

RESOLUTION NO. 2012-66

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ROHNERT PARK, CALIFORNIA,
SETTING ASIDE AND RESCINDING THE CITY COUNCIL'S DECISIONS ON JULY
29, 2010 TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT, ADOPT A
MITIGATION MONITORING PROGRAM AND STATEMENT OF OVERRIDING
CONSIDERATIONS, AND APPROVE A SITE PLAN, ARCHITECTURAL REVIEW,
AND SIGN PROGRAM FOR A WALMART EXPANSION LOCATED AT
4625 REDWOOD DRIVE, ROHNERT PARK, CA**

WHEREAS, PACLAND on behalf of Wal-Mart, Inc., filed Planning Application No. PL2009-02SR/EIR Site Plan and Architectural Review/Environmental Impact Report, and Planning Application No. PL2010-08SR Sign Program (collectively referred to as the "Application") to allow the expansion of the Walmart store located at 4625 Redwood Drive (APN 045-055-014) ("Project");

WHEREAS, the City retained Michael Brandman Associates, an environmental consulting firm, to prepare an environmental impact report ("EIR") pursuant to the California Environmental Quality Act ("CEQA") for the proposed Project;

WHEREAS, the City circulated a Draft EIR dated August 25, 2009 and a Final EIR dated January 7, 2010;

WHEREAS, on April 22, 2010, the Rohnert Park Planning Commission held a duly noticed public hearing on the Project's Final EIR and on the Application, and voted 4-0 to deny certification of the FEIR. The Planning Commission declined to consider resolutions approving the Application, which were contingent upon approval of the Final EIR, effectively denying the Application;

WHEREAS, on May 4, 2010, Sheppard Mullin Richter & Hampton on behalf of Wal-Mart Stores, Inc., filed an appeal of the Planning Commission's April 22, 2010 decisions;

WHEREAS, the City Council of the City of Rohnert Park held a duly noticed public hearing on July 29, 2010, to consider the appeal of the Planning Commission's April 22, 2010 decisions;

WHEREAS, on July 29, 2010, the City Council of the City of Rohnert Park voted 4-1 to grant the appeal of the Planning Commission's decision, certify the Final EIR, and approve the Application.

WHEREAS, Sierra Club and Sonoma County Conservation Action filed a petition for a writ of mandate in Sonoma County Superior Court challenging the City Council's July 29, 2010 decisions;

WHEREAS, on February 16, 2012, the Court filed its Judgment, which determined that the Court would issue a peremptory writ of mandate commanding the City to set aside its July 29, 2010 certification of the Final EIR, adoption of the Mitigation Monitoring Program and Statement of Overriding Considerations, and approval of the Application.

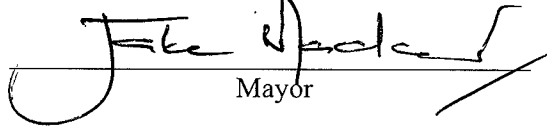
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park does hereby set aside and rescind without prejudice its July 29, 2010 decisions, adopted through Resolution No. 2010-83, to certify the Final EIR, and to approve the Mitigation Monitoring Program and Statement of Overriding Considerations.

BE IT FURTHER RESOLVED that the City Council of the City of Rohnert Park does hereby set aside and rescind without prejudice its July 29, 2010 decision, adopted through Resolution No. 2010-84 to approve the Site Plan and Architectural Review.

BE IT FURTHER RESOLVED that the City Council of the City of Rohnert Park does hereby set aside and rescind without prejudice its July 29, 2010 decision, adopted through Resolution No. 2010-85, to approve the Sign Program.

DULY AND REGULARLY ADOPTED on this 12th day of June, 2012.

CITY OF ROHNERT PARK


Mayor

ATTEST:


City Clerk

AHANOTU: AYE BELFORTE: AYE CALLINAN: AYE STAFFORD: AYE MACKENZIE: AYE

AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)