



AGENDA

SPECIAL PLANNING COMMISSION MEETING COUNCIL CHAMBERS, 380 CIVIC DRIVE, GALT

THURSDAY, SEPTEMBER 15, 2011, 6:30 P.M.

NOTE: Speaker Request Sheets are provided on the table inside the Council Chambers. If you wish to address the Commission during the meeting, please complete a Speaker Sheet and give to the Secretary of the Commission. A maximum of five minutes is allowed for each speaker.

NOTE: If you need disability-related modifications or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Community Development Dept., 209-366-7230, 495 Industrial Drive, at least two days prior to the meeting.

CALL MEETING TO ORDER

ROLL CALL: COMMISSIONERS: Dees, Morris, Pellandini, McFaddin, Rodriguez

PUBLIC COMMENTS: Under Government Code §54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item.

INFORMATION/CONSENT CALENDAR

(1)1. **SUBJECT:** Minutes of the June 27, 2011 meeting.

RECOMMENDATION: That the Commission approve the minutes of the June 27, 2011 meeting.

PUBLIC HEARING

(5)1. **SUBJECT:** TATTOO PARLOR CONDITIONAL USE PERMIT 545 INDUSTRIAL DRIVE, SUITE 103

RECOMMENDATION: That the Planning Commission:

1. Adopt Resolution 2011-__ (PC) approving the CEQA Notice of Exemption and approving a Conditional Use Permit for a tattoo parlor use at 545 Industrial Drive, Suite 103 (Image Tattoo Company).

(27)2. **SUBJECT:** SOFTCOM INTERNET COMMUNICATIONS, INC. MINOR USE PERMIT FOR A COMMUNICATIONS TOWER AT 545 INDUSTRIAL DRIVE, SUITE 195

RECOMMENDATION: That the Planning Commission:

1. Adopt Resolution 2011-__ (PC) approving the CEQA Notice of Exemption and approving a Minor Use Permit for construction of a communications tower at 545 Industrial Drive Suite 195 (Softcom Internet Communications, Inc.).

DEPARTMENT REPORTS – None.

ADJOURN

CATHY KULM, PLANNING COMMISSION SECRETARY: Agenda Report. The agenda for this Galt Planning Commission Meeting was posted in the following listed sites before the close of business at 5:00 p.m. on the Wednesday preceding the meeting:

1. City Hall Lobby, 380 Civic Drive
2. U. S. Post Office, 600 N. Lincoln Way
3. Marian O. Lawrence Library, 1000 Caroline Avenue



MINUTES

Planning Commission Special Meeting Council Chambers, 380 Civic Drive, Galt, California Monday, June 27, 2011, 6:30 p.m.

The meeting was called to order at 6:32 p.m. by Chairperson McFaddin. Commissioners present: Pellandini, Dees, McFaddin, Morris, and Rodriguez.

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

PUBLIC COMMENTS – None.

INFORMATION/CONSENT CALENDAR

1. **SUBJECT:** Minutes of the June 9, 2011 meeting.

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

PUBLIC HEARING

1. **SUBJECT:** **WALMART PROJECT ENVIRONMENTAL IMPACT REPORT (AS REVISED),
CONDITIONAL USE PERMIT, COMPLIANCE WITH THE BIG-BOX
ORDINANCE, AND SITE PLAN AND DESIGN REVIEW**

RECOMMENDATION: That the Planning Commission:

- 1) Adopt Resolution 2011-__ (PC) recertifying the Environmental Impact Report, as revised, approving the Mitigation Monitoring and Reporting Program, and adopting CEQA Findings and Statements of Overriding Considerations; and
- 2) Adopt Resolution 2011-__ (PC) reapproving the Walmart Project Conditional Use Permit determining compliance with the Big-Box Ordinance, and approving the site plan and design for the Walmart Project.

Erias gave the staff report, as well as a powerpoint presentation.

McFaddin opened the public hearing.

Lee Mounce, city resident, commented that he is 100% for Walmart.

Pat Nava, city resident, noted that the proposed site of Walmart is currently such an eyesore. She looks forward to riding her mobility scooter from her home on Lake Park to Walmart. Ms. Nava also said that the Walmart store will bring part-time jobs to teenagers during the school, thereby keeping them off the streets.

T.J. Hartle, city resident, spoke in favor of Walmart on her behalf, as well as the many residents of Grizzly Hollow.

William Kopper, attorney for Galt Citizens for Sensible Planning, passed out documents for the commissioners. Mr. Kopper said they do not believe the noise workup is adequate and the documents he provided explain the problems with the noise report. Mr. Kopper also noted that he had not received written notice of the meeting per Public

Resources Code Section 21092.5. One problem noted by Mr. Kopper regarding the noise mitigation measure is that it has specificity. The measure talks about types of forklifts that would be allowed, but it says the backup alarm shall be fitted with alarm bells or alarm horns in the range of 82 to 102 dBA. If they're on the upper end of the setting, like 102 dBA, the noise levels will be much higher and affect the surrounding neighbors negatively. Mr. Kopper explained that the beeping noise will be highly annoying and it's going to be extremely detrimental to the neighbors. Another thing the study didn't properly take into account is the tonal penalty for the beepers, and certainly didn't consider it for the maximum sound. Mr. Kopper requested that the commission not approve the project.

Elmer Moretto, 548 Village Drive, commented that he is against Walmart and believes the EIR does not adequately address the traffic problems for people living on Fermoy and Adare Streets and some other streets where traffic feeds into Walmart. Mr. Moretto asked that the Commission revisit the proposed location for Walmart.

McFaddin closed the public hearing.

Jonathan Hobbs, outside legal counsel for the city, explained that the EIR noise chapter has been available for at least ten days and that he had spoken with Mr. Kopper about this matter and provided him some additional information about it. Mr. Hobbs said he feels the analysis adequately addresses the concerns with respect to noise. He explained that the Superior Court directed the City to reanalyze noise and noise only, with the one exception of air quality, which staff discussed earlier. The City did what the Superior Court directed them to do and we have significant and substantial evidence on the record that indicates these forklifts will not exceed the city's noise standard. Mr. Hobbs said that the noise consultant who prepared the revised analysis is present and can answer questions. Mr. Hobbs explained that there are a number of different types of analyses and approaches that could have been taken. One would be an addendum; one would be a supplemental; one a subsequent EIR; however, we shouldn't get lost on the form over substance. The Superior Court directed the City to analyze the noise and that's what your city staff and consultants have done. Assuming this is approved by the City, we will go back to court, present the material to the Judge again and ask the Court to find it adequate.

