



Proposed Wal-Mart Distribution Center in Merced

Planning Commission
Public Hearing
August 19, 2009

Public Hearing



Public Hearing Introduction

- **WELCOME!**
- In order to assure that everyone gets a chance to speak on this matter, the public hearing will be conducted according to the following rules and guidelines

"Request to Speak" Forms

- If you wish to address the Planning Commission on this matter, you must submit a "Request to Speak" form
- Staff requests that all forms be turned in by no later than 8:00 p.m. this evening
- Speakers will be called to testify in the order in which the speaker cards are received

How Do I Submit My Speaker Form?

- All forms should be submitted to one of **4 Planning staff members** (Julie Nelson & Mark Hamilton in Council Chambers; Julie Sterling & Bill King in Sam Pipes Room)
- These staff members will relay the forms to the Recording Secretary

How Will I Know When It is My Turn to Speak?

- People will be called up in the order in which the Speaker Forms are received
- The Recording Secretary will call speakers up 5 at a time
- After each 3 speakers, staff will stop and call 5 more speakers
- The speakers should line up in order along the wall
- Those in Sam Pipes will need to come upstairs to speak

How Much Time Will Each Speaker Have?

- The applicant's representative(s) will have **15 minutes** to speak (including rebuttal time)
- The representative(s) of the organized opposition will have **15 minutes** to speak (including rebuttal time)
- Each additional speaker will have **3 minutes** each
- Speakers cannot yield their time to other speakers

Can I Speak More Than Once?

- Despite the multiple nights, this is **ONE** public hearing, so each person will be allowed to speak only once during the hearing, NOT once per night.

When You Get to the Podium...

- Please state **your name** and City of residence for the record
- Use the **microphone** so your comments will be recorded and so those in the overflow room can hear you
- Please respect the **time limits**

Public Testimony

- Please **state your views** on the project
- Remember that the Commission is particularly interested in **specific reasons** why you are for or against a proposal because their decision must be based on specific reasons
- The Planning Commission is here to listen to your views. They will **not** answer direct questions.

How Will I Know How Much Time I Have Left?

- A **timer clock** is located directly across from the podium and will count down the speaker's remaining time
- Once the time is exhausted, a **buzzer** sounds
- Please be **courteous** and conclude your discussion **promptly**

Members of the Audience

- Please be **respectful** of the speakers and remain quiet during their testimony so they can be heard
- Please refrain from **applause or other demonstrations** during or after testimony
- Please do NOT display **signs or banners** that may block others' views

Order of the Public Hearing

1. The public hearing will begin with a **staff presentation** and the Planning Commission may ask questions of the staff
2. The **applicant** will be asked to speak
3. The representative of the **organized opposition** will be asked to speak
4. All **others** will be asked to speak

Order of the Public Hearing (Cont)

5. The representative of the organized opposition will have **rebuttal** time
6. The applicant will have **rebuttal** time
7. The public hearing will be **closed**
8. The **Planning Commission** will deliberate and make a recommendation to the City Council

How Long Will the Hearing Last?

- The Planning Commission has asked that the meeting be adjourned no later than 11:00 p.m. each evening
- If there are still people left who want to speak, the hearing will be continued to **Monday, August 24 at 6:00 pm** and to **Wednesday, August 26 at 6:00 pm** if needed

What If the Hearing Isn't Finished On August 26?

- If additional nights are needed, the Planning Commission may continue the meeting to a subsequent night(s) (Date and time to be determined before adjournment)

Sam Pipes Overflow

- Because of the large turnout, **overflow seating** is available in the Sam Pipes Room on the **first floor of the Civic Center**
- Those on the first floor will be able to **listen** to the public testimony, but will need to come **upstairs** to the Council Chambers to address the Commission
- Translation headsets will work in either room

What If I Need a Translator?

- Headsets are available from staff at a table on the 1st floor to hear the public testimony translated into **Spanish** or **Hmong**
- Please return the headsets at the end of the meeting
- If you wish to testify, you must bring your own translator as public testimony will only be accepted in English

What If I Have Questions about the Hearing?

- **City staff members** will be available both in the City Council Chambers and the Sam Pipes Room to assist you
- **Instructions** on how the hearing will be conducted are posted in each room and are found on the agenda

How Do I Get a Copy of the Agenda or Staff Report?

