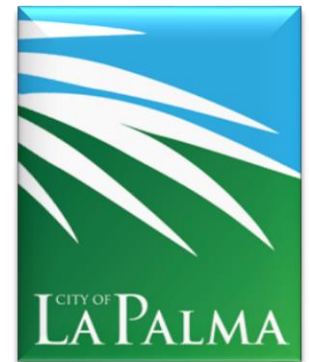

Walmart Shopping Center Code Enforcement Update

CITY COUNCIL MEETING

JANUARY 15, 2019





Background

- **Located at La Palma Avenue & Walker Street**
- **Single anchor tenant with several smaller retail stores & a fueling station**
- **Precise Plan approved 1969; developed in 1970**
- **Anchor tenants: Alpha-Beta, Ralph's, and now Walmart Neighborhood Market**



Background

2013

- **May: Walmart opens and staff received noise complaints**
- **July: Continued noise complaints led Council to establish “No Parking, Stopping, or Standing” zone between 10 pm and 7am & waive permit fees for noise reduction improvements**

2016 – Resident complaints decreased; however, one complaint led to increased patrols in alleyway



Background

April 2018

- **Received noise complaint at April 17 City Council meeting**
- **Next day, Mayor, Mayor Pro Tem, and staff met with complainant regarding noise and other nuisances**



Background

May 2018

- **Staff conducted noise study and prepared a Sound Report; findings include exterior noise levels exceeded the City's permitted levels 80% of the time**
- **Staff met with Walmart Store Manager regarding City noise ordinance and noise study findings**



Background

June 2018

- **Increased enforcement of 7:00 a.m. start time by Police Department**
- **Multi-agency meeting scheduled to work on a resolution**
- **Staff received continued complaints regarding truck traffic, noise, vibrations, and truck concerns**



Background

July 2018

- **Met with Walmart and property owner to discuss various complaints**
- **City committed to expedite permit approval process for all necessary mitigation measures**
- **Letter sent to adjacent residents informing them of progress**
- **Two confirmed reports of vandalism against delivery trucks still under investigation**



Background

August 2018

- **Staff continued to work with Walmart and property owner towards a solution**
- **Property owner agreed to work with Walmart Corporate regarding solutions and corrective actions regarding truck delivery's and loading dock activities**



Background

September 2018

- **Staff received communication from property owner that there was nothing more they would do to address noise violations**
- **Store Manager communicated that he had done everything he could do at the store level**
- **Letter sent to property owner & Walmart from City Attorney listing potential City actions if noise violations are not eliminated**



Background

October 2018

- **Received additional complaints at October 2 City Council meeting**
- **Potential signage problem led staff to order new and larger no parking/no stopping signs with clear and easy to understand language**
- **Signage installed and Police Department began strict enforcement**



Background

October 2018

- **A Final Warning and Demand to Cease Noise Violations letter was sent to Walmart and property owner**
- **Administrative citations were issued starting October 1**
- **Letter sent to adjacent residents informing them of City's actions**
- **\$15,000 in noise violation citations issued**
- **Walmart requests to meet with City**



Background

October 2018

- **Staff met with Walmart and learned that a civil engineer would be hired by Walmart to provide cost estimates for mitigation efforts**
- **Citations were suspended while Walmart continued to make good faith efforts towards a resolution**



Background

November 2018

- **Staff met with Walmart legal team & property owner regarding continued concerns on November 9**
 - **Walmart was working with a sound engineer to design a mitigation solution**
- **City Manager and City Attorney met with Walmart's Civil Engineer on November 29 to visit similar mitigation efforts in a neighboring city**
- **Additional complaints were received at the November 20 City Council meeting**



Background

December 2018/January 2019

- Walmart presented a design and conducted a sound analysis; however, analysis did not provide the mitigation that Walmart had hoped for
- Another third party noise consultant has been hired to take another look at the noise issues and all potential alternatives
- Noise consultant visited the Walmart site on January 7



Summary

- **Staff has been and will continue to be resolute in its efforts to seek solutions that will provide relief**
- **Staff will continue to work with Walmart towards finding a solution**
- **Once a solution is identified, City staff will facilitate meetings between residents and Walmart regarding the solution, expectations, and timelines.**



Recommendation

- **It is recommended that the City Council receive and file the report.**



Questions
