

RESOLUTION NO. 5717 (11)

A Resolution of The Council of the City of Lompoc, County of Santa Barbara, State of California, denying the Appeal submitted by Robert Cuthbert on behalf of the Citizens Against Walmart Expansion (CAWE), of the Planning Commission determination of February 9, 2011 adopting Resolution No. 683 (11) approving the Walmart Expansion project. (DR 08-09).

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. DR 08-09)

WHEREAS, the Planning Commission held a duly noticed public hearing on February 9, 2011 for consideration of the Development Plan (DR 08-09) 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 February 9, 2011 meeting, the Planning Commission adopted Resolution No. 683 (11) approving the proposed Walmart Expansion project on a vote of 3-1-1 with Commissioner Griffith voting no and Commissioner Hain not participating; and

WHEREAS, a timely appeal of the Planning Commission action was filed by Robert Cuthbert on behalf of Citizens Against Walmart Expansion (CAWE) for City Council review and consideration of the Planning Commission's February 9, 2011, action; and

WHEREAS, at a duly noticed public hearing on May 3, 2011, the City Council considered the staff report, heard testimony from the appellant, the applicant and members of the public, and received evidence and directed staff to return with a Resolution denying the appeal; and.

WHEREAS, on May 17, 2011, the City Council considered and adopted this Resolution.

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 denies the appeal.

SECTION 2: After reviewing and considering the appeal, the FEIR, the staff report, correspondence, hearing testimony, and the evidence presented, and due deliberation on the matters presented, the City Council finds that the proposed project, as conditioned, meets the requirements of the Lompoc Municipal Code and is consistent with all applicable policies and development standards.

- A. The site for the proposed use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity. The expansion of the building complies with the City's development standards in all respects and no variances have been requested or granted. With respect to arguments raised about parking by the appellant, the project provides more parking than required by the Code and does so in safe locations entirely on property owned by Walmart. Such parking is adequate for the proposed use.
- B. The site of the proposed use relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use. Mitigation of traffic and circulation impacts during construction is required as a condition of approval. Operational traffic and circulation impacts on the intersection of H Street and Central Avenue identified in the FEIR will be mitigated to a level of less than significant by the City's proposed improvements to the intersection. The applicant is required to pay its fair share of the cost of those improvements prior to the issuance of building permits. The fair share payment is consistent with CEQA and City practices, and by providing an amount for improvements commensurate with the project's traffic, will ensure that the streets and highways will be adequate to service the project.
- C. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted use thereof. First, the proposed project complies with the site's General Plan designation and is an expansion of a shopping center that has operated without adverse impacts on abutting and surrounding properties for many years. Second, the FEIR analyzed impacts on abutting and surrounding uses and found all impacts to be less than significant or mitigated to less than significant levels. Mitigation measures identified in the FEIR were imposed as conditions of approval on the project, and fully accounted for any potential adverse impacts on abutting properties. Unsubstantiated perceived competitive impacts to adjacent uses such as the Foods Co. store are not within the purview of the City's Development Plan approval findings, which are limited to physical impacts, and there is no substantial evidence in the record that the closure of any single store will lead to urban decay. All other impacts presented in the appeal relative to daytime and nighttime noise, traffic, police and fire services were already fully analyzed in the FEIR and do not rise to a level of significance in the context of the Development Approval findings.
- D. All conditions of approval are deemed necessary to protect the public health, safety, and general welfare. No substantial evidence to the contrary was introduced.

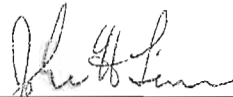
SECTION 3: The proposed project's architecture is consistent with the City's Architectural Review Guidelines and Lompoc Municipal Code section 17.104.080. Among other things, the proposed project is consistent with the City's Architectural Review Guidelines in that it will improve upon the architecture of the existing building, the new color scheme will be more consistent with the existing shopping center, and the building achieves human scale and interest. Although there are some minor departures from the style of the existing shopping center, the Architectural Guidelines do not require complete uniformity. Overall, the proposed project will be consistent with and enhance the existing design theme of the shopping center.

SECTION 4: Based upon the foregoing, the appeal is denied and DR 08-09 is approved as conditioned by the Planning Commission at its meeting of February 9, 2011.

The foregoing Resolution was proposed by Council Member Costa, seconded by Council Member Martner, and duly passed and adopted by the City Council of the City of Lompoc at its regular meeting on May 17, 2011 by the following electronic vote:

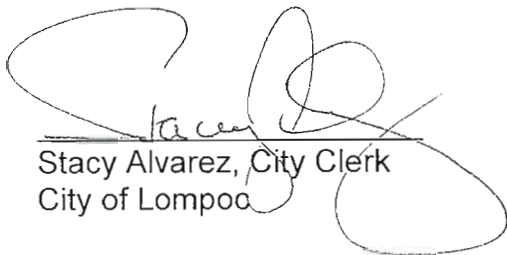
AYES: Council Member(s): Ashley Costa, Cecilia Martner, Dirk Starbuck, Bob Lingl and Mayor John Linn.

NOES: Council Member(s): None



 John H. Linn, Mayor
 City of Lompoc

ATTEST:



 Stacy Alvarez, City Clerk
 City of Lompoc

I HEREBY CERTIFY THAT THE
 foregoing instrument is a true and
 correct copy of the original on file in
 the Lompoc City Clerk's Department.
 ATTEST: 