Filed 2/19/13 Creed-21 v. City of Glendora CA2/4

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

CREED-21, Plaintiff and Appellant, v. CITY OF GLENDORA, Defendant and Respondent; WAL-MART STORES, INC., Real Party in Interest and Respondent.	No. B241147 (Los Angeles County Super. Ct. No. BS131065)

APPEAL from a judgment of the Superior Court for Los Angeles County, John Shepard Wiley, Jr., Judge. Affirmed.

Briggs Law Corporation, Cory J. Briggs and Mekaela M. Gladden for Plaintiff and Appellant.

Leech & Associates and D. Wayne Leech for Defendant and Respondent.

Manatt, Phelps & Phillips, Keli N. Osaki and Jack S. Yeh for Real Party in Interest and Respondent.

CREED-21 appeals from a judgment entered after the trial court denied its petition for writ of mandate challenging the City of Glendora's (the City) approval of an expansion of an existing Wal-Mart store (the Project). CREED-21 contends the City violated the California Environmental Quality Act (CEQA)[1] by (1) failing to adequately respond to comments on the draft Environmental Impact Report (EIR) submitted by the City of San Dimas; (2) failing to analyze all feasible mitigation measures to reduce the Project's transportation and traffic impacts; (3) failing to adequately analyze the Project's potential urban decay impacts; and (4) improperly rejecting the environmentally superior alternative to the project. We affirm the judgment.

BACKGROUND

In December 2008, Real Party in Interest and Respondent Wal-Mart Stores, Inc. submitted an application for the Project to the City. The primary purpose of the Project is to build a 29,925 square foot addition to its existing 125,890 square foot store on Auto Centre Drive in the City, which would allow Wal-Mart to sell grocery items at the store.[2] Finding that the proposed Project might have a significant effect on the environment, the City prepared and circulated a draft EIR for the Project, allowing public comment for 45 days (from August 5, 2010 through September 20, 2010), in accordance with CEQA.

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[1] Public Resources Code sections 21000 through 21178. Further undesignated statutory references are to the Public Resources Code.

[2] In addition to adding a grocery component, the Project would expand and relocate the entry vestibule, expand and relocate the truck dock area, add a trash compactor, and change signage; it may include additional ancillary uses, such as a banking center, beauty salon, medical clinic, optometrist's office, and other accessory uses.

The draft EIR included, among other things, an analysis of the potential economic impacts of the proposed expansion of the Wal-Mart store to determine how it might negatively impact existing supermarkets in the trade area (the urban decay analysis), a traffic impact analysis to determine potential Project-related traffic impacts, and an analysis of alternatives to the Project. All potential environmental effects of the Project were determined to be less-than-significant or reduced below levels of significance with application of mitigation measures, except one. The draft EIR determined the Project would result in significant traffic impacts at the intersection of Auto Centre Drive and the SR-57 northbound off-ramp (hereafter, the off-ramp intersection), which could not be timely mitigated because the improvements necessary to mitigate the impacts must be performed by the California Department of Transportation, over which the City and the Project developer have no control. The draft EIR also identified the Reduced Intensity Alternative as the environmentally superior alternative. However, the EIR concluded that with that alternative -- a 12,723 square foot expansion rather than the proposed 29,925 square foot expansion, which the EIR found would alleviate the potential traffic impacts at the off-ramp intersection -- realization of the Project objectives would be substantively diminished because the 57 percent reduction in the scope of the Project would not allow for the addition of a grocery component.

The City received comments from several entities during the comment period, including the City of San Dimas; CREED-21 did not submit any comments during that period. San Dimas stated that it believed the draft EIR "does not adequately analyze or address the significant impacts upon traffic and circulation," and provided several specific comments. Several of those comments addressed the traffic and circulation mitigation measures set forth in the draft EIR, including one comment suggesting that the City provide "mitigation measures consistent with the

2010 CALGreen Building Code." All of those measures are aimed at increasing the use of alternative modes of transportation.

