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## Wal-Mart files appeal of commission rejection

By TONI SCOTT - Staff Writer

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CHICO — The fate of Wal Mart's potential expansion project is now in the hands of the Chico City Council, with the store Monday filing an appeal of the Planning Commission's recent denial of the project.

Despite city planning staff's support of the project, the commission denied the store's expansion request Aug. 20, ruling the environmental impact report was inadequate, thus halting the store's expansion.

If approved, the project would expand the existing 126,000-square-foot store on Forest Avenue by 82,500 square feet.

Wal-Mart had the option of filing an appeal of the Planning Commission's 5-2 decision within 10 days, with Monday serving as the deadline. The appeal was filed Monday afternoon.

The four-page appeal discounts the Planning Commission's claims against the EIR, citing that traffic, air quality, urban decay and climate change were shown to be adequately mitigated.

"We feel that the Planning Commission's decision was in error and continue to support city staff's recommendation for approval," stated the document, filed by Mike Neer of PacLand, a development consulting agency out of Washington.

The appeal states the store will include sustainable features, is consistent with the city land use policy, and that measures have already been put into place

to mitigate any adverse impacts on air quality.

A portion of the appeal also addresses arguments that the expansion would result in impacts to urban decay, claiming the EIR "concluded that the project would not result in significant urban decay impacts" and adding that contending information is unsubstantiated.

"The economic and blight analysis submitted by California Economic Research Associates and Dr. David Gallo are not based on substantial evidence and, in any event, result in a "battle of the experts," the document states.

With the appeal officially filed, the City Council will soon begin hearing arguments on the controversial expansion, though the exact date has yet to be determined.

City Senior Planner Zach Thomas said in an e-mail Monday the discussion could begin at the Sept. 15 City Council meeting, adding that a public notice will be issued once the date is finalized.

Planning Commission decisions have occasionally been appealed to the Chico City Council, the most recent in late 2008.

That decision — the denial of Chico Volkswagen's expansion — was unanimously overturned by the council.

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