- Copies of the **agenda and staff report** are available by the door of the Council Chambers and the Sam Pipes Room
- The agenda and staff report are also posted on the City's website at www.cityofmerced.org

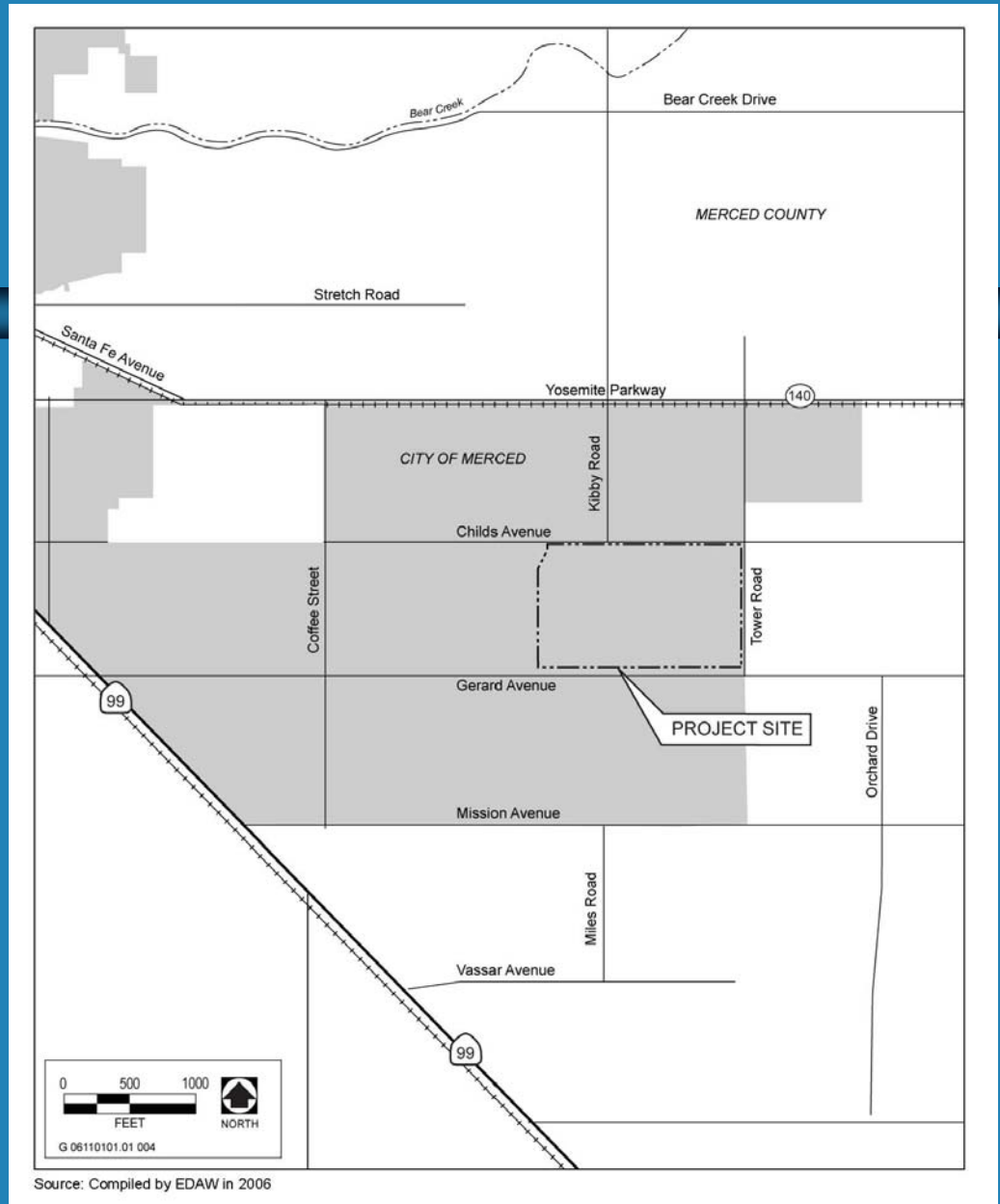




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Location Of Proposed Project

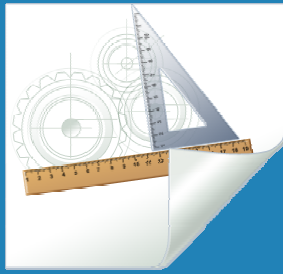


Aerial Photo of Site



Proposed Project

- 1.1 million-square-foot regional distribution center on 230 acres zoned "Heavy Industrial"
- Up to 1,200 employees (including 150 truck drivers)
- Operates 24 hours per day, 7 days/week
- Will generate up to 2,400 net new daily vehicle trips, including 643 truck trips