The City responded to San Dimas' comments in the final EIR, issued in October 2010. The response to San Dimas' suggestion that the City provide mitigation measures consistent with the 2010 CALGreen building code states: "The commentor has provided the City with suggestions that would support the use of alternative transportation modes. These recommendations from the 2010 CALGreen building code will be forwarded to decision makers for their consideration."

A public hearing on the Project was set for January 25, 2011. The day before the scheduled hearing, CREED-21's attorney, Briggs Law Corporation (Briggs), sent a letter to the City Council, urging it to deny the Project. Briggs provided a six-page list of reasons for denying the Project, along with almost 3,000 pages of evidence that Briggs said supported its reasons. Those reasons included issues regarding the traffic impact analysis, the urban decay analysis, the analysis of alternatives, and the City's response to comments from San Dimas. For example, regarding the traffic analysis, Briggs criticized the EIR for providing mitigation measures that targeted only the accommodation of increased traffic, rather than measures that could reduce traffic levels by promoting the use of alternative modes of transportation. Briggs also criticized the methodology used by the City's experts in the urban decay analysis, and contended that the alternatives analysis was faulty because, in part, the City's conclusion that the Reduced Intensity Alternative's 57 percent reduction in the scope of the Project would not allow for a grocery component was not supported by any evidence. Finally, Briggs asserted that the City's response to San Dimas' suggested mitigation measures was inadequate.

The City opened the public hearing on the Project on January 25, 2011, the day it received the Briggs letter, and continued the hearing to February 22. For the continued hearing, the City prepared written responses to Briggs' letter, addressing each of the points raised. At the hearing, the City certified the EIR, made environmental findings and adopted a statement of overriding considerations, and approved the Project.

CREED-21 commenced the instant action on March 21, 2011, filing a petition for writ of mandate alleging causes of action for (1) failure to prepare an adequate EIR; (2) failure to make adequate written findings regarding the Project's significant impacts; (3) failure to adequately respond to comments on the EIR; and (4) violation of CREED-21's rights to due process and a fair hearing. In its brief in support of the petition, CREED-21 argued that (1) the EIR failed to adequately analyze the Project's urban decay impact; (2) the City failed to adequately respond to San Dimas' comments regarding additional mitigation measures; (3) the EIR failed to analyze mitigation measures designed to encourage use of alternative modes of transportation in connection with its traffic impact analysis; (4) the EIR did not adequately analyze the Project's greenhouse gas emission and climate change impact; and (5) the City improperly rejected the environmentally superior alternative to the Project.

The trial court denied the petition, finding that (1) the EIR properly evaluated the Project's impacts regarding the potential for grocery store closure, and its conclusion that the Project would not cause the closure of existing grocery stores was supported by substantial evidence; (2) the City's response to San Dimas' comments regarding traffic mitigation measures was appropriate under the circumstances; (3) the EIR's analysis of measures to mitigate traffic impacts was sufficient; (4) the EIR properly evaluated the Project's greenhouse gas emission and climate change impacts; and (5) the City's analysis of alternatives to the

Project was proper and its rejection of the environmentally superior alternative was supported by substantial evidence. The trial court entered judgment against CREED-21, from which CREED-21 now appeals.

DISCUSSION

On appeal, CREED-21 contends the City's approval of the Project violated CEQA because (1) the City failed to adequately respond to San Dimas' comments regarding additional mitigation measures; (2) the EIR failed to analyze feasible mitigation measures designed to encourage use of alternative modes of transportation in connection with its traffic impact analysis; (3) the methodology used to analyze the Project's urban decay impact was improper, resulting in an inadequate analysis; and (4) the City improperly rejected the environmentally superior alternative to the Project.[3] We disagree.