Commissioner Morris said he would like to hear from the noise analyst.

Luke Saxelby, representative from J.C. Brennan & Associates, the noise consultants, explained to the commission that they went to two different Walmart stores and observed forklift operations during typical operations and on busy days for approximately 26 hours. Mr. Saxelby said he doesn't think there's any reason to believe that ambient noise around the forklifts would affect the output of the alarm. He said they collected a lot of data and predict that any and all busy hours that might typically occur would comply with the City standards.

Commissioner Rodriguez asked if they had done a review of the history of accidents involving the backup alarm with the equipment at the two stores where the data was collected. Mr. Saxelby said that they had not conducted any studies regarding accidents as that would fall outside their scope as it relates to overall noise levels.

Vice Chairman Dees asked if the 12-foot sound wall behind the store would be high enough to mitigate the noise. Mr. Saxelby said that after the analysis was completed and a 12-foot wall was called for to mitigate the noise.

Steve Rudolph explained staff's recommendation and suggested that each resolution be taken separately.

ACTION: Morris made a motion to approve to adopt Resolution 2011-__ (PC) recertifying the Environmental Impact Report, as revised, approving the Mitigation Monitoring and Reporting Program, and adopting CEQA Findings and Statements of Overriding Considerations; second by Pellandini. A roll call vote was taken: Dees – Yes; Pellandini – Yes; Morris – Yes; Rodriguez – Yes; McFaddin – Yes. **Motion was unanimously carried.**

ACTION: Morris made a motion to adopt Resolution 2011-__ (PC) reapproving the Walmart Project Conditional Use Permit determining compliance with the Big-Box Ordinance, and approving the site plan and design for the Walmart Project; second by Pellandini. A roll call vote was taken: Dees – Yes; Pellandini – Yes; Morris – Yes; Rodriguez – Yes; McFaddin – Yes. **Motion was unanimously carried.**

Mr. Rudolph clarified that the current time line to appeal a decision of the Planning Commission is ten calendar days from today, June 27, 2011.

Meeting adjourned at 7:05 p.m.

Respectfully submitted by,

Cathy Kulm, Planning Commission Secretary



PLANNING COMMISSION AGENDA REPORT

Meeting Date: September 15, 2011

Prepared by: Chris Erias, Senior Planner
Reviewed by: Sandra Kiriu, Principal Planner

SUBJECT TATTOO PARLOR CONDITIONAL USE PERMIT 545 INDUSTRIAL DRIVE,
SUITE 103

RECOMMENDATION

That the Planning Commission adopt Resolution 2011-__ (PC) approving the CEQA Notice of Exemption and approving a Conditional Use Permit for a tattoo parlor use at 545 Industrial Drive, Suite 103 (Image Tattoo Company).

LOCATION

The proposed tattoo parlor is located at 545 Industrial Drive, Suite 103. This property is at the southeast corner of the intersection of Pringle Avenue and Industrial Drive in Galt. The suite is located next to the Squeeze Inn Restaurant in the northwest part of the building. It is further identified as APN: 150-0041-062.

OWNER/APPLICANT Image Tattoo Company
Moses Sarinana
10400 Twin Cities Road
Galt, CA 95632
209.495.6970

ZONING: Light Manufacturing (LM)

**GENERAL PLAN
DESIGNATION:** Industrial

EXISTING USE: There are multiple uses currently onsite within the same business complex. The Squeeze Inn Restaurant, Captured Moments Photography, Wrapped Graphics, A Plus Smog, Brian's Automotive, Dugout Batting Cages, and Parker Realty.

SURROUNDING LAND USE: North: Vacant LM zoned property and a nonconforming residence zoned LM. Country Villa Mobile Home Park is northeast of the site.
South: Secured Self Storage mini storage complex zoned LM.
East: Three Palms Mobile Home Park zoned R3 (multi-family)
West: Carson's Coatings Light Manufacturing facility.

ENVIRONMENTAL STATUS

This project is exempt from the California Environmental Quality Act (CEQA) CEQA Guidelines Section 15061 (b)(3) which states that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Operation of a tattoo parlor in a light industrial zone will have no significant adverse impacts on the environment. The building is fully constructed and the streets and all utilities in the industrial park have sufficient capacity to accommodate the proposed use.

PROJECT DESCRIPTION

The applicant, Moses Sarinana, is proposing the operation of a tattoo parlor, Image Tattoo Company in the existing building at 545 Industrial Drive. Tattoo parlors are permitted in the LM zone subject to approval of a conditional use permit. The suite, number 103, is currently vacant. It is approximately 1,200 square feet, and adjacent to the Squeeze Inn Restaurant. In addition to tattoos and body piercing, the company will also sell jewelry (for body piercing) and apparel, like hats and shirts, with the company logo. Incidental sales ancillary to the main business is permitted in the LM zone as long as the sales comprise less than 25% of the floor area. The sales area for Image Tattoo will be limited to a small area around the receptionist desk.

The business plans to operate from 12:00 noon to 10:00 pm Monday through Sunday. However, the business will be permitted to operate from 9:00 am to 10:00 pm Monday through Sunday. The business will hire a fulltime manager, 4 to 6 tattoo and body piercing artists and 3 receptionists. Tattoo artists are required to be registered with the Sacramento County Health Department. The tattoo artists are certified (by Sacramento County Health Department) to perform tattoos, body piercing, and permanent makeup. The artists' certificate will be posted at the accompanying work station wall. Image Tattoo Company indicates that they will perform background checks on all artists before being hired. The project will be conditioned so that the artists certification will need to be current and on display.