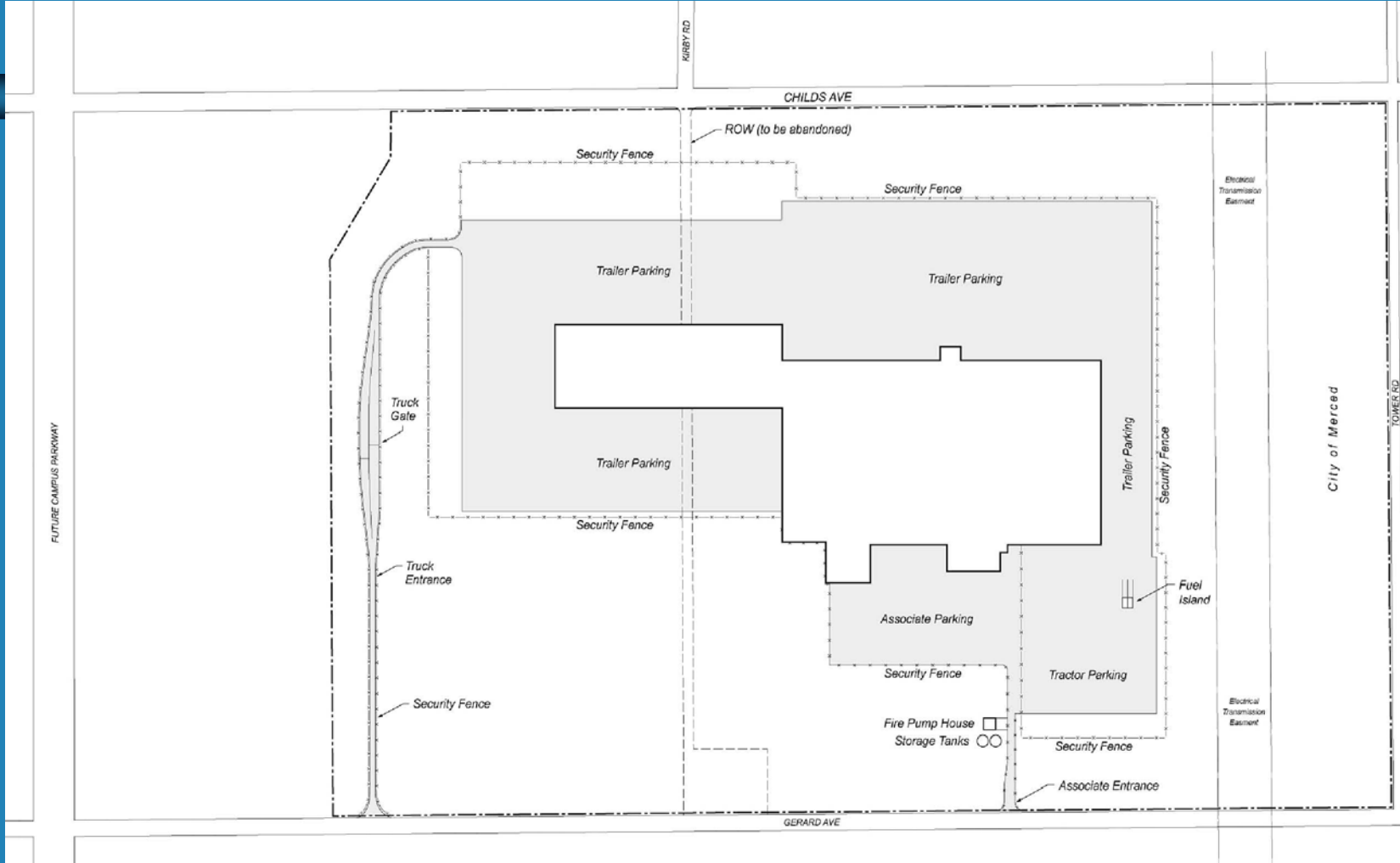


Site Design



- 1.1 million-square-foot **main warehouse**, including offices, a cafeteria, and aerosol storage
- 17,000-square-foot **truck maintenance building** with storage tanks and fuel dispensers
- 1,600-square-foot **fire pump house**
- 500-square-foot **truck gate**
- 70 acres of **Parking facilities**, including 850 employee spaces; 1,600 tractor trailer spaces, 300 tractor spaces, & 300 dock doors

