



## **MINUTES**

**Planning Commission Regular Meeting  
Council Chambers, 380 Civic Drive, Galt, CA  
October 14, 2010, 6:30 p.m.**

The meeting was called to order at 6:32 p.m. by Vice Chairperson McFaddin. Commissioners present: Daley, Pellandini, McFaddin, and Yates. Davenport arrived a few minutes late. Chairperson Powers resigned to serve on the City Council.

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

**PUBLIC COMMENTS** – **None.**

### **INFORMATION/CONSENT CALENDAR**

1. **SUBJECT:** Minutes of the May 13, 2010 meeting.  
**ACTION:** Daley moved to approve the consent calendar; second by Pellandini. Motion was unanimously carried by those Commissioners present. (Daley, Pellandini, McFaddin, Yates, Davenport)

### **PUBLIC HEARING**

1. **SUBJECT:** RIVER OAKS 3B GENERAL PLAN AMENDMENT, NORTHEAST AREA SPECIFIC PLAN AMENDMENT, REZONE, VESTING TENTATIVE SUBDIVISION MAP AND ARCHITECTURAL REVIEW PROJECT

**RECOMMENDATION:** If the Planning Commission wishes to recommend approval of the project, the motions listed below should be adopted:

- 1) Recommend that the City Council adopt Resolution 2010-\_\_\_ approving the Initial Study, Mitigated Negative Declaration and adopting the Mitigation Monitoring and Reporting Program for the River Oaks 3B Project; and
- 2) Recommend that City Council adopt Resolution 2010-\_\_\_\_\_ approving the proposed amendment to the City's General Plan to change the land use designation from Low Density Residential to Medium Density Residential and amend the Northeast Area Specific Plan to change the land use designation from R1-B (SP) Intermediate Density – Single Family to R2 (SP) Medium Density – Single Family; and
- 3) Recommend that City Council introduce Ordinance 2010-\_\_\_ approving the proposed Rezone for the River Oaks 3 Project from Single-family Residential, Intermediate Density (R1B-PD with 8,000 square foot minimum lot size) to Residential, Medium Density (R2-PD with 5,500 sq. ft. minimum lot size) including the proposed architectural drawings for the future homes for the project. (The PD suffix stands for "Planned Development." This combining zone district requires that the developer obtain approval of the proposed floor plans and building elevations from Planning Commission/City Council); and
- 4) Approve Resolution 2010-\_\_\_PC conditionally approving the Vesting Tentative Subdivision Map for River Oaks 3B.

Erias explained that there were some modifications and additions made to the staff report and were handed out to the commission at the start of the meeting. The revisions and additions are as follows:

Rather than the 4' sidewalk and 8' bike path mentioned on page 7 of the staff report a 10' multi use path will be installed. Condition number 26 was revised to show this change. The map on the slide shows the pathway.

The City Council Ordinance was amended to include a condition requiring the applicant to pay all applicable fees at the time of building permit.

The numbering sequence in the Conditions of Approval (COA) has changed due to the added new conditions.

COA #26 requires including the PUC for consultation when making the improvements to the RR crossing on Marengo.

COA #27 includes a revision to the 10' multi-use path. It also clarifies that the path and the landscaping in Deadman's Gulch will be installed at Phase 3.

COA #38 was amended to require dedication of Lots B and C at Phase 3 rather than Phase 2.

COA #63 was added at the request of the Air District. It basically requires the installation of the energy efficiency measures as described the MND.

There were minor language changes to COA #1, which is the condition requiring payment of fees.

Erias continued with the staff report and powerpoint presentation.

Vice chairperson McFaddin opened the public hearing.

