



MINUTES

Planning Commission Special Meeting
Chabolla Community Room, 600 Chabolla Ave., Galt, California
Thursday, March 25, 2010, 6:30 p.m.

The meeting was called to order at 6:35 p.m. by Chairperson Powers. Commissioners present: Powers, McFaddin, Davenport, Pellandini and Daley. Yates was absent.

Staff members present: Community Development Director Campion, Associate Planner Erias, City Manager Behrmann, City Engineer Cavanaugh, Senior Civil Engineer Forrest, City Attorney Rudolph, and PC Secretary Kulm.

PUBLIC COMMENTS – **None.**

INFORMATION/CONSENT CALENDAR

1. **SUBJECT:** **Minutes of the Jan. 14, 2010 meeting.**

ACTION: Davenport moved to approve the consent calendar; second by Pellandini. Motion was unanimously carried by those Commissioners present. (Powers, McFaddin, Daley, Davenport, Pellandini)

PUBLIC MEETING

1. **SUBJECT:** Walmart Project Conditional Use Permit, Final Environmental Impact Report, Compliance with the Big Box Ordinance, and appeal of the Community Development Director's Notice of Decision on Site Plan and Design Review

LOCATION: The site is located at the southeast corner of Twin Cities Road and Fermoy Way. It consists of approximately 11.26 acres on a single undeveloped parcel identified as Sacramento County Assessor's Parcel Number (APN) 148-0074-058.

Recommendation:

That the Planning Commission:

1. Adopt Resolution 2010-__ (PC) certifying the Final Environmental Impact Report and Errata Sheet, approving the Mitigation Monitoring and Reporting Program and adopting CEQA Findings and Statements of Overriding Considerations; and
2. Adopt Resolution 2010-__ (PC) approving:
 - A. Walmart Project Conditional Use Permit,
 - B. Determining compliance with the Big Box Ordinance including but not limited to Architectural Review, and
 - C. Granting the appeal of the Community Development Director's Notice of Decision, subject to conditions 1-10 as amended.

Campion briefly explained the agenda item.

Erias gave the staff report using a powerpoint presentation. Erias noted condition #24 had been amended and the revised Conditions of Approval were distributed to Commissioners. The revision to COA #24 was in response to comments from the Sacramento Air Quality District. Powers asked if commissioners had any questions at this point. No questions were asked and Chris continued his presentation.

Angie Stoner, Walmart representative, thanked the Planning Commission for hearing the project and thanked the supporters in the audience as well as city staff. She noted that Walmart is very happy to be coming to Galt and looks forward to working with the community. Ms. Stoner then introduced the other Walmart representatives in attendance: Tim Page, Project Engineer, Mike Salmon, Project Architect, and Miriam Montesinos, Project Attorney.

Tim Page, Project Engineer for Walmart, gave a brief overview of the proposed project using a powerpoint presentation. Items discussed were project location, circulation (traffic pattern, entrances & exits), truck routes, and the large pedestrian amenity on the corner of Twin Cities and Fermoy. Mr. Page explained that Walmart representatives held and attended many meetings with surrounding homeowners. A large concern of nearby residents was the pedestrian crosswalk on Fermoy Way connecting Village Drive and Young Drive. Walmart is proposing to install a lighted crosswalk to connect these two streets. Pedestrians would push a button to cross and the lights in the roadway essentially become a strobe light. Mr. Page also noted that during these meetings, another concern was related to potential noise. Therefore, to mitigate the noise, Walmart would install a 12 ft masonry wall on the boundaries to the east and south. Mr. Page explained that the original application submitted by Walmart requested a 24 hour operation; however, in response to the residents, the hours have been reduced to 5:00 a.m. to midnight, with no deliveries after 10:00 p.m. or prior to 7:00 a.m.

Mike Salmon, Walmart Project Architect, using a powerpoint presentation showed three illustrations, the clock tower area, the front of the store and the customer entrance. He noted that Walmart was the first project to work with the new City Big Box Ordinance. The Big Box Ordinance focuses a lot on architecture and Mr. Salmon noted that Walmart presented a store within those guidelines. He said that the architecture was scaled down to the customer/pedestrian level and awnings were brought down so that people could see them. Walmart added some additional light detailing and landscaping. Mr. Salmon showed slides of the color pallet, materials to be used, elevations, clock tower, etc.