Planning staff routed the application to other City Departments and local agencies for review and comment. The only response received was from the City's Chief of Police. He opposes the location of the tattoo parlor. It is his belief that it could negatively impact the Squeeze Inn Restaurant and other nearby businesses. The Chief also states that the hours of operation of the parlor are different than those of most other industrial park uses which could provide difficulties for the Police Department to patrol. The difficulty in patrolling could create conditions for an increase in crime. I have included the Chief's comments as Attachment 1 of this report. The applicant disagrees with the Chief's position and believes that the Chief is basing his opinion of people that receive tattoos on an antiquated stereotype. The applicant believes that tattoos are more common today and that many policemen have tattoos. I have included the applicant's response to the Chief's letter as Attachment 2.

REVIEW AND ANALYSIS

Zoning Consistency:

The property is in the Light Manufacturing zoning district. Per the Galt Municipal Code, tattoo parlors are allowed in the LM zoning district subject to approval of a Conditional Use Permit (CUP) by the Planning Commission. Typically, use permits are required to ensure that certain uses, because of their special nature, are suitable to specific locations and that such uses are operated in a particular manner.

There are no federal, state, or local agencies regulating tattoo use. Consequently, regulation has become the responsibility of the City. Attempts by the State of California to provide regulations on the tattoo industry have failed. In the most recent attempt, the States' previous Governor, Arnold Schwarzenegger vetoed Assembly Bill 223 that would have regulated the sanitary practices of tattoo artists. The attempted regulation focused on sanitary issues, like artists washing hands, having washable walls, and similar items. This project is conditioned so that sanitary equipment and material is used and that sanitary practices are adhered to.

Since the courts have found that tattoos are a form of self expression covered by the First Amendment of the Constitution, communities are required to allow for the use in their zoning codes, but many cities impose restrictions on them including reasonable locational criteria (e.g. distance separation from an elementary school or other sensitive land use) and operational restrictions such as specified hours of operation. The

proposed location of this tattoo parlor is an area where it is separated from sensitive land uses. There is a mobile home park nearby, but it is buffered by the layout of the building (detailed below) and conditioned so that the hours of operation would not impact the neighboring businesses and uses.

Land Use Compatibility:

The proposed Image Tattoo Company will be located in an industrial complex that has been planned and designed for relatively low intensity light industrial uses. The complex was designed to minimize potential impacts on the adjacent mobile home parks to the east and north. The 20-23 foot tall building acts as a buffer to the mobile home parks similar to the way the mini storage complex to the south backs up to the mobile home park. This building orientation also provides improved noise attenuation for the mobile home park from typical industrial park truck traffic and general activities.

The project site is also adjacent to Carson's Coatings on the west (manufacturer of foam architectural moldings and columns), a mini storage facility on the south, and vacant LM property and one nonconforming single family residence to the north.

As mentioned above, other uses in the building include Squeeze Inn Restaurant, Captured Moments Photography, Wrapped Graphics, A Plus Smog, Brian's' Automotive, Dugout Batting Cages, and Parker Realty. The addition of a tattoo/body piercing parlor seems compatible to the other uses and staff has not identified any potential conflicts that could not be addressed by conditions of approval.

Utilities:

The property is served by public water, sewer and storm drain. The applicant is moving into an existing building in a fully developed site. Capacity currently exists in the utility systems to serve this project.

Parking and Pedestrian Access:

545 Industrial Drive contains sufficient off street shared parking to serve the tattoo parlor as well as adjacent uses. The parking ratio is 1 space/488 s.f. which was deemed sufficient at the time of construction for the typical mix of tenants that are likely to go into this complex (furniture stores, appliance repair, wholesalers etc.). In addition, the complex includes sidewalks along both the Industrial Drive and Pringle Avenue frontages and at the front of each building providing excellent pedestrian access to the site. A bike lane is striped along Industrial Drive and bike parking is provided. Finally, there is on-street parking permitted along Industrial Drive if overflow parking is ever needed.

PUBLIC NOTICE

The project was advertised for public hearing in the Galt Herald on August 31, 2011 and notice was mailed to all property owners within 500 feet of the property boundary. In addition, individual notices were provided to all residents in the three mobile home parks in the vicinity (Three Palms, Country Villa, and Galt Mobile Estates).

FINDINGS:

Pursuant to Municipal Code Section 18.80.030, the Planning Commission may approve or conditionally approve an application for a Use Permit if it finds all of the following:

FINDING: The proposed use is consistent with the goals and policies of the General Plan and any applicable specific plan.

DISCUSSION: The proposed tattoo use is consistent with the General Plan.

Economic Development Element Policy ED-1.1 (page ED-2) states that the City should pursue locally-oriented commercial uses and prioritize those uses that are underserved in Galt. There are currently no tattoo parlors in the City of Galt. The majority of the clients of the Image Tattoo Company will most likely be local.

Land Use Element Policy LU-8.3 (p. LU-20) states that the City should seek new industries that have minimal adverse environmental effects, create local jobs, and broaden the City's revenue base. The proposed Image Tattoo Company will have a minimal impact on the environment as it is moving into an existing building and is proposing no new construction. In addition, the operation of the tattoo business will not generate impacts on the environment. The business plans to hire approximately 10 employees and the incidental sales will provide sales tax benefits to the City.

Public Facilities and Services Element Policy PFS-1.2 (p. PFS-2) requires the City to direct urban development to avoid scattered major new construction activity to minimize the cost of providing new public facilities. This site is an infill site virtually in the middle of the industrial park.

FINDING: The proposed use is consistent with the purpose of the applicable zoning district or districts.

DISCUSSION: The City of Galt's Zoning Ordinance stated purpose for the Light Manufacturing (LM) district is to provide a working environment for industrial uses likely to have limited impacts on neighboring uses. It is designed to promote the development of uses such as auto service centers, research and development parks, construction industries, incidental wholesale and retail activity, outdoor storage, and assembly/light manufacturing uses. A tattoo parlor will have limited impacts on neighboring uses and include incidental retail activity. Consequently, the proposed use is consistent with the purpose of the applicable zoning district or districts.

FINDING: The proposed use is listed as a use subject to a use permit in the applicable zoning district or districts or a determination of similar use has been made in accordance with the procedures set forth in Chapter 18.72 of this title.