Site Plan



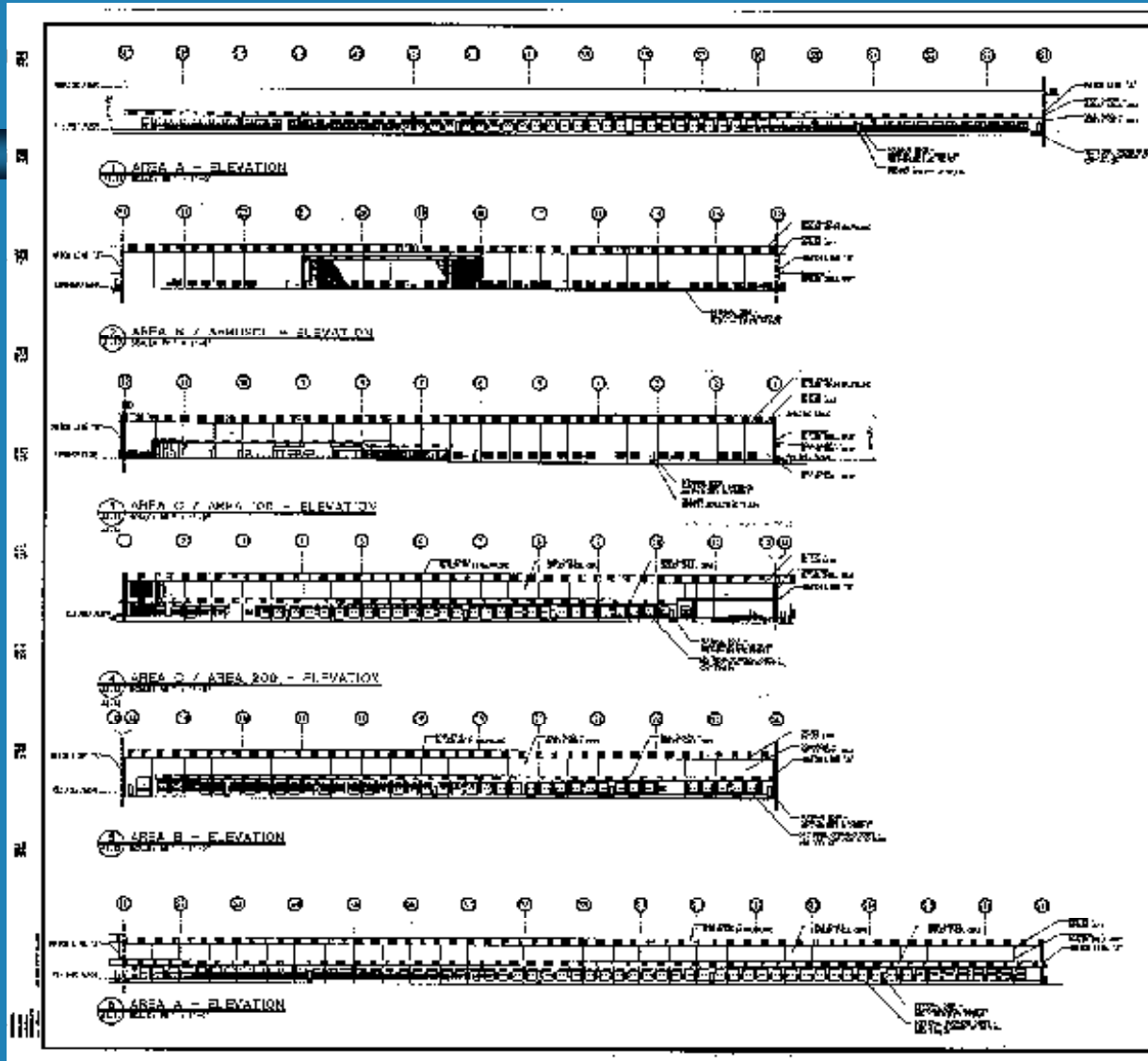


Building Design



- All buildings would be **single-story** and constructed of pre-engineered steel components with **metal panels**
- Maximum building height would be **40 feet**
- Proposed conditions require **upgrades** to building facades to add visual interest

Project Elevations





Required Entitlements

1. **General Plan Amendment #06-01** to change the Circulation Element to delete Kibby Road as a collector between Childs & Gerard
2. **Vacation/Abandonment #06-01** to determine if the abandonment of the Kibby Road right-of-way between Childs & Gerard is consistent with the General Plan