Price Walker, representative for Elliott Homes, thanked staff for working with them to get the project to the Commission. Mr. Walker noted that they had received approval from the Architectural Review Committee and held a neighborhood meeting with the surrounding home owners. Mr. Walker explained that Elliott Homes has been in the Galt area for over 20 years and built approximately 1,000 homes. He said that in 2004, the NEASP was amended to take light industrial to residential and that's when River Oaks 3 was approved. Mr. Walker commented on the state of economy and noted that Elliott Homes feels it is appropriate to build smaller, more affordable homes. Mr. Walker would like to amend COA #74 so that the Norbury crossing is deferred to Phase 4 of the project. Also, Elliott Homes would like to build at least 30 homes in Phase 3 before completion of the public improvements, excluding the Norbury crossing. He asked that the Commission consider the technical aspects rather than the emotional issues. McFaddin asked when the project would begin, Mr. Walker said the earliest would be mid 2011, but probably closer to 2012. McFaddin also asked how many of the lots are 5,500 sq. ft. Mr. Walker replied that the majority of them are 5,500 sq. ft. Davenport expressed concern with prolonging the infrastructure to later in the project. Daley asked if the lots could be sold later to another home builder. Campion explained that yes it could be sold; however, the architectural design is tied to this rezone only and another builder would either have to build the same exact homes approved or submit for another rezone. Mr. Walker said it is definitely not the intent of Elliott Homes to sell the lots. Yates expressed concern regarding the impact to the school system.

Roger Humphrey, 913 Cottrell Ct., noted that he had purchased his home with the understanding that the surrounding lots would be similar in size. He expressed a concern that the smaller homes would be purchased more for rentals rather than family homes. Mr. Humphrey also noted that with the smaller lots, recreational vehicles would be parked on the streets which in turn would impede rescue vehicles.

Kathy Barnhart, 901 Cottrell Ct., expressed concern regarding the reduced size of the homes, which could decrease her property value and the size of the home does not fit with the rest of the neighborhood. Ms. Barnhart said that when she purchased her home she was told the homes in the surrounding neighborhood would be the same size and any changes would be unethical.

Patrick O’Flaherty, 1068 Elk Hills Dr., noted that his objections include: lack of privacy in rear yard due two-story homes being built (the development was originally planned with only single story homes), homes are not that great, no benefit to citizens – only the developer. Mr. O’Flaherty also commented that many of the existing homes sold for close to a half million dollars with the understanding that the homes and lots would remain similar to what they purchased.

Brian Graham, 724 Killebrew Way, said Elliott Homes is undercutting the current property owners by producing smaller homes at lower prices.

Kathy Walker, 728 Killebrew Way, is upset that Elliott Homes is breaking their promise regarding lot size and lower prices. Ms. Walker is also concerned that with more density, comes more traffic and safety issues on the streets.

Gary Aratoli, 1071 Elk Hills Dr., expressed the same feelings as previous speakers and stated that his frustration with the builder is that they plan to use the same carpenters, plumbers, etc. especially because he is party to a construction defect lawsuit against Elliott Homes. Mr. Aratoli also does not like that Elliott Homes is proposing to delay the public improvements. Who benefits from that? What happens if the economy gets worse in the middle of the project with no improvements? Mr. Aratoli does not want the Norbury crossing.

Anabel Morris, 1023 Seaver Ct., said she purchased her home in 2007 and knew they were paying a little more for the home but agreed to it because of the promises made by Elliott Homes. Ms. Morris expressed concern about loss of property value if smaller lots and smaller homes are built around her current location.

Shannon Franklin, 1064 Elk Hills Dr., expressed concern about the completion of Norbury and the potential problems 80 additional homes would create, i.e., excess traffic and impact to the schools, police and fire.

Faith Harper, 1023 Ambrogio Way, noted she had submitted a letter to the Planning Department and it was the last page of the staff report (Attachment 3). Ms. Harper expressed concern regarding the “content of the soil and the geology affect of these homes” as noted in the Initial Study Checklist. Additional concerns are: lower prices, restrictions to potential buyers because of small homes, impact to schools and traffic congestion. There is an immediate need for a traffic signal at Carillion across from Ambrogio.

Jerry Gonzaga, 732 Killebrew Way, thanked Chris Erias for being at the meeting with Elliott Homes and the community. Mr. Gonzaga expressed concern that Elliott Homes had been working on this plan for approximately one year and didn’t inform the homeowners. Mr. Gonzaga noted that they would have liked some discussion with Elliott Homes regarding the proposed plan. Mr. Gonzaga said that when he bought his home, Elliott told them they would not de-value their homes and that they (Elliott) would do whatever they could to maintain the value. However, Elliott just sold the same model purchased by Mr.