Mr. Salmon also emphasized sustainable features used in the store, i.e., super high efficiency air conditioning units, central energy management system (monitored from Arkansas), signs outside, display cases are LED lit, as well as a more energy efficient lighting system which in turn generates less heat which works well in refrigerated boxes, water conservation fixtures, water heating (waste heat from refrigeration equipment is captured and used to heat water in the kitchen areas), recyclables. Walmart is currently working towards zero waste with the following goals: 100% renewable energy, to create zero waste, and to sell products sustained resources in environment. Mr. Salmon reiterated that through the neighborhood meetings, Walmart was asked to: amend the hours of operation, install higher walls, install a pedestrian lit walkway, and to install traffic mitigation to discourage neighborhood cut-thrus (pork chop), all of which were done in response to these meetings.

Commissioner Powers opened the public hearing, noting that speaker time was limited to three minutes each to address the Commission and that speakers please not reiterate something that had already been stated. Powers asked that speakers state whether they live inside or outside the city limits.

Below is a “brief” summary of each speaker’s comments:

Ruby Eidson, lives within the city limits, noted she is in favor of the project. She said Walmart has all the products she needs. Ms. Eidson said it would be nice if Walmart included handicap bars in every stall.

Dennis Grimes, lives within the city limits, expressed concerns regarding location, lowered property values, safety issues, crime, and congested traffic, especially during holiday seasons.

Kathy Grimes, lives within the city limits, not against Walmart, just location and hours of operation. She noted that the project should not be in a residential neighborhood.

Kashmir Williams, outside city limits, works at Jack in Box, thinks Walmart would bring more customers to his employer.

Pam Williams outside city limits, fully supports of Walmart, feels safe shopping at Walmart because there is always a security guard patrolling the parking lot and thinks the prices are very good. Ms. Williams stated that her established shopping habits will not change other then the fact that she will be able to purchase necessary items in town. She said Galt does not offer the resources to support population.

Danny Van Horn, right outside city limits, said that Twin Cities Road is the largest thoroughfare in Galt and all the new city growth is in that vicinity. He also noted that the land has always been zoned commercial.

Ed Weber, lives within the city limits, expressed concerns regarding the cut-through streets not being studied thoroughly. There would be an increased number of vehicles traveling through residential neighborhoods and that amount of traffic would definitely create problems.

Stella Post, lives within the city limits at Comfry Senior, expressed delight that Walmart is coming to Galt. She explained that going out of town to shop is a hardship on the elderly and Walmart is desperately needed in Galt.

Al Baldwin, lives within the city limits, spoke in favor of Walmart. Mr. Baldwin read snippets from a magazine article addressing the issue of if Walmart buries mom & pop operations. He then noted five good reasons to approve Walmart: 1) employs handicap and elderly people, 2) hours of operation permit customers to pick up emergency household items when other stores are closed, 3) allows countless manufacturers to introduce their products to many people, 4) offers lower income families the opportunity to clothe their children at affordable prices, and 5) it's a national name you can trust.

Marie Edwards, is happy Walmart is coming to Galt. Walmart will bring a lot of jobs, from the construction phase to the employees once the store is built, plus considerable revenue/taxes.

Patricia Nava, lives within the city limits at Comfrey Senior, thinks Galt desperately needs Walmart. One perk for her will be that she can use her mobility scooter to shop at the new Walmart.

Jim Connick, lives within the city limits, stated he is not against Walmart, just the location. Mr. Connick also expressed concerns regarding traffic.

William Kopper, lives in Davis and is an attorney representing Galt Citizens for Sensible Planning: Frank Oliver, Rich Vaira, Dianne Vaira, Fred Irons, Sandra Markell, Jeff Fulmer and Sherry Olympus.

Danny Van Horn, an audience member, made an inaudible comment and Gene Davenport, Planning Commission Alternate addressed Mr. Horn. Chairperson Powers reminded everyone that there may be many pros and cons surrounding this project; however, everyone needs to be respectful towards others.

Mr. Kopper said that city is legally required to make a staff report available to the public. He said he had requested a staff report earlier and one was not made available. Mr. Campion presented Mr. Kopper with a staff report. Mr. Kopper and his client's concerns revolve around the EIR. They think the EIR does not adequately address the impacts or mitigate them. The first impact and of most concern is the aesthetic impact, (12 ft. wall), Mr. Kopper stated that his clients did not attend any of the meetings where such a wall was requested. The impacts of a wall that high will impact the shade and light inside your home, it would be like living in a canyon.