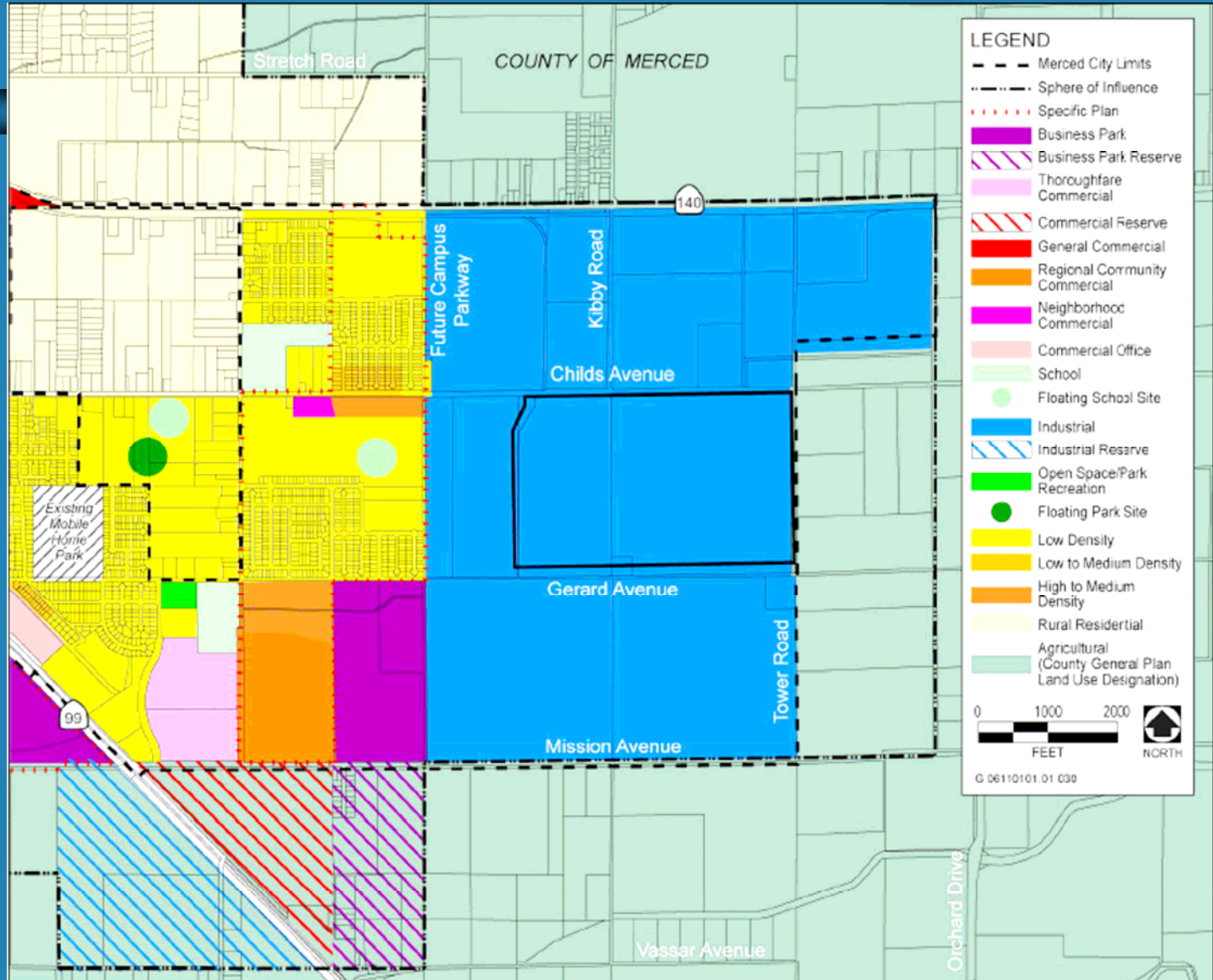
Required Entitlements (Continued)

3. **Site Plan Review Application #260** to approve the construction of the proposed distribution center
4. **Certification of Environmental Impact Report #06-01**, including Adoption of Findings of Fact and a Statement of Overriding Considerations; & Adoption of a Mitigation Monitoring Program

