repetitive, and basically state that a Wal-Mart will be built near the freeway, providing jobs and tax revenue. The Findings and Statement of Overriding Considerations fail to show how the project will “achieve several benefits with regard to the goals and objectives of the City General Plan and to what extent Walmart will increase sales tax revenue for the City. There is no evidence supporting these claims.

There is also no evidence “The Project will be an asset to the local economy, providing job opportunities to Wildomar residents currently working in the relatively lower paying retail trade and hospitality industries.” Will the Project pay more than these other jobs?

Response JS2-15

The commentor expresses opinions regarding the objectives and benefits of the Project. These opinions will be forwarded to the City Council for consideration during their deliberations. Analysis and conclusions of the Draft EIR are not affected.