A. *Standard of Review*

Under CEQA, the lead agency is required to prepare, or cause to be prepared, an EIR on any project that may have a significant effect on the environment. (§ 21100.) The EIR must include detailed information concerning all significant effects of the proposed project, proposed mitigation measures to minimize those significant effects, alternatives to the proposed project, and the growth-inducing impact of the proposed project, and it must provide the reasons for determining that any effects on the environment are not significant. (*Id.*)

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[3] CREED-21 also addresses in its opening brief the issue of its standing to bring the action, since the City and Wal-Mart contested its standing in the trial court. The trial court did not expressly rule on the standing issue, and the City and Wal-Mart do not contest CREED-21's standing on appeal.

"'"The EIR is the heart of CEQA," and the integrity of the process is dependent on the adequacy of the EIR. [Citations.]' [Citation.]" (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 924 (*Rialto*).) The purpose of the EIR "'is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.' [Citations.] The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' [Citations.] Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (*Laurel Heights*).)

"In reviewing an agency's decision for compliance with CEQA, the scope and standard of the appellate court's review is the same as the trial court's. [Citation.] The court reviews the administrative record to determine whether the agency prejudicially abused its discretion. [Citation.] 'Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.' [Citations.] For CEQA, 'substantial evidence' is 'enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made . . . is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate . . . does not constitute

substantial evidence.' [Citation.]" (*Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 918 (*Gilroy*).)

"When the informational requirements of CEQA are not met but the agency nevertheless certifies the EIR as meeting them, the agency fails to proceed in a manner required by law and abuses its discretion." (*Rialto, supra*, 208 Cal.App.4th at p. 924.) Nevertheless, we must remember that "[t]he agency is the finder of fact and a court must indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision. [Citation.] '"Technical perfection is not required; the courts have looked not for an exhaustive analysis but for adequacy, completeness and a good-faith effort at full disclosure."' [Citation.] 'A court's task is not to weigh conflicting evidence and determine who has the better argument when the dispute is whether adverse effects have been mitigated or could be better mitigated. We have neither the resources nor scientific expertise to engage in such analysis, even if the statutorily prescribed standard of review permitted us to do so.' [Citation.]" (*Gilroy, supra*, 140 Cal.App.4th at pp. 918-919.)

In other words, "'[t]he court does not pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency as an informative document.' [Citation.]" (*Laurel Heights, supra*, 47 Cal.3d at p. 392.) "The absence of information in an EIR does not per se constitute a prejudicial abuse of discretion. [Citation.] Instead, '"[a] prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process."'" (*Rialto, supra*, 208 Cal.App.4th at p. 925.)

"An EIR is presumed legally adequate, . . . and the agency's certification of an EIR as complying with the requirements of CEQA is presumed correct

[citation]. Persons challenging the EIR therefore bear the burden of proving it is legally inadequate, or that insufficient evidence supports one or more of its conclusions. [Citation.]" (*Rialto, supra*, 208 Cal.App.4th at pp. 924-925.)

B. *The Analysis of Traffic Impact Mitigation Measures and the City's Response to Comments Were Adequate*

As CREED-21 observes, the Legislature has declared "that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (§ 21002; see also *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039 [CEQA requires project proponents to mitigate all significant impacts of their project].) CREED-21 notes that the EIR in this case concluded that the Project will have a significant impact on traffic with respect to level of service (LOS) and intersection capacity, and contends the EIR was legally inadequate because it did not consider mitigation measures promoting use of alternative modes of transportation that CREED-21 contends would substantially lessen the significant impact. CREED-21 also contends the EIR did not comply with CEQA because the City did not respond to comments submitted by San Dimas suggesting that the City provide those measures. (See § 21091, subd. (d) [requiring lead agency to respond to comments it receives on a draft EIR]; *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029 ["an adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible"].)