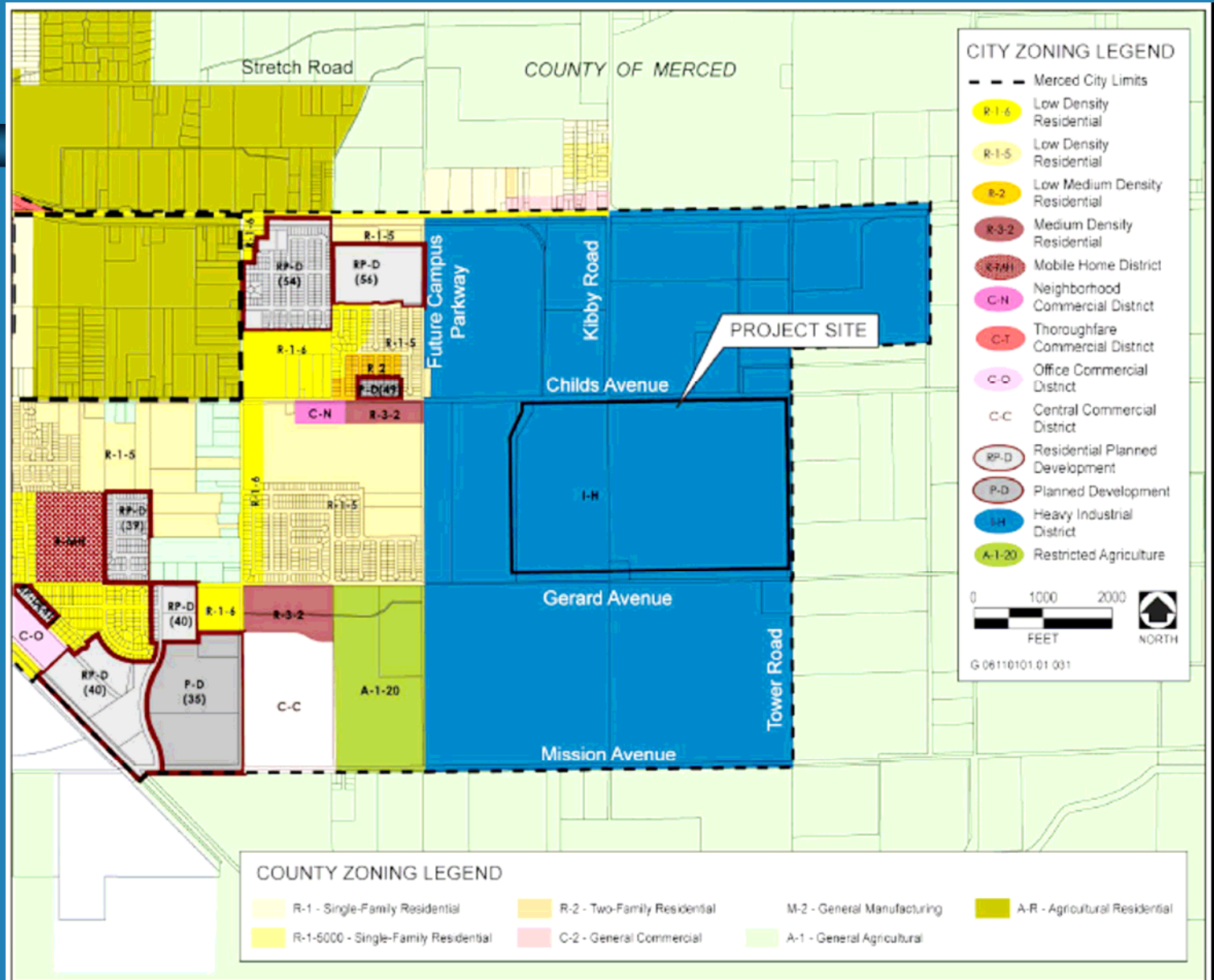
General Plan & Zoning Compliance

- The project complies with the General Plan designation of “Industrial”
- The project complies with the Zoning designation of “Heavy Industrial” as a principally-permitted use
- A portion of the site was designated for industrial uses in 1980 with the other portion in 1997

General Plan Designation



Zoning





Kibby Road Right-of-Way

- The project layout requires the **abandonment of Kibby Road right-of-way** between Childs and Gerard
- With internal site circulation, the Campus Parkway, and improvements to Childs, Gerard, & Tower, Kibby will **no longer be needed** as a collector street from Childs to Gerard
- Staff is recommending approval of the General Plan Amendment & Abandonment

Traffic/Circulation



- Would generate approximately **2,400 net new daily trips** with 143 net new AM peak hour trips and 328 net new PM trips
- Mitigation measures & project conditions address impacts by requiring **improvements** to various roadways and payment of impact **fees**



Landscaping

- Mitigation measures & project conditions require extensive landscaping, including:
 - **Street trees** every 40 feet
 - 15-foot wide **landscape strip** along perimeter with trees every 30 feet
 - **Parking lot trees** (1 for ea 6 spaces) in employee & visitor parking areas
 - **Perimeter trees** for truck parking areas
 - **Preservation** of many existing almond trees on site

Public Improvements & City Services

- Re-routing and replacement of sewer & water lines in Kibby right-of-way
- Provision of storm water management detention ponds
- Annexation to Services CFD





Employment



- The project would employ (at full operation after approx. 3 years) up to **1,200 employees**, including 150 truck drivers
- The facility would operate 24 hours per day, 7 days a week



Fees



- If approved, the project would be required to pay City impact fees, sewer & water connection fees, school fees, building permit fees, etc.
- At 2009 rates, the project would pay approximately **\$4.19 million** in City Public Facilities Impact Fees and **\$1.5 million** in Regional Transportation Impact Fees plus other fees above

Neighborhood Interface-Residences



- Three residences in close proximity to site in agricultural and industrial areas on Gerard & Tower (installation of sound barriers required)
- Nearest residential zoning is approx. **1,250 feet** west of the Project's western boundary
- **1,000 planned homes** in area between Hwy 140, Gerard, Coffee, & Campus Pkwy of which approx. 450 have been issued permits to construct since 2003



Schools



- **Weaver** Elementary School is located approx. **3,200 feet** from Project's western boundary
- **Pioneer** Elementary School is approx. **3,800 feet** west
- **Golden Valley** High School is approx. **1.5 miles** west
- Proposed school site located just west of Campus Pkwy (no current plans to build)



