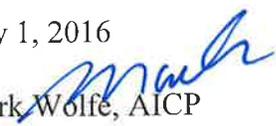




CITY OF CHICO MEMORANDUM

TO: Chair Scott and Members of the Planning Commission

DATE: July 1, 2016

FROM:  Mark Wolfe, AICP
Community Development Director

SUBJECT: Consideration of a Public Hearing to receive comments on the Draft Environmental Impact Report (EIR) for the Walmart Expansion Project at 2044 Forest Avenue

Pursuant to Municipal Code Section 1.40.570, the Planning Commission may, at its discretion, call for a public hearing to receive comments on the adequacy of a draft EIR. The referenced Code Section is excerpted below:

“1.40.570 Public Hearing(s) on the Draft EIR.

A public hearing or hearings on the adequacy of the draft EIR may be conducted at the discretion of the decision-making body, depending on the complexity and public controversy involved with the project. Hearings may be convened before the council, recommending body, or planning staff at the discretion of the decision-making body. If so requested by the council, a public hearing or hearings on the adequacy of the draft EIR may be convened before a joint meeting of the recommending body or bodies and the council. Alternately, a hearing may take place concurrently with a public hearing for the proposed project.

At a hearing, anyone may express personal views on the adequacy of the draft EIR, either orally or in writing. Comments received at the public hearing are encouraged to be submitted in written form so as to ensure their adequate transmittal in the final EIR. At the conclusion of the public hearing on the draft EIR, the final EIR and responses to written comments shall be prepared in accordance with the State Guidelines and this chapter.”

An EIR for the Walmart Expansion Project (State Clearinghouse Number 2015102017) was released for a 45-day public review period on July 17, 2016. The review period will close at 5:00 p.m. on August 1, 2016.

I recommend that the Planning Commission:

- a.) Direct that such a public hearing be conducted, and
- b.) That such hearing occur at the Commission’s July 21, 2016 meeting.

As an alternative, and as set forth by the Code, the Commission may wish to direct that the hearing be conducted by staff. While it is unclear that such hearings have historically been at the direction of the Commission, this has been past practice.

Considerations as to choosing the forum for the hearing would include:

Option 1: Hearing at Planning Commission Meeting

- Efficiency of conducting one public hearing vs. two.
- First-hand Commission receipt of verbal comments.
- Probable confusion as to purpose of hearing and an expectation for Commission action. Many will likely wish to comment on the merits of the project itself, and not on the adequacy of the EIR. This is more likely to occur in the Commission forum.

Option 2: Hearing Conducted by Staff

- Marginal cost of additional hearing.
- Probably less confusion as to purpose of the hearing, as Commission would not be present.

Once the comment period for the Draft EIR has been completed, a Final EIR will be prepared. The Final EIR will consist of the Draft EIR (along with any revisions) and responses to the comments received. The Final EIR and the project itself will then be scheduled for action by the Planning Commission. The time necessary to complete the Final EIR and prepare a staff recommendation will depend upon the number and type of comments received, and staff workload.