What CREED-21 fails to take into account in making these arguments is that the EIR identified only one significant environmental impact that could not be

mitigated to non-significance: an increase in the volume of traffic that worsens the level of service (LOS) at one intersection -- the off-ramp intersection -- such that the increase in the volume-to-capacity ratio exceeds the threshold of significance. Thus, the only mitigation measures that were required to be analyzed (other than the measures already imposed) were measures that would reduce the impact at that intersection. (*Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist.* (1994) 24 Cal.App.4th 826, 841 [“‘“CEQA does not require analysis of every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects”’”], italics omitted.)

As the City explained in its response to Briggs’ letter, which raised this issue, the mitigation measures Briggs proposed “are directed toward the reduction of [greenhouse gas] emissions resulting from vehicle miles traveled . . . and do not quantify any potential reductions in the ITE trip generation rates used to determine intersection and roadway impacts. Accordingly, any purported reduction in trip generation rates resulting from the . . . greenhouse gas reduction measures would be impermissibly speculative.”

CREED-21 asserts in its appellant’s reply brief, however, that the evidence Briggs submitted to the City in support of its comments included a report that referenced literature which CREED-21 contends provides methods to determine vehicle trip reductions resulting from its proposed measures. But even if CREED-21 is correct that such calculations could be made, any attempt to determine the extent to which the measures would result in vehicle trip reductions *at the off-ramp intersection* would be entirely speculative. In any event, the Los Angeles County Department of Public Works Traffic Impact Analysis Report Guidelines provide that it is not an acceptable practice to use anticipated reductions from measures promoting use of alternative modes of transportation when determining whether

the impacts are reduced to non-significance.[4] (Los Angeles County Department of Public Works, *Traffic Impact Analysis Report Guidelines* (Jan. 1, 1997), http://dpw.lacounty.gov/traffic/traffic%20impact%20analysis%20guidelines.pdf, at p. 10, § III.F.3, fn. 2.)

In light of the Guidelines and the fact that determining the vehicle trip reductions at the off-ramp intersection would be entirely speculative, we conclude that the City's response to San Dimas' comments suggesting measures to promote the use of alternative modes of transportation, and the EIR's analysis of feasible mitigation measures were sufficient under CEQA. (*Browning-Ferris Industries v. City Council* (1986) 181 Cal.App.3d 852, 862 ["the determination of the sufficiency of the agency's responses to comments on the draft EIR turns upon the detail required in the responses"]; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, 1084 ["[T]he requirement that the EIR identify alternatives and mitigating measures 'must be judged against a rule of reason. There is no need for the EIR to consider an alternative whose effect cannot be reasonably ascertained.'"].)

C. *The Urban Decay Analysis Was Adequate*

When there is evidence that a proposed project might "cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake" (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204), CEQA requires that the EIR include an analysis of the potential physical impacts (*id.* at p.

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[4] The contractor who performed the traffic impact study for the City explained that its analysis "was prepared in accordance with the City of Glendora's standard traffic impact analysis requirements which generally follow the Los Angeles County traffic impact study guidelines." The draft EIR discusses the Los Angeles County guidelines (and provides a link to them) on page 4.2-17.

1205; see also Cal. Code Regs., tit. 14, § 15064, subd. (d)). In this case, the City retained an expert consultant, The Natelson Dale Group, Inc. (TNDG), to conduct an urban decay study to determine whether the development of a grocery component to the Wal-Mart store as proposed in the Project, individually or in conjunction with the development of other planned retail projects, is likely to cause closure of existing supermarkets. The study included an analysis of the current and expected future demand for retail sales in the area, the current and expected future demand for food sales, and the estimated impact from the Project, both individually and in conjunction with other planned projects, on average sales per square foot at existing supermarkets. TNDG concluded that the Project is not likely to cause closure of any existing supermarkets. The City relied upon the study to find it was not reasonably foreseeable that the Project would cause urban decay.

CREED-21 contends the urban decay analysis was inadequate because methodology used in the study was improper. It argues that the study was flawed because (1) it did not consider grocery sales at a Sam's Club store, a Costco, or Target stores in the area when determining whether the existing grocery supply is meeting the demand; and (2) it used an average sales per square foot measure to determine the potential impact on existing supermarkets but did not establish a standard threshold of significance for urban decay impacts.

