

## NOTICE OF PUBLIC HEARING

### RIVERWALK MARKETPLACE PROJECT PHASE II INCLUDING PARTIAL RECIRCULATED FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2008091149), APPROVAL OF THE AMENDMENT TO THE VIEJO ROBLES SPECIFIC PLAN, A CONDITIONAL USE PERMIT AND A TENTATIVE PARCEL MAP

Notice is hereby given, that a public hearing will be held by the City Council of the City of Porterville on Tuesday June 7, 2016 in the Council Chambers at City Hall, 291 North Main Street, Porterville, California, at 6:30 p.m. or as soon thereafter as the matter can be heard in order to consider approval of the Riverwalk Marketplace Phase II project, including certification of the Final EIR and approval of the amendment to the Viejo Robles Specific Plan, a Conditional Use Permit and Tentative Parcel Map. The project, located at the southeast corner of Indiana Street and Springville Drive in Porterville, would include the construction and development of approximately 202,854 square feet of primarily retail uses among five building pads, anchored by a 161,602 square feet Walmart store with all appurtenant structures and facilities. The Walmart store would offer, among other things, groceries and general retail merchandise and would operate 24 hours per day.

**Background:** A revised Draft EIR (RDEIR) was prepared for the proposed project and circulated for public review from February 22, 2011 to April 8, 2011. Thereafter, a Final EIR was prepared, and on February 7, 2012, the City Council certified the Final EIR and approved the project. Following the City Council action, the California Healthy Communities Network (CHCN) filed a lawsuit in the Tulare County Superior Court under the California Environmental Quality Act (CEQA), challenging the EIR's adequacy. Specifically, CHCN alleged deficiencies in the greenhouse gas (GHG) emissions, noise and traffic analyses contained in the 2011 RDEIR. In a judgment dated April 11, 2013, the Tulare County Superior Court denied CHCN's Petition for Writ of Mandate and upheld the City's certification of the Final EIR and the project approvals in all respects. Thereafter, CHCN filed an appeal in the California Fifth District Court of Appeal on July 3, 2013.

The issues raised on appeal were related only to the adequacy of the 2011 RDEIR's analysis of the project's GHG emissions, and did not challenge that portion of the Superior Court's ruling that found the noise and traffic analyses to be adequate. In an opinion dated September 3, 2014, the Court of Appeal found in favor of CHCN and reversed the Superior Court's decision with respect to the adequacy of the GHG emissions analysis. The Court of Appeal held that the 2011 RDEIR failed to adequately support its conclusion that GHG impacts would be less than significant. It further determined that the GHG analysis was severable from the remainder of the EIR, severance would not prejudice complete and full compliance with CEQA, and the remainder of the EIR complies with CEQA.

The Partial Recirculated Draft Environmental Impact Report (PRDEIR) was prepared as the environmental document for this project in accordance with the California Environmental Quality Act and was transmitted to the State Clearinghouse, interested agencies, groups and individuals for review and comment. Due to holidays, the review period was extended beyond 45 days from November 18, 2015 to January 8, 2016. A public meeting was held on Tuesday, December 1, 2015

at the regularly scheduled City Council meeting to provide an opportunity for the public to provide the City Council with their comments on the PRDEIR.

**Public Hearing:** Oral comments received at the December 1<sup>st</sup> meeting and written comments received during the review period were addressed in the Partial Recirculated Final Environmental Impact Report (PRFEIR), which has been transmitted to the State Clearinghouse, public agencies, and to interested agencies, groups and individuals and is available for the public to review prior to the June 7<sup>th</sup> public hearing.

Copies of the environmental documents are on file at 291 North Main Street, Porterville, California in the Community Development Department, at the Porterville Public Library at 41 West Thurman Avenue, and online at [www.ci.porterville.ca.us](http://www.ci.porterville.ca.us). This notice is given in order to provide all interested parties an opportunity to present their views with respect to the proposed project and its environmental effects. The PRFEIR addresses only GHG, as the remainder of the EIR was found to be in compliance with CEQA. Accordingly, the City requests that reviewers limit their comments to the contents of the entitlements scheduled for consideration by the City Council. Questions about the project should be directed to Jennifer Byers, City of Porterville Community Development Director, 291 N. Main Street, Porterville, CA 93257 or by email at [planning@ci.porterville.ca.us](mailto:planning@ci.porterville.ca.us). Additional information may be obtained by contacting Ms. Byers by telephone at (559) 782-7460 or at the email address listed above.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access information on the project, please contact Patrice Hildreth, Administrative Services Director, (559) 782-7441. Individuals requiring special assistance using TTY, VCO, HCO, or ASCII devices may call 1-866-660-4288. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the project information.

DATED: May 25, 2016

John D. Lollis, City Clerk