Rich Vaira, lives within the city limits, presented pictures regarding traffic issues. Mr. Vaira is upset about the people in the front row, noting that they are all paid by Walmart, and that they don't live here. Mr. Vaira stated he is not against Walmart, just the location, the 12 ft. wall and the traffic impacts, more specifically the traffic issues on Fermoy.

Dianne Vaira, lives within the city limits, feels like none of her concerns were addressed. Ms. Vaira has serious concerns regarding the traffic impacts on Fermoy. She stated that the traffic analysis did not measure cars coming from Walnut Avenue and cutting thru residential streets and completely dismissed the impacts on the 1,000 people currently living behind the proposed Walmart. She asked why these things were dismissed. Ms. Vaira then noted that Raney Planning Management (EIR Consultant) should be an unbiased source; however, she discovered they are paid by Walmart.

Shelly Olympius, lives within the city limits in a 2 story home on Foxtrotter which directly backs up to the 12 ft. wall. Ms. Olympus expressed concerns about the noise especially because her bedroom is on the second floor. An additional concern is the lighting since she is already impacted by Raleys lighting. She is concerned that she will no longer be able to spend time on her covered patio due to the truck noise.

Ted Anderson, lives within the city limits, recommended that the Planning Commission approve the project. Mr. Anderson said the project would be good for the economic development of the City. He also noted that government should represent all the people within the community. Mr. Anderson explained that the property was zoned commercial long before the residential communities were built. He said Walmart has been working with the city since 2002 and has been very responsive to the City's requests and that Walmart stores are "cash cows" for cities.

Frank Oliver, lives within the city limits, expressed great concern with the workload for police services. Mr. Oliver doesn't think the DEIR and/or FEIR addressed the impacts sufficiently.

Sandra Markell, lives within the city limits on the corner of Fermoy and Young Court. Ms. Markell is not happy with the following impacts to her home: the 12 ft. wall, the pallet & recycling area, the loading dock area, the truck staging area, the exit for trucks, and the trash compactor. These noted impacts are all directly behind her house and she will be listening to them from 5:00 a.m. to midnight. Ms. Markell is also concerned that after midnight there will be power vacuums and sweepers cleaning the parking lot. Ms. Markell said that when she purchased the property she specifically questioned Mike Guttridge and Sally Guttridge about what would be built behind her house and was told that it would be doctor's offices, dentist offices possibly a Walgreens or Rite Aid. The EIR says a smaller commercial center would be better suited for this site.

Ruth Degroot, lives within the city limits, and supports Walmart.

Diane Moore, lives in Herald, and expressed concerns about the traffic, road improvements and emergency vehicles being able to get to the area. Ms. Moore wants to see the City build the improvements such as roundabouts and the street widening before the store opens. Ms. Moore thinks the Simmerhorn location is better suited for the project and noted that no biology chapter was included in EIR.

Michael Graden, lives within the city limits and thinks the City needs the tax revenue generated from Walmart, as well as the number of jobs brought to the City. He noted that the property is commercial and eventually somebody is going to build at that location. He also commented that Walmart has been cooperative with the City.

Art Stockman, lives within the city limits, not opposed to Walmart, but is definitely opposed to the location. Simmerhorn seems to be a better location for all residents in the city of Galt. The traffic studies should have been conducted during busy times, i.e., Friday afternoon, Saturday morning. Mr. Stockman is concerned about the traffic that will be turning onto Fermoy and going through the residential area.

Clayton Henke, outside of Galt, in favor of Walmart, but noted that the traffic flow is definitely challenging.

Jonathan Medina, lives within the city limits, agrees that Walmart has good products. Mr. Medina expressed concerns about the increased traffic, loss of jobs, additional crime, and loss of revenue to current businesses,

Erin Spangrud, lives outside city limits and works at Elk Grove Walmart. Ms. Spangrud wanted to offer an associates perspective about customers coming from Galt. She said customers seem irritated that they can't shop in their own city. Ms. Spangrud has worked both early morning and late night shifts and noted that noise is not an issue. She said Walmart will create a lot of jobs and does a lot for the community and various charities.

Amelia Schendell, lives within the city limits and is not opposed to Walmart, but is opposed to the location. Ms. Schendell believes in walkable communities and Walmart is too large of a store for the location. She is concerned about the jobs offered, will they be well-paying and will they have benefits? Also, will the employees be hired from Galt or will they be brought in from other areas?