DISCUSSION: This site is located within the LM zoning district and requires a Conditional Use Permit pursuant to Zoning Code Table 18.16-1, "Tattoo parlor". The applicant has complied with all application requirements and the matter has been scheduled for public hearing in accordance with Chapters 18.80 and 18.52 of the Galt Municipal Code.

FINDING: The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City and the State of California;

DISCUSSION: The applicant has submitted an application for a use permit in accordance with the City's procedures set forth in Subsections 18.52.050 A 1 (c), Review by the Planning Commission, and 18.52.070, Public Hearings and Notices. The Conditional Use Permit applies to the tattoo parlor use within the constructed light industrial building. Proposed tenant improvements to operate the tattoo business will be reviewed for consistency with all applicable laws, ordinances, and regulations of the City and the State of California. In addition, the tattoo artists are required to obtain licenses from the Sacramento County Health Department. The use permit will be conditioned so that the artists must maintain and display their license certificates. It will also be conditioned so that sterilization and proper waste disposal practices are adhered to.

FINDING: The proposed use will not be materially detrimental to the health, safety, or welfare of the public

or to property and residents in the vicinity.

DISCUSSION: The proposed tattoo parlor will not be detrimental to the health, safety, or welfare of the public or to property and residents in the vicinity. A tattoo parlor does not involve substantial truck traffic, hazardous materials, excessive noise, or vibration which can otherwise be found in industrial areas. As with any nail or permanent makeup salon, the tattoo and body piercing operation could expose workers and clients to blood borne pathogens known to be harmful. However, the company plans on using new sterilized needles and ink for each client. The applicant has provided documentation of the supplies and equipment used for the sterilization process. In addition, tattoo artists wear protective gloves and surgical masks when tattooing or body piercing. Used equipment such as needles, gloves, and paper products that have come in contact with blood will be discarded in approved containers and disposed via authorized disposal methods. Image Tattoo Company has already contracted with Stericycle, a recognized medical waste disposal firm, to discard waste associated with blood borne pathogens. The project will be conditioned ensuring these practices are maintained.

Another condition placed on the business will be limiting the onsite art to material suitable for all members of the public. Art depicting nudity, violence and other inappropriate scenes will not be permitted if visible to the public. In addition, customers receiving tattoos or body piercing on parts of the body that are generally viewed as private will not be permitted in view of the general public.

FINDING: The proposed use is suitable for the site and is compatible with neighboring uses.

DISCUSSION: A tattoo parlor is compatible with neighboring uses and is suitable for this site as discussed in the Land Use Compatibility section above.

ATTACHMENTS

Resolution 2011-__(PC)

Exhibit A – Site Plan

Exhibit B – Conditional Use Permit Conditions

Attachment 1 – Chief of Police comments to the proposed use

Attachment 2 – Applicant’s response to Police Chief Comments

RESOLUTION NO. 2011 __ (PC)

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF GALT, CALIFORNIA,
ADOPTING A NOTICE OF EXEMPTION IN COMPLIANCE WITH
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AND MAKING FINDINGS FOR APPROVAL OF
A CONDITIONAL USE PERMIT TO OPERATE A TATTOO PARLOR
AT 545 INDUSTRIAL DRIVE, SUITE 103**

WHEREAS, Moses Sarinana, the applicant, has requested a Conditional Use Permit (CUP) to operate a tattoo parlor in the Light Manufacturing (LM) zoning district at 545 Industrial Drive, Suite 103 (Exhibit A) located in the City of Galt; and

WHEREAS, a tattoo parlor is a conditionally permitted use in the Light Manufacturing (LM) zoning district; and

WHEREAS, a CEQA Notice of Exemption Section 15061 (b)(2) has been prepared for the project which states that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Operation of a tattoo parlor in the light industrial zone will have no significant adverse impacts on the environment. There is no new construction associated with the CUP, other than interior tenant improvements, and the streets and all utilities in the industrial park have sufficient capacity to accommodate the proposed tattoo parlor use; and

WHEREAS, the Planning Commission of the City of Galt held a duly noticed public hearing on September 15, 2011 to consider the Notice of Exemption and the Conditional Use Permit application; and

WHEREAS, the Planning Commission, using their independent judgment, reviewed the Notice of Exemption and the Conditional Use Permit and all evidence in the record related to the proposed project including the staff report, public testimony, and all evidence presented both orally and in writing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Planning Commission of the City of Galt, California that the Notice of Exemption is approved and that the Planning Commission further approves the Conditional Use Permit for a tattoo parlor at 545 Industrial Drive, Suite 103, subject to the conditions of approval set forth in Exhibit B, by making the following findings:

A. The Planning Commission, at the public hearing on September 15, 2011, reviewed the Notice of Exemption and the Conditional Use Permit application and all evidence in the record related to the proposed project including the staff report, public testimony, and all evidence presented both orally and in writing.

B. The Planning Commission finds that the project is consistent with the goals and policies of the General Plan.

C. The Planning Commission has determined that the project is consistent with the purpose of the Light Manufacturing zoning district.

D. The Planning Commission has determined that the project is listed as a use subject to a conditional use permit in the Light Manufacturing zoning district.

E. The Planning Commission has determined that the project will not be materially detrimental to the health, safety, or welfare of the public or to property and residents in the vicinity.

F. The Planning Commission has determined that the project is suitable for the site and is compatible with neighboring uses.

G. The Planning Commission has determined that the project meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City and the State of California.

H. The Galt City Clerk, 380 Civic Drive, Galt, CA 95632 is the custodian of the documents and material that constitutes the record of proceedings upon which the decision is based.

