

RESOLUTION NO. 5687 (11)

**A Resolution of The Council of the City of Lompoc, County of Santa Barbara, State of California, upholding the Appeal submitted by Ellen Berkowitz of Manatt, Phelps & Phillips on behalf of Walmart Real Estate Trust, Inc. the applicant, of the Planning Commission determination of October 13, 2010 denying certification of the Final Environmental Impact Report (FEIR 09-02). The project is located at 701 West Central Avenue at the northeast corner of the intersection of West Central Avenue and North O Street
(Assessor Parcel Numbers: 93-450-36).
(Planning Division File No. FEIR 09-02)**

WHEREAS, the Planning Commission held duly noticed public hearings on August 25, September 22, and October 13, 2010 for consideration of the Final Environmental Impact Report (FEIR 09-02) ("FEIR") for an approximately 41,433 square foot addition to an existing 104,453 square foot Walmart store, including a request to amend the approved sign program for the shopping center at 701 West Central Avenue; and

WHEREAS, after considering the staff report and hearing testimony from the applicant and the public, at the October 13, 2010 meeting, the Planning Commission adopted Resolution No. 682 (10) denying certification of the FEIR on a 5-0 vote due to concerns the Urban Decay Study prepared for the FEIR was out of date; and

WHEREAS, a timely appeal of the Planning Commission action was filed by Ellen Berkowitz of Manatt, Phelps & Phillips on behalf of Walmart Real Estate Trust, Inc. Barbara for City Council review and consideration of the Planning Commission's October 13, 2010, action; and

WHEREAS, the applicant submitted an Update to the Urban Decay Study for the Expansion of Lompoc Walmart dated December 17, 2010 ("Update") with information updating and supporting the original report dated December 28, 2009. The Update is included in the FEIR, and hereby incorporated in all references to the FEIR. Both the original December 2009 report and the December 2010 Update were prepared by The Natelson Dale Group, Inc. and determined that the proposed project would not result in urban decay in the City; and

WHEREAS, Impact Sciences, the consultant who prepared the EIR, and the City's special counsel have independently reviewed the Update to the Urban Decay Study and concluded the methodology used in the Update is consistent with industry standards and is therefore adequate for purposes of CEQA; and

WHEREAS, at a duly noticed public hearing on January 18, 2011, the City Council considered the staff report, heard testimony from the applicant and members of the public, and received evidence.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AND DETERMINES AS FOLLOWS:

SECTION 1: Based on the FEIR, the staff report, and the testimony and other evidence received at the public hearing, the City Council upholds the appeal.

SECTION 2: After reviewing and considering the FEIR and the Findings of Fact attached hereto as Exhibit A, hearing testimony, considering the evidence presented, and due deliberation on the matters presented, the City Council hereby (a) adopts the Findings of Fact attached hereto as Exhibit A, and (b) certifies the Final Environmental Impact Report (FEIR 09-02) for the Walmart Expansion Project as complete and in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

SECTION 3: In certifying the Final Environmental Impact Report FEIR 09-02 for the Walmart Expansion Project, the City Council has independently reviewed the report and considered the information contained therein. Therefore, the City Council finds the Final Environmental Impact Report FEIR 09-02 for the Walmart Expansion Project reflects the independent judgment of the City of Lompoc.

SECTION 4: The City Council hereby adopts the Mitigation and Monitoring Program attached hereto as Exhibit B and finds the Mitigation and Monitoring Program meets the requirements of and is in compliance with Public Resources Code Section 21081.6. The City Council further finds the mitigation measures set forth in the Mitigation and Monitoring Program will mitigate all adverse environmental impacts of the proposed project to a level of less than significant and therefore no statement of overriding considerations is required.

SECTION 5: The Planning Commission is hereby directed to consider the Development Plan (DR 08-09) for the Walmart Expansion on the next available agenda.

SECTION 6: This Resolution is effective upon adoption.

The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and duly passed and adopted by the City Council of the City of Lompoc at its regular meeting on February 1, 2011 by the following electronic vote:

AYE: Councilmember(s):

NO: Councilmember(s):

John H. Linn, Mayor
City of Lompoc

ATTEST:

Stacy Alvarez, City Clerk
City of Lompoc

Attachments: [Exhibit A – Findings of Fact](#)
[Exhibit B – Mitigation and Monitoring Program](#)