

RESOLUTION NO. 2013-049

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ROHNERT PARK, CALIFORNIA,
SETTING ASIDE AND RESCINDING THE PLANNING COMMISSION'S DECISIONS
ON JANUARY 24, 2013 TO CERTIFY THE REVISED FINAL ENVIRONMENTAL
IMPACT REPORT AND ACCOMPANYING DOCUMENTS APPROVE A SITE PLAN,
ARCHITECTURAL REVIEW, AND SIGN PROGRAM FOR A WALMART
EXPANSION LOCATED AT 4625 REDWOOD DRIVE, ROHNERT PARK, CA; AND
DENYING APPEALS OF THE PLANNING COMMISSION'S DECISIONS AS MOOT**

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 to allow the expansion of the Wal-Mart store located at 4625 Redwood Drive (APN 045-055-014) ("Project");

WHEREAS, the City Council of the City of Rohnert Park prepared and circulated a Draft Environmental Impact Report ("DEIR"), and certified a Final Environmental Impact Report ("FEIR") for the Project (SCH No. 2009052008), which was challenged in Sonoma County Superior Court and ultimately found to be sufficient in all but two respects (responses to comments on Transportation Demand Management measures and cumulative roadway noise analysis);

WHEREAS, the City prepared a Revised Final EIR ("RFEIR") for the Project that revised portions of the DEIR related to the two areas that the Court found deficient;

WHEREAS, on January 24, 2013, the Planning Commission held a duly noticed public hearing on the RFEIR and the Project's Site Plan and Architectural Review and Sign Program application (collectively referred to as the "Entitlements");

WHEREAS, on January 24, 2012, the Planning Commission certified the RFEIR, subject to related mitigation findings, findings regarding alternatives, and a Statement of Overriding Considerations with regards to significant unavoidable adverse traffic impacts and approved the Entitlements;

WHEREAS, on February 4, 2013, both the Sierra Club and the Living Wage Coalition of Sonoma County filed appeals of the Planning Commission's certification of the RFEIR and approval of the Entitlements (referred to collectively as the "Appeals");

WHEREAS, on March 4, 2013, Wal-Mart submitted a letter requesting that the City recirculate revised portions of the DEIR related to the two areas that the Court found deficient;

WHEREAS, the City Council held a duly noticed public hearing on March 25, 2013, to consider the appeals of the Planning Commission decisions regarding certification of the RFEIR and approval of the Entitlements;

WHEREAS, the City Council considered the applicant's request to recirculate revised portions of the DEIR related to the two areas that the Court found deficient and grants Applicant's request to recirculate.

NOW, THEREFORE, BE IT RESOLVED that, in light of the City Council's decision to recirculate revised portions of the DEIR, the City Council of the City of Rohnert Park does hereby set aside and rescind without prejudice:

1. the Planning Commission's January 24, 2013 decision, adopted through Planning Commission Resolution No. 2013-02, to certify the Final EIR, and to approve the Mitigation Monitoring Program and Statement of Overriding Considerations;
2. the Planning Commission's January 24, 2013 decision, adopted through Planning Commission Resolution No. 2013-03 to approve the Site Plan and Architectural Review; and
3. the Planning Commission's January 24, 2013 decision, adopted through Planning Commission Resolution No. 2013-04, to approve the Sign Program.

BE IT FURTHER RESOLVED that the City Council hereby denies the Appeals due to its decision to recirculate revised portions of the DEIR as recirculation negates the need to consider the Appeals further rendering the Appeals moot.

DULY AND REGULARLY ADOPTED on this 25th day of March, 2013.



CITY OF ROHNERT PARK

Pam Stafford
Pam Stafford, Mayor

ATTEST:

JoAnne Buergler
JoAnne Buergler, City Clerk

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