The Planning Commission Secretary shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the Planning Commission of the City of Galt, California, this 15th day of September 2011, upon motion by Commissioner _____, seconded by Commissioner _____, by the following vote, to wit:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:

Planning Commission Chair, City of Galt

ATTEST:

Planning Commission Secretary, City of Galt

Tattoo Parlor Conditional Use Permit
For 545 Industrial Drive, Suite 103 (Image Tattoo Company) (13 conditions)

Exhibit B

1. Approval of this Conditional Use Permit is for the operation of an approximate 1,200 square foot tattoo parlor at 545 Industrial Drive, Suite 103. In addition to tattooing, body piercing and permanent cosmetics shall be permitted. Definitions of tattooing, body piercing and permanent cosmetics shall be as set forth in Health and Safety Code Section 119300 et. Seq..
2. Hours of operation shall not exceed 9 a.m. to 10 p.m. daily. Retail sales are limited to 25% of the building area.
3. Signage for the site shall be in compliance with the City of Galt sign regulations and the Master Sign Plan for the Galt Industrial Center and approved by the Community Development Department. At least 50% of window area shall provide unrestricted visibility into the parlor for security purposes.
4. Lighting for the site shall be as approved for the Galt Industrial Center Site Plan Review. No modifications shall be made unless specifically approved by the Galt Planning Department to ensure that the lighting will not cause glare or spillover onto adjacent properties or contribute to unnecessary night lighting
5. The owner shall comply with all applicable state and local laws, rules, ordinances and regulations during the construction and operation of the facility, including but not limited to California Health and Safety Code 119300 et. Seq..
6. The Conditional Use Permit (including these conditions) runs with the land and is transferable and binding on all successors in interest. If the use ceases to operate for one year the CUP is deemed null and void.
7. Art depicting sexual (visual representations of sexual intercourse, fellatio, cunnilingus, bestiality, sodomy, sadomasochism, and other sexual conduct) and violence (graphic and realistic-looking depictions of physical conflict involving extreme and/or realistic blood, gore, and depictions of human injury and death) will not be permitted to be displayed on walls, windows, or any other area if visible to the public from outside the establishment or within the interior lobby or hallway accessible to minors.
8. Customers receiving tattoos or body piercing on parts of the body that are generally viewed as private will not be permitted in view of the general public and the tattoo work must be completed in a private room, booth or other similar manner so that it cannot be viewed by other patrons or others visiting the shop.
9. Staff are required to report infections or complications or diseases resulting from tattooing, body piercing, permanent cosmetics within 24 hours to the Sacramento County Health Department.
10. A sign referring people with public health concerns with the operation of the tattoo business to the Sacramento County Health Department must be posted. Restroom signs reminding staff to wash their hands must be posted.
11. Every Body Art Technician will be required to obtain and post at their workplace a current Sacramento County Health Department license.
12. The use for which this use permit has been granted (tattoo parlor of approximately 1,200 s.f.) must commence and be diligently pursued within one (1) year of the approval of the use permit. If the development has not commenced or been diligently pursued to completion within one (1) year, the approval shall automatically expire. Prior to the expiration of the permit, the applicant may apply for a single one (1) year extension.
13. The Conditional Use Permit granted herein may be revoked or modified by the decision-making authority at a duly noticed public hearing for noncompliance with the conditions of approval or any cause cited in Chapter 18.52 of the Galt Municipal Code including, but not limited to, violation of any statute, ordinance, law or regulation or exercising the use so as to be detrimental to the public health or safety or constituting a nuisance.



CITY OF GALT POLICE DEPARTMENT

DATE: August 3, 2011

TO: Chris Erias, Associate Planner

FROM: William V. Bowen, Chief of Police

SUBJECT: **Proposed Tattoo Parlor - 545 Industrial Drive**

From professional experience, I don't believe 545 Industrial is the best location for a Tattoo/Body Piercing Studio. The "Squeeze In" is a very popular family destination for locals and out-of-towners. Their restaurant business will be sharing a common wall with the proposed tattoo/body piercing business and their customers will be encountering one another on a daily basis. Ultimately, there may be some loss of business to The Squeeze In and the other nearby business, Parker Real Estate. While it may only be a perceptual matter, many people feel uncomfortable with the individuals who frequent tattoo and body piercing businesses. Finally, from a crime prevention standpoint, tattoo and body piercing establishments frequently have night and weekend hours which is not the normal operating situation in the industrial area. An influx of customer traffic to the area may encourage crimes of opportunity with the closed businesses that would be operating on regular or standard work day.

Lt. Vizzusi provided the following news reports about tattoo parlors:

<http://oilale.bakersfieldnow.com/content/man-dies-after-tattoo-parlor-stabbing>

<http://mobile.dailypress.com/p.p?a=rp&m=b&postId=509585&curAbsIndex=6&resultsUrl=DID%3D1%26DFCL%3D1000%26DSB%3Drank%2523desc%26DBFQ%3DUserld%253A49%26DL.w%3D%26DL.d%3D10%26DQ%3Dsectionld%253A6150%26DPS%3D0%26DPL%3D10>

http://www.nctimes.com/news/local/menifee/article_3a7aab7a-8d95-585e-a0c6-8fd97b50a85e.html

http://laist.com/2010/11/16/los_alamitos_wants_to_keep_tattoo_s.php

9/2/2011

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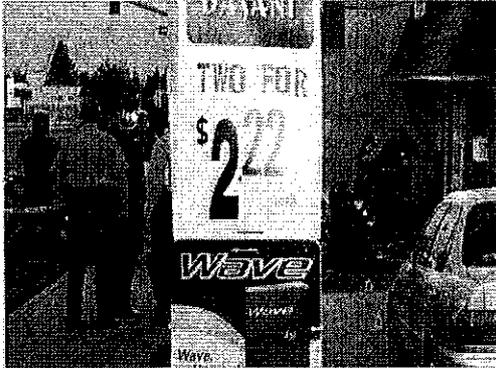
Man dies after tattoo parlor stabbing

Submitted by *Sabrina Rodriguez*, Eyewitness News Reporter
Sunday, May 30th, 2010, 10:56pm

Topics: [Crime](#), [News](#)

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Print E-mail



The Kern County Sheriff's Office is investigating a deadly stabbing at an Oildale tattoo parlor.

Deputies said they got a call around 4:00 Sunday afternoon about some sort of fight at Pirate Tattoo, which is on the 1900 block of North Chester Avenue.

When deputies showed up, everyone involved had left. However, about an hour later, they got a call from Kern Medical Center saying they had two men who had been stabbed there.

