

Judge rules against Town, Wal-Mart

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YUCCA VALLEY — Saying it failed to address problems of energy use and urban decay, a judge on Thursday set aside the Yucca Valley Town Council's approval of the Wal-Mart Supercenter. While Wal-Mart's attorney, Henry Shields, admitted after the ruling the corporation has "additional work to do," he also complained the judge was "looking for California Environmental Quality Act standards that don't exist." On the other hand, the representative for the coalition of citizens that sued Yucca Valley to have its approval overturned were celebrating. "Wal-Mart handed me this on a silver platter," said John McClendon of Citizens for Responsible and Equitable Environmental Development.

After the Town Council approved the Supercenter's construction, 4-1, in June 2008, the council was sued by the national Center for Biological Diversity and the local Coalition for Environmental Integrity in Yucca Valley.

Both suits claimed the environmental impact report the Town procured ignored or misrepresented the climate change, energy use and deterioration of the surrounding community that could be blamed on the Supercenter.

Wal-Mart is paying for all legal costs of the suits.

Some findings in favor of Town

Judge Barry Plotkin, of the San Bernardino County Superior Court in Rancho Cucamonga, made a tentative ruling on the matter on April 28 stuck with his opinion on Thursday.

Siding with the plaintiffs, the judge ruled the Town must revise the environmental report's discussion of urban decay, air-quality impacts and building alternatives, taking into account the possibility the Supercenter could be built on an environmentally superior "green" design which the corporation already uses.

The judge found the report's analysis of global climate change violates CEQA and "simply ignores" a state analysis of greenhouse-gas emission targets.

Plotkin found in favor of the Town Council and Wal-Mart in several other rulings.

He struck down the plaintiffs' allegations that the council's failure to update its General Plan invalidated the adoption of Wal-Mart's specific plan.

He also said substantial evidence supports the report's findings on traffic impacts.



Wal-Mart's vision for a Yucca Valley Supercenter is illustrated in this graphic provided to the Town. The vision will be on hold while a new environmental impact report is prepared. (Illustration courtesy of Wal-Mart)

Vespa was more than pleased with the ruling. "Business-as-usual, big-box sprawl is devastating to our environment and communities," the Center for Biological Diversity senior attorney said.

"California law requires Wal-Mart to take stronger steps to live up to its promise to reduce significant environmental impacts like global warming."

So what's next?

According to Yucca Valley's attorney, Douglas Haubert, most likely plaintiffs will have to present to the judge a document specifying what they want the Town to do as remedies to their complaints.

However, added Haubert, "If Wal-Mart doesn't like the way it's worded, they'll prepare their own writ. There are a lot of moving parts to this and it's always open to appeal."

Comments? Questions? E-mail Rebecca Unger at runger@hidesertstar.com.

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