"'Challenges to the scope of the analysis, the methodology for studying an impact, and the reliability or accuracy of the data present factual issues, so such challenges must be rejected if substantial evidence supports the agency's decision as to those matters and the EIR is not clearly inadequate or unsupported.' [Citation.] As explained by our Supreme Court, '"[t]he court does *not* have the duty of passing on the validity of the conclusions expressed in the EIR, but only on the sufficiency of the report as an informative document." . . . [¶] . . . [T]he issue

is not whether the studies are irrefutable or whether they could have been better. The relevant issue is only whether the studies are sufficiently credible to be considered *as part of* the total evidence that supports the [agency's] finding[s]. . . .' [Citation.] A party challenging a particular study must show that it is 'clearly inadequate or unsupported.' [Citation.]" (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 425-426, italics added.)

CREED-21 did not meet its burden to show that the urban decay study relied upon by the City was clearly inadequate or unsupported.

As the City explained in response to Briggs' letter challenging the study, the demand for grocery sales in the Sam's Club, Costco, and Target stores was accounted for in the study, as part of the demand for retail sales in the "general merchandise" category, the category in which those stores are classified by the California State Board of Equalization. Had TNDG included those stores in its calculations of the demand for retail sales and grocery sales, the Project's impacts to existing supermarkets would have been diluted because they would have been spread over a larger base of supermarket space. Thus, even if the omission of those stores from the pool of supermarkets raises questions about the adequacy of the study (a conclusion we do not reach), their inclusion would have resulted in a finding that potential impact from the Project was even *less* than the study determined. Using a methodology that is *more* likely to find significant environmental impacts cannot be found to violate CEQA.

Similarly, it is not a violation of CEQA if an agency does not establish a standard threshold of significance for urban decay impacts. "A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." (Cal.

Code Regs., tit. 14, § 15064.7, subd. (a).) Although public agencies are encouraged to develop and publish thresholds of significance (*id.*), CEQA does not require them to do so, nor does it forbid an agency from relying upon standards developed for a particular project. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 896.)

In this case, the study concluded that the Project will result in a decline in the average sales per square foot at the existing supermarkets, from $477 per square foot to $439 per square foot (an eight percent decrease) or $416 per square foot under a cumulative analysis (a 12 percent decrease) in the opening year of the Project (after which the average sales are projected to increase by $1 to $2 each year). The study compared those sales volumes to the national median ($473 per square foot) and the Western U.S. regional median ($418 per square foot) -- observing that those median figures do not reflect break-even thresholds, since by definition half of all supermarkets are operating below the median -- as well as the average sales of supermarket chain stores operating in California (which range from $212 to $801 per square foot, with more than half of the chains operating at sales volumes below $400 per square foot). Noting that the average sales volumes per square foot for the existing supermarkets in the Glendora area would be within one percent of the Western U.S. regional median even under the "worst case" scenario (i.e., the cumulative analysis), the study concluded "the reduction in volumes is not likely to be severe enough to result in the closure of existing stores."

CREED-21 argues that this analysis is at odds with the analysis TNDG conducted in an urban decay study it prepared for the City of Tehachapi regarding a proposed Wal-Mart supercenter, in which TNDG used a $475 per square foot threshold for determining potential store closures and concluded that the addition of a Wal-Mart store could cause a store to close. CREED-21 is mistaken. The

Tehachapi study did not find that sales volumes below $475 per square foot would result in store closures. In fact, the study states that "[r]ecent sales and operating history of the Tehachapi supermarkets suggests that these stores may be able to operate at sales volumes below the $475 per square foot benchmark." Rather, the study concluded that the development of the proposed Wal-Mart supercenter "could potentially cause one of the existing supermarkets in Tehachapi to close, *given that the combined sales volumes of the two existing supermarkets would fall 35% from the existing level* [$586 per square foot] with the entry of the Walmart store in 2011." (Italics added.)