One of those men died, the other is still in the hospital.

There are no suspects at this time.

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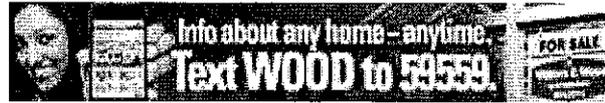


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Newport News council votes "no" on tattoo parlors

Tue Jul 5 2011 3:27 PM

This is from my Sunday column. Apparently there's a lot of tattoo parlors in Hampton, presumably because it's so difficult to open one in Newport News. Well, Hampton is known for its pirates. **Tattoo parlors have a hard time before City Council** By Joe Lawlor jlawlor@dailypress.com | 247-7874 Getting a tattoo in Newport News is almost taboo. Without much discussion, the City Council voted 4-3 last week against a conditional use permit that would have allowed the opening of a new tattoo parlor on upper Warwick Boulevard. The Council did allow one tattoo parlor on Jefferson Avenue, near Deer Park, earlier this year. So far, it's the only tattoo parlor to successfully open in the city. A proposal last year to tweak the zoning rules would have allowed a tattoo parlor at Patrick Henry Mall, but the Council voted against it. Councilwoman Sharon Scott was one of four "no" votes Tuesday, including Mayor McKinley Price, Vice Mayor Madeline McMillan, and Councilman Bert Bateman. Council members Tina Vick, Pat Woodbury and Joe Whitaker voted "yes." Scott said she couldn't discuss the reasons for her vote, but she did say it was a zoning issue and she has nothing against tattoos. "I think (getting a tattoo) is a personal choice," Scott said. Vick believes some of her fellow Council members still have a negative impression of tattoos, but said she voted "yes" because she doesn't want to hinder someone from opening a business. I guess I wonder what the big deal is. Tattoos have become ever more mainstream, especially since the 1990s. The industry is heavily regulated. Location, location Perhaps the location is part of the reason for the tattoo denial. The proposed Blue Horseshoe Tattoo would have been located next to The Junction Cafe, a gentleman's club on Warwick Boulevard. The city's police department objected to the tattoo parlor because of the "high crime" in that area, and concerns that the tattoo parlor would further exacerbate crime problems. The city's planning department, planning commission, and City Manager Neil Morgan were in favor of the tattoo parlor. Planning director Sheila McAllister said an unofficial count of gentleman's clubs in the city pegs the number at five, versus only one tattoo parlor. So that begs the question. Is it far easier to open an adult dance club in Newport News than a tattoo parlor? Not quite. McAllister said that under current zoning laws it would be more difficult to open an adult dance club than in the past. However, the gentleman's clubs that exist now were operating before the zoning changes in the mid-1990s, so they're grandfathered in. Award for mayor Mayor Price picked up another award recently, the "Thomas Nelson Medallion" from Thomas Nelson Community College. The award recognizes those who represent the "spirit and highest ideals of Thomas Nelson," former Virginia governor, soldier and business leader. Price said the community college is an integral part of the city and he is "truly humbled" by the award. Joe Lawlor can be reached at jlawlor@dailypress.com or at 247-7874. Read the Inside Newport News blog at www.dailypress.com/insidenn.

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 Mike Ferguson, owner of 1st Amendment Tattoo in Temecula and Murrieta, said that regulations of tattoo business don't have to be a bad thing — if they're crafted correctly. (Photo by Andrew Foulk - for The Californian)

MENIFEE -- A debate about whether to allow tattoo parlors in Menifee begins Tuesday night, as the City Council is slated to vote on a temporary urgency ordinance that would temporarily ban new parlors from setting up shop.

If approved, the moratorium would remain in effect while city leaders investigate tattoo parlors, including whether they attract crime, what parts of the city they should be allowed to open in, health concerns associated with them, and whether they're the type of business city leaders want to allow in Menifee.

"It's a topic of discussion and concern," City Attorney Elizabeth Martyn said Monday.

While Temecula, Murrieta and Lake Elsinore allow tattoo parlors, several Southern California cities have banned them, citing safety, health and image concerns.

Other cities have allowed them to operate under very strict regulations.

Several court battles have been waged during the last decade regarding the constitutionality of barring tattoo parlors, citing issues of free speech and restrictive regulations.

"The issue is evolving," Martyn said, adding that city officials need to study legal precedent before developing a policy.

"What's the line between the message (tattoo) and the conduct (tattooing)" she said. "People who want to have the businesses argue they are protected by the First Amendment. People who don't argue this is a use, this is a conduct, and we can prohibit the conduct. We need to take the time and make sure we get this right."

In studying the issue, Menifee city leaders will look at other cities' tattoo ordinances and find out how they have prevailed in court when challenged, she said.

Martyn said she is not aware of any tattoo businesses operating in Menifee, nor has the city fielded a request recently. The ordinance, if approved, would not force any existing businesses to shut down. She said established businesses would be affected by whatever final regulations the council approves, however.

City leaders hope to have a recommendation to the council by July 1 on whether to permanently ban -- or just regulate -- tattoo parlors in Menifee, she said.

Mike Ferguson, owner of 1st Amendment Tattoo in Temecula and Murrieta, said that regulations of tattoo business don't have to be a bad thing -- if they're crafted correctly.

He said he has watched as more and more tattoo parlors open in Temecula and he noted that sometimes tattooists work out of stores that sell various pipes and adult videos.

He said cities should not allow tattooing in smoke shops, saying it's not professional and possibly unsafe.

As for zoning regulations, he said a tattoo shop is generally not allowed to open right next to a school, and that's understandable. However, he added, sometimes city officials get overzealous with restrictions.

Two California cities, Hermosa Beach and Watsonville, were the target of legal challenges to ordinances regulating tattoo parlors in recent years.

While the cities did not ban them outright, lawsuits contended the regulations were too strict, making it impossible to open a tattoo parlor, news reports state. Free speech violations also were cited in the lawsuits.

In Watsonville, the council eventually modified its ordinance, paving the way for a tattoo parlor to open in October, according to news reports. In the Hermosa Beach case, a U.S. District Court judge in October sided with city officials, stating that the regulations do not infringe on First Amendment rights, reports state.