Neighborhood Impacts

- EIR spells out Project's impacts on nearby residences and schools and spells out **mitigation to reduce impacts to greatest extent feasible**
- Heavy Industrial uses were planned in the Project vicinity since 1978
- Project traffic and truck parking will be **directed away from residential streets**

Public Correspondence & Notice

- Since 2006, the City has received **hundreds** of letters and emails regarding the project, including the **315 comment letters** on the Draft EIR
- Public hearing notices were mailed to over **427 adjacent property owners** within **2,600 feet** of the project (in excess of 300-foot boundary required), **226** individuals on the Project mailing list, and **241** EIR commenters
- Notice published in Merced Sun-Star & on City's website

Site Plan Review Committee Referral

- On **April 23, 2009**, the Site Plan Review Committee referred the Project to the Planning Commission and City Council for hearing and decision due to its **“special interest to surrounding property owners”** per Municipal Code requirements



Environmental Impact Report

Draft and Final EIR for Proposed
Wal-Mart Regional Distribution
Center

EIR Preparation & Milestones

May 15, 2009	City Contract approved with EDAW, Inc.
July 7, 2006	Notice of Preparation Issued
Nov 2006, April 2007, & Sept 2008	Contract Amendments
Feb-May 2008	Peer Review conducted by RBF Consulting
Feb 25-April 27, 2009	60-Day Public Review Period for Draft EIR
July 30, 2009	Final EIR Available

Examples of Significant Impacts Identified

- Conversion of Prime **Farmland**
- Generation of Short-term (Construction) and Long-term (Operation-Related) Emissions of **Air Pollutants**
- Generation of **Greenhouse Gases**
- **Loss of Habitat** for Swainson's Hawk & Burrowing Owl



Examples of Significant Impacts (Cont.)

- Light & Glare & Visual Impacts
- Water Quality & Flooding
- Construction Noise, Traffic Noise, & Impacts on Sensitive Receptors (2 residences on Tower Rd & 1 on Gerard Ave)

Examples of Significant Impacts (Cont.)

- **Intersection Impacts**
 - SR 140 & Parsons Ave Intersection
 - SR 140 & Baker Dr Intersection
 - SR 140 & Kibby Rd Intersection
 - Childs & Parsons Intersection
 - Childs Ave & SR 99 Northbound & Southbound Off-ramps
 - Mission & SR 99 Northbound Off-ramp
- **Roadway Segment Impacts**
 - SR 140 between Santa Fe & Kibby Rd
 - Tower Rd between 140 & Gerard

Significant & Unavoidable Impacts (After Mitigation)

- Conversion of Farmland
- Operational Traffic Noise at Sensitive Receptors
- Greenhouse Gas Emissions
- Special Status Species Habitat
- Cumulative Impacts on Agricultural Lands, Air Quality, Biological Resources, Noise, & Visual Character



Mitigation Measures

- Compliance w/ **Air District Rules** (Indirect Source, Dust Control, etc.)
- Reduce Construction-Related **Diesel Equipment** Emissions
- Design features & incentives to **reduce employee commute trips**
- **On-site Emission Reduction** (i.e. solar panels, tree planting, etc.)
- **Compensation for loss of habitat** through a land bank, etc.
- Grading & Erosion Control Measures

Mitigation Measures (Cont.)

- Best Management Practices for **Storm Water Run-off**
- Limit construction to between **7am to 6 pm daily**
- Installation of **sound barriers** for sensitive receptors (3 residences)
- Accommodate **all truck parking onsite**

Mitigation Measures (Cont.)

- Manage truck traffic on local streets
- Emergency Access Gate
- Update Safe Route to Schools Plan
- Incorporate Energy-Efficient Features into Project Designs
- Landscape & Lighting Plan
- Intersection & Roadway Improvements

Final EIR and Response to Comments

- 315 comment letters received on Draft EIR
- Responses to each comment are in the Final EIR
- Final EIR also contains minor modifications to the text & mitigation measures
- Errata sheet in staff report