Gonzaga for \$130,000 less. Mr. Gonzaga submitted a petition to the Commission indicating objection to the project. Mr. Gonzaga also said that he had emailed Elliott regarding the possibility of slowing the process down and meeting with the community members. He was told that they were moving forward and had already talked to two council members and one commissioner who had approved the architectural stuff. He asked the Commission to take into account that the homeowners in this area are a “community”.

Amelia Schendel, 735 Griffey Way, asked the Commission what vision they want for Galt. Does Galt want to be like Natomas & Elk Grove or do we want a different feel.

Bruce Morris, 1023 Seaver Court, expressed concerns about building smaller homes and increased traffic. Mr. Morris suggested that a lighted crosswalk or signaled intersection be installed on Carillion Blvd. and Ambrogio.

Cynthia Kozlowski, 887 Norbury Way, expressed concerns regarding the already decreased value of her home going even lower if smaller homes are built. She also discussed the dangers of the blind intersection at Elk Hills and Norbury. Ms. Kozlowski said that Elliott has done this type of thing before ~ change from one type of housing to a smaller, less expensive type of housing near Doradell. Elliott Homes had indicated that the housing approved in her neighborhood was a set design and would not change.

James Schendel, 735 Griffey Way, commented that Elliott made promises and believes that there is a lack of ethics from Elliott Homes.

Roger Humphrey, 913 Cottrell Ct., expressed concerns about the sewer and water system.

Patrick O’Flaherty, 1068 Elk Hills Dr., wanted to point out that the Commission has a fiduciary duty to the public to protect the people that have lived in the community. The Commission needs to hold the developer to the commitments and promises on paper to the homeowners.

Jerry Gonzaga, 732 Killebrew Way, explained that Elliott Homes recently closed a home purchase on the 11<sup>th</sup> (Sept. or Oct.) and it was not disclosed to the buyer that Elliott planned to build a different product than presented.

Rex Adams, resident of Galt, noted that if the current homeowners had known Elliott’s intent to finish the subdivision in smaller homes, most would not have purchased their homes. Mr. Adams also expressed a concern regarding the traffic and sewer issues that may arise.

Lorraine Graham, 724 Killebrew, explained that she paid top dollar for her home because she was assured that the neighborhood would remain as promised.

Don Walker, 728 Killebrew, moved to this neighborhood because of the promises regarding larger homes and no two story homes. Mr. Walker expressed a concern regarding the traffic issues. He also thanked the Commission for allowing the public to speak.

Cynthia Kozlowski, 887 Norbury Way, said that while she was at the podium, her boyfriend overheard the Elliott representative make the comment “they didn’t develop Grizzly Hollow” (which was mentioned earlier). Ms. Kozlowski said that Elliott did originally own that land and sold it to a low-income developer.

James Schendel, 735 Griffey Way, wanted to reiterate the potential traffic issues at the Ambrogio and Carillion intersection.

Carol Humphrey, 913 Cottrell Ct., expressed concern regarding the water pressure in the community.

Price Walker, representative for Elliott Homes, commented that the concerns raised regarding technical services (traffic, sewer, water, safety etc.) were handled by experts the City hired through the various “studies”. All the technical studies came to the conclusion that this project will not have negative impacts. Mr. Walker explained he was glad that the resident corrected the statements about Grizzly Hollow, he said it was something they were not very much a part of and not proud of. In terms of the home values, everyone has been affected. Elliott still thinks this is the right thing to do and feels bad that people have said they are unethical. Mr. Walker stated that Elliott is an ethical builder and builds good homes. Mr. Walker asked the Commission look at the merits of this project, i.e., SACOG Blueprint, in a non-emotional way but more as a technical project.

Vice chairperson McFaddin closed the public hearing.