In general, city officials that have barred or severely restricted tattoo shops have cited health and safety concerns.

The interim urgency ordinance before the Menifee council cites a state law that allows cities to temporarily ban certain businesses "to protect the public safety, health and welfare" of a city. A city staff report cites the act of "tattooing, body piercing, branding and scarification" as a possible health concern.

The ordinance would not apply to doctors and veterinarians, or routine ear piercing.

According to the Mayo Clinic, possible complications from getting a tattoo include contracting a

blood-borne disease, allergic reactions and skin infections. However, the clinic's Web site notes that "given the popularity of tattoos, complications are relatively uncommon."

As for safety concerns, Martyn said she didn't have enough information to determine whether tattoo parlors invited crime.

Ferguson said the notion that legitimate tattoo parlors attract a nefarious sort is ridiculous. He said he has a wide range of clients, including those in the military and retirees.

"There is more crime involved with a bar or liquor store than ever a tattoo establishment," he said.

Which way the Menifee City Council might lean remains unclear. At least two council members, Fred Twyman and Scott Mann, said Monday that they had yet to form an opinion on the issue.

But at least one council member, John Denver, said he is inclined to support allowing tattoo parlors in the city.

"I have no problem with tattoo parlors," he said. "If the police came in and said there was some relation to drugs and gangs, I would have another opinion. But to my knowledge, they are just another business."

The City Council meeting begins at 7 p.m. at 28701 La Piedra Road.

This proposal will be the second urgency ordinance put before the council this month. On Feb. 3, council members unanimously approved a temporary moratorium on hookah lounges in Menifee while the council crafts the regulations that they and other tobacco stores would be governed by.

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Posted in Menifee on *Monday, February 16, 2009 12:00 am* Updated: 12:34 pm. | Tags: T.tattooemergency.0217, Cal, News, Local, Menifee, Z.google.menifee, Z.google.local

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**CITY OF GALT POLICE DEPARTMENT
CITY OF GALT PLANNING COMMISSION
PROPOSE BUSINESS IMAGE TATTOO COMPANY-GALT 545
INDUSTRIAL DRIVE. STE 103**

Re: Opposing Business Location

Dear Chief Bowen,

I commend you on your concerns and opposition to my proposed business in the City of Galt. As a long standing residence, business owner and public servant for over 28 years it is my responsibility both as a citizen and sworn public servant to uphold the law.

Safety for the public and my employees remain on top of everything I do. Perhaps if I give you more information on my proposed business plan and me in details you may have a different outlook on me and my business.

I have been a business owner since 1992 where I opened my first demographic studio (Tattoo studio) in the City of Moreno Valley during which time I was also a volunteer for the Riverside Sheriff Department and Moreno Valley Police Department which I bring up since part of my duties was crimes of opportunity. In 1995 I opened up two more studios, a second in Moreno Valley and 3rd in Riverside City (University Avenue). During which time I worked for the Moreno Valley Fire Department, for over 15 years. My primary customers were and will be public servants (Police & Fire) as you are well aware of the two academies adjacent to Galt, CDC and Cal-Fire.

TATTOO CUSTOMERS:

Chief, your concerns with the type of customers that will frequent the studio has me a little concerned. Your perception of catering to less attractive public may just be a myth. I am not sure if the City of Galt has adopted a "No Loitering Ordinance" but my company does have one, and I intend to enforce this rule to its full capacity. Please be advised, that customers do tend to wait around since preparing a custom tattoo takes time.

In respect to your experience as a Law Enforcement Officer, I do have experience as an established business owner in the Tattoo Industry, specifically the undesirable criminals and tattoos. Criminals receive their tattoos in prison or in someone's backyard, as well as other gang members. My company policy prohibits any gang tattoos as a standing order, all my employees will follow this rule, if they want to stay employed.

SURROUNDING BUSINESS:

Chief, as much as I despise criminal activity, you nor I have any control over people's thoughts or actions. I would like nothing better than to get along with other business owners adjacent and abroad

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to perhaps start a business crime watch group. I know from being a Captain for my neighbor watch in Moreno Valley, that signs announcing a crime watched area detours criminals.

You mentioned Squeeze-In and Terry Parker Real Estate which the owners of Squeeze-in has extended nothing more the welcomes to my business, as a matter of fact I happen to know their family as my grandson attends the same school. As for Terry Parker she is my landlord and she is well aware of all my business plans and service. In the upcoming week I plan to start a petition with my surrounding business. Please be advised letters have already been sent through the Cities planning department about my proposal, which I have not received any oppositions from other business owners.

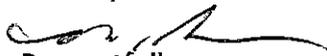
LT. VIZZUSI FINDINGS:

Chief with every negative there is a positive allow me to disclose information I found in favor of Tattoo business. I am sure the good Lt. can find more negative as I can find more positive but this point is mute since my business is not even open, so how can one make a statement as to what's going to happen?

Chief, enclosing I want you and everyone involved to be reinsured I am a law obeying citizens and an equal opportunity employer and take your concerns very serious. You and I have a common goal, that is our citizens, businesses, and safety for all.

Please DO NOT hesitate to call or email me with any further concerns or questions.

Thank you!



Respectfully;
Moses M. Sarinana
(209) 495-6970

CITED BELOW TATTOO STUDIOS:

Homepage > SACRAMENTO NEWS

Tattoo Event Benefits Children's Hospital

Event Has Raised \$110K Over Past Decade

POSTED: 2:29 pm PST February 19, 2011
UPDATED: 4:38 pm PST February 19, 2011

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ROSEVILLE, Calif. -- Volunteers spent Saturday helping people get inked and pierced in a benefit for the University of California Davis Children's Hospital.

The tenth annual Tattoo-a-thon was scheduled to continue until midnight at Wild Bill's Tattoo on 205 Vernon St. in Roseville.

Organizers said all of the money raised in the event would be donated to the hospital.

Last year's event raised \$15,000 from tattoos and piercings. Over the 10 years of the event, organizers have raised \$110,000.

The hospital said it plans to name part of the new unit at the hospital after the tattoo shop.

