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Planning Commission says no to Wal-Mart expansion: Company to appeal denial to City Council

By HEATHER HACKING - Staff Writer

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CHICO -- The proposed expansion of Wal-Mart on Forest Avenue was shot down by the Chico Planning Commission Thursday night based on inadequacy of the environmental impact report (EIR), a decision that will be appealed by Wal-Mart to the City Council.

Commissioners voting to deny the environmental review said they had concerns about traffic, roads in the area, air pollution, public health, energy consumption, climate control and economic impacts.

Those voting to deny the project included commissioners John Merz, Susan Minasian, Jon Luvaas, Mary Brownell and Kathy Barrett. Commissioners Mark Sorensen and Dave Kelley were opposed to the motion to deny.

After the meeting, Angela Stoner, public relations manager for Wal-Mart, said the intention is to appeal the expansion proposal to the City Council.

The proposed expansion packed the City Council Chambers at two previous public hearings before the commission. Eighty people gave public comments at those meetings, with many others filing comments with the city.

With the public comment period closed, only about 40 people were in the audience for the commission's final decision.

At Thursday's meeting Commissioner Susan

Minasian made a motion early in the discussion for denial of the project's EIR, stating it was not adequate.

She said there were no assurances that traffic issues from the expansion would be dealt with.

The motion was seconded by Commissioner Mary Brownell.

Commissioner Jon Luvaas had previously submitted eight pages of concerns about the environmental review, including that air pollution would get worse.

"The General Plan has a policy of reducing air pollution by 5 percent per year," Luvaas said.

"There are a number of air quality mitigation measures that could have been adopted, but weren't," Luvaas said.

"There were a great number of ways this project could have reduced its energy use," Luvaas said, such as solar panels, but these were not "considered or evaluated for this location."

The city also has greenhouse reduction goals, he said. "Why couldn't those have been mentioned in the EIR," he said.

Luvaas also said if the Wal-Mart is expanded, existing retail would be affected.

Also voting to deny the project was Commissioner John Merz, who added that he did not believe city staff "searched enough" for remedies for traffic and air pollution.

"Let's broaden the discussion," Merz urged.

Another issue raised by Merz, was a roadway near

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Wal-Mart. At a previous meeting a representative from Oxford Suites said the expansion of Wal-Mart could further deteriorate a shared roadway, and there was no clarity as to who should pay for maintenance.

Another vote to deny the project came from Commissioner Kathy Barrett. She agreed there should have been more said about air quality in the environmental review.

There is also a difference between creating jobs in town, and creating quality jobs, Barrett said.

"Chico made a mistake 30-or something years ago when deciding to pursue regional shopping as a job development strategy," Barrett said. "I don't want to see us go down that road any further."

She also acknowledged Wal-Mart for making contributions to local organizations, but said those contributions are small compared to what Wal-Mart earns from sales.

Commission Chairman Kelley, who voted against the majority, said the City Council could have "easily passed an ordinance prohibiting big-box stores, but they didn't."

Before the vote, he suggested the commission consider approving the Wal-Mart expansion, but not to sell groceries. However, the city attorney said he couldn't do that, because that was not the proposal before the Planning Commission.

During the discussion, Commissioner Sorensen said if traffic was the reason to deny the project, any project in that part of town could be denied, including the recently expanded Costco. He also said the city's General Plan "fully anticipated" this kind of commercial use in the area.

After the vote to deny the EIR, the commission also voted 5-2 to deny a statement of overriding considerations (which would have been needed for approval of the project) and to deny changes to the parcel map.

At the beginning of the discussion of the expansion, a commissioner asked about an article in the Enterprise-Record Thursday about Jon Luvaas. In the article, an attorney for the E-R said e-mails about the Wal-Mart project sent by Luvaas Wednesday were a violation of open meeting laws.

Assistant City Attorney Roger Wilson said that in the city's view, the Brown Act was not violated.

The Wal-Mart proposal was to expand the existing 126,000 square-foot store by 82,500 square-feet to add room for more merchandise and specifically sell groceries, adding 150 jobs.

City planning staff had recommended approval stating the plans were consistent with the city's General Plan and land use policies, conformed to Architectural Review Board guidelines, and fit the city's economic strategies to create jobs and retain sales tax revenue. Traffic and air quality affected from the expansion had been deemed "significant but unavoidable."

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