Sherry Daley, thanked the community for coming out to speak. Ms. Daley said that the economy should not drive this project. Daley believes that the market is not just looking at smaller homes and that larger homes are also in demand. Daley also made reference to the densities approved in the General Plan and adhering to them. She also commented that the last developer who came to the Commission requesting a higher density and smaller homes was turned down.

Gene Davenport, thanked the community for coming. He explained that he lives within the community and loves Galt. Davenport acknowledged that the economy has affected everyone, but it’s not fair for Elliott Homes to come to the Commission and ask for changes to the General Plan. He went on to say that although he is not in favor of granting all the requests made by Elliott Homes, he believes they are entitled to some relief if the City can help provide that. Davenport also asked Elliott Homes how they could ask the Commission to not be emotional because they all live in the Galt community. Davenport said he is in favor of the original plan approved for Elliott and if they want to change it, they will need to come back with something that fits more within the neighborhood.

Davenport also touched on the comment made earlier by a resident indicating that Elliott had already spoke with two council members and one planning commissioner and that that were going ahead with the process. McFaddin asked for clarification. A member of the audience said that he received an email from Mr. Walker indicating that they had gone through the architectural review process. McFaddin explained that Elliott Homes did meet with the Architectural Review Committee (ARC) and only the elevations were approved. She also explained that no other decisions were made.

Marc Yates, said that promises are promises.

Jim Pellandini, said he is not in favor of smaller homes and that the homes will not be built for at least a year or two and the economy could change by then.

Leeann McFaddin noted the following: Ambrosio and Carillion intersection is ridiculous, Galt needs larger homes, businesses are not coming here because we don’t have a sustainable income, other items needing clarification include, traffic, two story homes, etc. McFaddin stated she is not willing to go forward until at the least the neighborhood has been satisfied or tries to work with the developer.

At this point there was much inaudible discussion in the audience.

Vice chairperson McFaddin re-opened the public hearing.

Don Walker said that the community is willing to work with the developer.

Jerry Gonzanga, wanted to say that he did not mean to imply there was any wrong doing by the Planning Commission, City Council or Elliott representatives.

Vice chairperson McFaddin closed the public hearing.

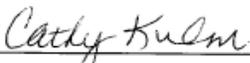
**ACTION:** Davenport moved that the Planning Commission’s recommendation to the City Council be against the approval of the Initial Study, Mitigated Negative Declaration and adopting the Mitigation Monitoring and Reporting Program for the River Oaks 3B Project; **and** recommend to the city council against the approval of the proposed amendment to the City’s General Plan to change the land use designation from Low Density Residential to Medium Density Residential and amend the Northeast Area Specific Plan to change the land use designation from R1-B (SP) Intermediate Density – Single Family to R2 (SP) Medium Density – Single Family; **and further** recommend that the City Council be against the proposed Rezone for the River Oaks 3 Project from Single-family Residential, Intermediate Density (R1B-PD with 8,000 square foot minimum lot size) to Residential, Medium Density (R2-PD with 5,500 sq. ft. minimum lot size) including the proposed architectural drawings for the future homes for the project; seconded by Yates. Motion was unanimously carried by those Commissioners present. (Daley, Pellandini, McFaddin, Yates, Davenport).

**ACTION:** Davenport moved that the Planning Commission deny approval of the Vesting Tentative Subdivision Map for River Oaks 3B on the grounds that the proposed map is not consistent with the applicable General and Specific Plans, the design or improvement of the subdivision is not consistent with the applicable General and Specific Plans, most directly, the site is not physically suitable for the proposed density of development and the site is not physically suitable for the type of development; seconded by Yates. Motion was unanimously carried by those Commissioners present. (Daley, Pellandini, McFaddin, Yates, Davenport).

**ACTION:** Davenport moved in accordance with Counsel’s two recommendations noted above; second by Yates. Motion was unanimously carried by those Commissioners present. (Daley, Pellandini, McFaddin, Yates, Davenport).

Meeting adjourned at 8:45 p.m.

Respectfully submitted by

  
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Cathy Kulm, Secretary  
Galt Planning Commission

Minutes approved Jan. 13, 2011