In short, we find that the urban decay study in this case was sufficiently credible to be considered by the City in determining whether the Project would result in significant urban decay impacts, and that the City's finding that it would not was supported by substantial evidence. (*City of Maywood v. Los Angeles Unified School Dist.*, *supra*, 208 Cal.App.4th at p. 425.)

D. *The City's Rejection of the Environmentally Superior Alternative Complied with CEQA*

"CEQA requires that an EIR, in addition to analyzing the environmental effects of a proposed project, also consider and analyze project alternatives that would reduce adverse environmental impacts. [Citations.] The CEQA Guidelines state that an EIR must 'describe a range of reasonable alternatives to the project . . . which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. . . .' [Citation.] . . . [¶] 'In determining the nature and scope of alternatives to be examined in an EIR, the Legislature has decreed that local agencies shall be guided by the doctrine of "feasibility."' [Citation.]" (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1163.) An agency may not approve the proposed project if the EIR

identifies one or more significant effects on the environment that cannot be mitigated or avoided, unless the agency finds that specific economic, legal, social, technological, or other considerations make identified alternatives infeasible. (§ 21081.)

CREED-21 contends the City improperly rejected the identified Reduced Intensity Alternative because it failed to make a finding that the alternative was infeasible. (Citing *Resource Defense Fund v. Local Agency Formation Com.* (1987) 191 Cal.App.3d 886, 897 [the lead agency is "required to make a written finding that the project alternative was infeasible"], disapproved on other grounds in *Voices of the Wetlands v. State Water Resources Control Bd.* (2011) 52 Cal.4th 499.) We disagree.

The City found that the Reduced Intensity Alternative (which was identified in the EIR as the environmentally superior alternative) "would not meet the Project Objectives to the same extent as the Project." Although CREED-21 acknowledges that an alternative's inability to meet project objectives can be the basis for an infeasibility finding (citing *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508), it asserts the City's statement that "[t]he Reduced Intensity Alternative would, to some degree, realize the Project Objectives" necessarily means that the City did *not* find that the alternative was infeasible. Not so.

An examination of the City's more detailed explanation immediately following that statement reveals that the City determined that the alternative would not meet some of the Project's objectives -- including the primary objective of maintaining the existing retail sales capabilities while upgrading current facilities and adding a grocery sales component to the existing Wal-Mart store -- and would only partially meet other of the objectives. Similarly, the City's finding that the alternative "would not meet the Project Objectives to the same extent as the Project" is immediately followed by a more detailed finding as to each of the

objectives. The City also stated that "each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative." Thus it is clear that, despite the City's clumsy language, it rejected the alternative because it would not meet many of the Project's objectives at all, including the primary objective of adding a grocery component, and would only partially meet the remaining objectives. In other words, the alternative was infeasible. (*Sierra Club v. County of Napa*, *supra*, 121 Cal.App.4th at pp. 1507-1508.)

CREED-21 argues, however, that to the extent the City's statements are understood as an infeasibility finding, that finding is not supported by substantial evidence. We disagree. For example, as the City explained in its response to Briggs' letter, the determination that the 57 percent reduction in Project scope under the Reduced Intensity Alternative would allow Wal-Mart to maintain, support, and enhance existing facilities, but would not allow for concurrent addition of a grocery sales component was provided to the City by the Project Applicant and was based on proprietary trade information and the operational needs of the particular store site. No more need be provided. In light of the City's finding that each of the considerations it listed was sufficient by itself to support the City's rejection of the alternative, we conclude the City complied with CEQA when it rejected the alternative based upon its finding that due to the reduction in Project scope the alternative would not meet the primary objective of the Project.

DISPOSITION

The judgment is affirmed. The City and Wal-Mart shall recover their costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

WILLHITE, Acting P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.