Rick Salton, lives within the city limits, believes the store should be done on a smaller scale. Mr. Salton asked the Planning Commission to "plan Galt's future". Mr. Salton also expressed concern about the traffic.

Katie Large & Jordan Cox, residents of Galt, said the store should be built on Twin Cities. The exit at Simmerhorn is not built for a Walmart. Katie lived behind a Walmart in a different city and said they are very quiet at night.

Barbara Gale, lives within the city limits, noted that the Planning Commission had already approved the senior community, please think if Walmart is the right location. Ms. Gale thought the 12 ft. wall was good, but trucks exhaust pipes are 13 ½ ft tall and therefore she would be exposed to the exhaust.

Kathy Peasha, Herald resident, expressed concern about emergency vehicles getting to the site with so much traffic already on Twin Cities. Ms. Peasha thinks the location is not right.

Chairperson Powers closed the public hearing.

Davenport commented that infrastructure within the city is non-existent. Mr. Davenport said that originally the Planning Commission recommended that Walmart not be over 100,000 sq. ft. in size and maintains the same hours as Raleys. He said Walmart did not work with the city and came back with a 130,000 sq ft. and hours of operation of 5:00 a.m. to midnight. However, if the citizens of this city want a Walmart, they should have one. Mr. Davenport said his personal opinion is that Walmart doesn't care

about us as a community, Walmart cares about Walmart Corporation and will not approve the project at 130,000 sq. ft., City infrastructure cannot support it.

Daley had questions about the police protection issues. She said that in the report earlier, it was stated that the store generates 150 calls per year, and asked if anyone knows what the calls were for, i.e., shoplifting, parking lot related, indoor calls that would injure public health. Erias said the calls were not broken down, just noted as service calls. Ms Daley asked how the City could be sure that we are not going to absorb Measure R funds for police. Campion explained that the numbers in the report indicate \$497,000 for sales and property taxes and the Police Services report estimated that approximately \$38,000 would be used for polices services annually. He also noted that Walmart will generate \$230,000 in Measure R fees for polices services. Ms. Daley said that traffic concerns were mentioned over and over and it is her understanding that the project cannot be denied based on the impact to the interchange and that if the interchange becomes congested enough, it could possible get moved up on Cal Trans list. Campion explained that there are two issues. One is the interim improvements and the other is the full interchange. To bridge the gap between now and a full interchange, the roundabouts will mitigate current traffic issues. Daley touched briefly on the wall since it was also a particular concern of the community. She asked if any project developing that site would be required to build a wall. Campion said yes, staff would recommend that.

Daley said she is proud of our community and happy with how the people presented themselves. Her feelings are that this is a beautiful project. It meets all state, local, and county ordinances, and there is no basis to deny the project. She has a big concern with 60-70% of our tax dollars leaving our city. Walmart will be a major employer. She said that she understands the residents concerns because she too had a developer tell her there would be homes built across the street from her house, not a wall. Five years later, there is a wall, not homes and she is still there. She said that the residents have wonderful neighborhoods and iff anything can be done to mitigate for your neighborhood, the city will do it. Your voices have been heard.

Pellandini said he understands the traffic issues because he lives on road that is being used to bypass the traffic at Highway 99 and Twin Cities Road. However, the City needs progress and the tax revenue. Pellandini thinks the store is too big, but Galt needs the tax revenue.

McFaddin had several questions. McFaddin explained that at the last meeting when Walmart was discussed, the Planning Commission talked about changing the hours of operation and wanted the hours changed to be the same as Raleys, 6:00 a.m. to 11:00 p.m. Powers said that is what she remembered as well. Campion explained that the Conditions of Approval would need to be amended.

McFaddin also noted that she didn't recall the 12 ft. wall being discussed at prior meetings. She thinks the wall is too tall and asked if it could be lower. Luke Sax, the acoustical consultant with JC Brennan & Associates, indicated that the current noise study was based on the 12 ft wall and that the wall could possibly be lowered to 11 ft. He noted that 11 ft. would still be allowable per ordinance and should be good enough to mitigate the noise levels below the city standards; however, he would need to conduct some additional studies.

Powers stopped the meeting for a five minute break.

The meeting resumed and discussion ensued between staff, the Planning Commission and the noise consultant regarding buffer area, sound wall, and landscaping on the south wall. Campion noted that the 12 ft wall has been in the project description for quite some time. McFaddin reiterated that she doesn't like the 12 ft. wall and asked what can be done to change it. City Attorney Rudolph said they could

structure the Condition of Approval to add a sentence providing for a reduction in height if a subsequent study of a lower height meets the requirements in the noise ordinance.