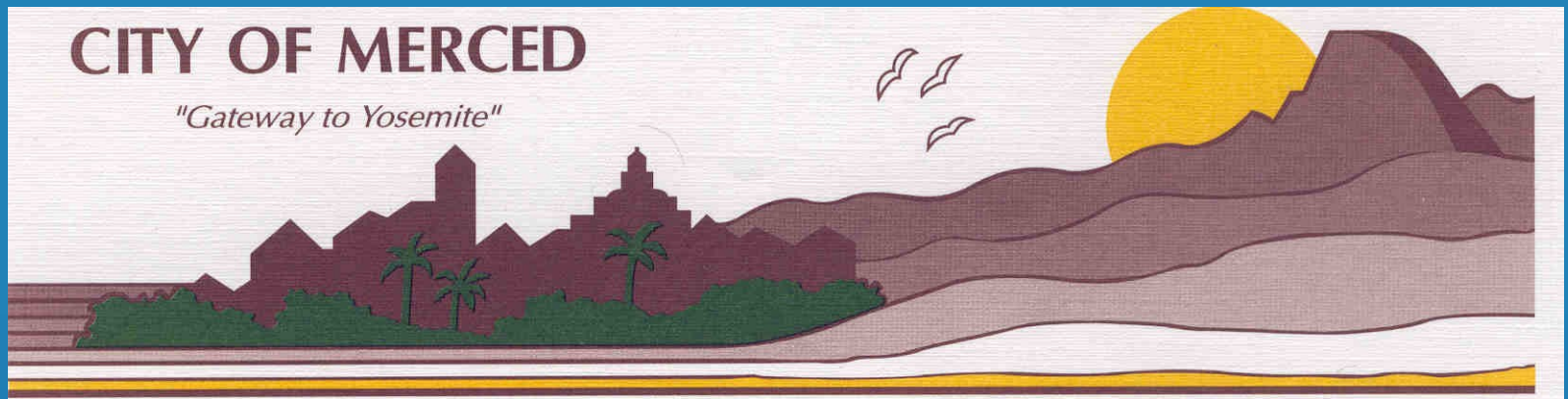
Draft Findings of Fact & Statement of Overriding Considerations

- Approval of a Project with significant impacts requires findings which state either the impacts have been 1) mitigated to a **less than significant** level or 2) mitigation measures notwithstanding have a residual effect requiring a **Statement of Overriding Considerations**

Mitigation Monitoring

- To ensure compliance with the mitigation measures, a **Mitigation Monitoring Program** is required
- Per the Merced Municipal Code and project conditions, the applicant must pay **all costs** of the program

Staff Recommendation



Staff Recommendation

Planning staff recommends that the Planning Commission recommend approval to City Council of:

- A. **Certification of the Final Environmental Impact Report #06-01** [including the Errata Sheet]; Adoption of Draft Findings of Fact and a Draft Statement of Overriding Considerations [including Errata Sheet]; and Adoption of a Mitigation Monitoring Program; and,

Staff Recommendation (Cont.)

- B. General Plan Amendment #06-01;
and,
- C. A Finding of Consistency with the
General Plan for the
Vacation/Abandonment
Application #06-01 for the Kibby
Road right-of-way between Childs
& Gerard Avenues (contingent on
General Plan Amendment #06-01
being approved by the City
Council); and,

Staff Recommendation (Cont.)

D. **Site Plan Application #260**, subject to the 35 conditions in the staff report and in accordance with the draft resolution.

Recommended Conditions

Staff is recommending **35 conditions**, relating to the following areas:

General

- Compliance with previous City approvals & ordinances
- Approval of a developer agreement
- Indemnification of City
- Annexation to Services CFD

Recommended Conditions (Cont.)

Mitigation Monitoring

- Compliance with the Mitigation Monitoring Program
- Paying ALL costs of mitigation monitoring
- Posting of security to assure compliance with mitigation measures

Recommended Conditions (Cont.)

Fees

- Payment of City Public Facilities Impact Fees & Regional Transportation Fees
- Payment of school fees
- Payment of special fee for traffic signal at Kibby & Highway 140

Recommended Conditions (Cont.)

Circulation

- Improvements to Childs, Gerard, & Tower along project perimeter
- Left-turn pockets and decel lanes on Gerard
- Truck routes to Highways 140 & 99 limited to Campus Pkwy, Mission west of Campus Pkwy; Gerard east of Campus Pkwy; and Tower Road
- Trucks not allowed to park in adjacent residential neighborhoods
- Contribute to improvements at Hwy 140 & Parsons; Hwy 140 & Baker Dr; Hwy 140 & Kibby; Childs & Hwy 99 south & north ramps; and Childs & Parsons

Recommended Conditions (Cont.)

City Services/Utilities

- Avoiding impacts on City Well
- Solid waste storage & pick-up
- Installation of "smart" infrastructure
- Re-routing of sewer & water lines in Kibby right-of-way
- Provision of water, sewer, storm drainage facilities to serve project
- Compliance with Flood Ordinance

Recommended Conditions (Cont.)

Aesthetics

- Submittal of detailed landscape plans & additional trees along perimeter of truck parking areas (Mitigation Measures also require extensive landscaping)
- No barbed wire fences along perimeter
- Façade enhancements to bldg
- Signs per City requirements

Recommended Conditions (Cont.)

Requested by Merced Irrigation Dist

- “Storm Drainage Agreement” and “Construction Agreement”
- Improvements to discharge facilities
- Relocation of an MID electrical line within Kibby right-of-way & dedication of new easement

Questions from Planning Commission



Public Hearing

