

Lompoc City Council Agenda Item

CITY COUNCIL MEETING DATE: March 15, 2011

TO: Laurel M. Barcelona, City Administrator

FROM: Lucille T. Breese, AICP, Planning Manager
e-mail: l_breese@ci.lompoc.ca.us



SUBJECT: REQUEST TO SET A HEARING DATE FOR THE APPEAL OF PLANNING COMMISSION APPROVAL FOR THE WALMART EXPANSION PROJECT AT 701 WEST CENTRAL AVENUE (Planning Division File No. DR 08-09).

REQUESTED ACTION:

It is requested the Council direct staff to place the appeal of the Planning Commission approval of the Walmart Expansion Project on the April 19, 2011 agenda and notify the appellant.

BACKGROUND:

At the February 9, 2011 meeting, the Planning Commission adopted Resolution No. 683 (11) approving the Development Plan for the Walmart Expansion Project. Mr. Robert Cuthbert, on behalf of Citizens Against Walmart Expansion (CAWE) has filed a timely appeal of the Planning Commission action requesting the City Council review the decision and deny the development plan (DR 08-09).

Lompoc Municipal Code Section 1.32.010 states, in part:

"C. Upon the filing of the notice of appeal in proper form, the City Clerk shall place the matter on the Council agenda for the next regular meeting of the Council. The form of the appeal shall be reviewed and approved by the City Attorney before it is deemed filed. Except in case of emergency when the Council may determine the matter immediately, the Council shall set the matter for a hearing at the next available Council meeting, following the date of the filing of the notice of appeal with the City Clerk. The City Clerk shall cause a written notice of the hearing to be given to the appellant not less than ten days prior to such hearing, unless such notice is waived in writing by the appellant."

On March 1, 2011, staff received an e-mail from Mr. Cuthbert requesting additional time prior to City Council consideration of his appeal (attached). He based the request upon the fact that Walmart filed an appeal of a Planning Commission decision to not certify the Final Environmental Impact Report (FEIR). The Walmart appeal was filed on October 28, 2010, the request to set a date for hearing was heard by the Council on

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November 16, 2010, and the Council heard the appeal on January 18, 2011. The delay in considering the appeal was due to the fact that the new Council was seated in early December and the holiday season was not an appropriate time to hold hearings on a matter of significant interest to the community.

Mr. Cuthbert has been advised that he may request a delayed hearing in writing or verbally at the March 15, meeting.

Attachment: [March 1, 2011 e-mail](#)

Lucille T. Breese, AICP, Planning Manager

APPROVED FOR SUBMITTAL TO THE CITY ADMINISTRATOR:

Arleen T. Pelster, AICP, Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Laurel M. Barcelona, City Administrator