McFaddin asked the police chief to come to podium and asked him if accidents in the middle of road are within his jurisdiction to enforce. Police Chief Cattolico said the Galt Police Department can enforce anywhere in the State of California, including Twin Cities Road. McFaddin asked the Chief if there had been any fatal accidents. The Chief said no, not since he's been here (2005); however, there was one very serious motorcycle accident. McFaddin asked the Chief if with all the new traffic, do you see more accidents? The Chief said there will be more traffic but has no projections as to the number of increased accidents. He anticipates that the Police Dept. will be able to get to that area in the event of an emergency.

McFaddin also asked if the lighted crosswalk should be called out in the conditions. Campion said it will be added. She then asked if we knew when the roundabouts would be built. City Engineer Cavanaugh said they are currently being designed and expect construction in summer of 2012. The Commission would like to see the roundabouts constructed prior to Walmart being built.

Powers quoted the Rolling Stones "you can't always get what you want, but sometimes you get what you need". Powers agreed with Commissioner Davenport that she wanted a smaller store. She also expressed her concern about the increased traffic and hopes the roundabouts are built soon and mitigate some of the issues. Powers also wants the hours of operation to be 6:00 a.m. to 11:00 p.m., the same as Raleys. She said the City needs the revenue. Powers also stated that she works with senior citizens everyday and knows they need something nearby to purchase necessities.

Pellandini said he would like also like same hours as Raleys, 6:00 a.m. to 11:00 p.m., and the lighted crosswalk.

Davenport said that as this project sits, he wants Walmart to consider what was said at the last meeting, the pallet area needs to be away from the wall and closer to the store and to make the exit onto Fermoy inaccessible for trucks to turn into residential area.

Daley asked for direction on proceeding with the recommendations. City Attorney Rudolph explained process.

ACTION: McFaddin moved to adopt the resolution certifying the Final Environmental Impact Report and Errata Sheet, approving the Mitigation Monitoring and Reporting Program and adopting CEQA Findings and Statements of Overriding Considerations, with the following amendment to Mitigation Measure 5.5-4(a): At the end of the first sentence, add the phrase, "unless a noise study demonstrates that a lesser height provides adequate noise mitigation in conformity with the City noise ordinance."; second by Daley. Motion was unanimously carried by a roll call vote of those Commissioners present. (McFaddin, Pellandini, Davenport, Daley, Powers)

ACTION: Powers moved to adopt the resolution approving the Walmart project Conditional Use Permit, determining compliance with the Big Box Ordinance including but not limited to Architectural Review, and granting the appeal of the Community Development Director's Notice of Decision, and approving the Site Plan and Design subject to conditions 1-10, as amended. The Conditions of Approval for the Conditional Use Permit are amended as follows: The first sentence of Condition of Approval #20 is amended to state, "The store shall be open for

business only between 6 a.m. and 11 p.m.” and the second sentence is unchanged. Condition of Approval #33 is added and provides that, “The existing pedestrian cross-walk at Fermoy Way and Young Dr. shall be improved with strobe-lighting”; second by Pellandini. Motion was carried by the following roll call vote: McFaddin – Aye, Pellandini – Aye, Davenport – No, Daley – Aye, Powers – Aye.

2. **SUBJECT:** General Plan Annual Report

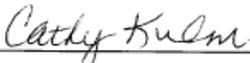
Recommendation: That the Planning Commission review the City of Galt 2030 Galt General Plan Annual Report: 2009, comment and direct staff to make any needed modifications to the report and then by motion recommend that the City Council accept said report and direct staff to submit said report to the Governor’s Office of Planning and Research and the Department of Housing and Community Development in accordance with Government Code §65400.

Campion gave an overview of the general plan annual report and the requirements for submission of the report.

ACTION: McFaddin moved to recommend that the City Council accept said report and direct staff to submit said report to the Governor’s Office of Planning and Research and the Department of Housing and Community Development in accordance with Government Code §65400; seconded by Davenport. Motion was unanimously carried by those commissioners present. (McFaddin, Pellandini, Davenport, Daley, Powers)

Meeting adjourned at 9:30 p.m.

Respectfully submitted by



Cathy Kulm, Secretary
Galt Planning Commission

Minutes approved 5-13-10.