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Read more: <http://www.kcra.com/news/26927162/detail.html#ixzz1U5uXjkCY>

Sacramento County backs off on tattoo ordinance

Roseville : CA : USA | May 05, 2010

Source: Sacramento Bee

0 0

Views: 14

More than a dozen artists who spoke at the meeting Tuesday said the real problem is back-alley "scratchers" who tattoo out of homes and advertise on Craigslist. The ordinance, proposed by the county's Environmental Management Division, was mostly designed to enforce cleanliness standards in storefront...

THE CHANGING CULTURAL STATUS OF THE TATTOO ARTS IN AMERICA As Documented in Mainstream U.S. Reference Works, Newspapers and Magazines

By Hoag Levins

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America's core cultural reference books, professional journals, newspapers and

magazines recognize tattooing as a well-established art form that, over the last three decades, has undergone dramatic changes. In the 1970s, artists trained in traditional fine art disciplines began to embrace tattooing and brought with them entirely new sorts of sophisticated imagery and technique. Advances in electric needle machines and pigments provided them with new ranges of color, delicacy of detail and aesthetic possibilities. The physical nature of many local tattooing establishments also changed as increasing numbers of operators adopted equipment and procedures resembling those of medical clinics -- particularly in areas where tattooing is regulated by government health agencies.

The cultural status of tattooing has steadily evolved from that of an anti-social activity in the 1960s to that of a trendy fashion statement in the 1990s. First adopted and flaunted by influential rock stars like the Rolling Stones in the early 1970s, tattooing had, by the late 1980s, become accepted by ever broader segments of mainstream society. Today, tattoos are routinely seen on rock stars, professional sports figures, ice skating champions, fashion models, movie stars and other public figures who play a significant role in setting the culture's contemporary mores and behavior patterns.

During the last fifteen years, two distinct classes of tattoo business have emerged. The first is the "tattoo parlor" that glories in a sense of urban outlaw culture; advertises itself with garish exterior signage; offers "pictures-off-the-wall" assembly-line service; and often operates with less than optimum sanitary procedures.

The second is the "tattoo art studio" that most frequently features custom, fine art design; the ambiance of an upscale beauty salon; marketing campaigns aimed at middle- and upper middle-class professionals; and "by-appointment" services only. Today's fine art tattoo studio draws the same kind of clientele as a custom jewelry store, fashion boutique, or high-end antique shop.

The market demographics for tattoo services are now skewed heavily toward mainstream customers. Tattooing today is the sixth-fastest-growing retail business in the United States. The single fastest growing demographic group seeking tattoo services is, to the surprise of many, middle-class suburban women.

Tattooing is recognized by government agencies as both an art form and a profession and tattoo-related art work is the subject of museum, gallery and educational institution art shows across the United States.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: September 15, 2011

Prepared by: Chris Erias, Senior Planner
Reviewed by: Sandra Kiriu, Principal Planner

SUBJECT SOFTCOM INTERNET COMMUNICATIONS, INC. MINOR USE PERMIT FOR A COMMUNICATIONS TOWER AT 545 INDUSTRIAL DRIVE, SUITE 195

RECOMMENDATION

That the Planning Commission adopt Resolution 2011-__ (PC) approving the CEQA Notice of Exemption and approving a Minor Use Permit for construction of a communications tower at 545 Industrial Drive Suite 195 (Softcom Internet Communications, Inc.).

LOCATION

The property is located at 545 Industrial Drive, Suite 195. This property is at the southeast corner of the intersection of Pringle Avenue and Industrial Drive in Galt. It is further identified as APN: 150-0041-062. The communication tower is planned near the southwest corner of the building of the industrial complex by Suite 195, as shown on Exhibit A.

OWNER/APPLICANT Softcom Internet Communications, Inc.
Kevin Triplett
10255 Twin Cities Road
Galt, CA 95632
800.982.7675

ZONING Light Manufacturing (LM)

**GENERAL PLAN
DESIGNATION** Industrial

EXISTING USE There are multiple uses currently onsite within the same complex. The Squeeze Inn Restaurant, Captured Moments Photography, Wrapped Graphics, A Plus Smog, Brian's' Automotive, Dugout Batting Cages and Parker Realty.

SURROUNDING LAND USE

North:	Vacant LM zoned property and a nonconforming residence zoned LM. Country Villa Mobile Home Park is northeast of the site.
South:	Secured Self Storage mini storage complex zoned LM.
East:	Three Palms Mobile Home Park zoned R3 (multi-family)
West:	Carson's Coatings Light Manufacturing facility.

ENVIRONMENTAL STATUS

Staff recommends filing of a California Environmental Quality Act (CEQA) Exemption per Guidelines Section 15303 and 15311. CEQA Guidelines Section 15303 provides a categorical exemption for the construction of new small structures and equipment. Examples of projects to which this exemption applies

are listed in the Guidelines and include a single family residence or a store, motel or restaurant not exceeding 2500 square feet in floor area and not involving significant amounts of hazardous materials. The total work area associated with the proposed project area is the tower and related equipment and encompasses only about 200 square feet and will have nominal impacts especially compared with the other listed uses. The tower will be located on a proposed concrete patio to be used for outdoor employee seating and landscaping. Most equipment associated with tower will be located inside the building. An emergency generator will be installed as part of the project. It will run on natural gas so there will be no storage of diesel fuel. In addition, CEQA Guidelines Section 15311 allows construction of minor structures accessory to existing commercial, industrial, or institutional facilities.

PROJECT DESCRIPTION

The applicant is proposing to construct a 195 foot tall communication tower in front of the tenant space at 545 Industrial Drive, Suite 195, please see tower details, Exhibit A. It is the southwest corner of the building. The tower will support Softcom Internet Communications, Inc., which is relocating to this location from 10225 Twin Cities Road. Softcom received a federal grant through the American Recovery and Reinvestment Act to deliver broadband internet service to rural parts of Sacramento and San Joaquin counties. The most efficient way for Softcom to deliver the service is through the use of wireless technology, which requires the construction of the tower.

Softcom currently uses 2 towers of 50 and 60 feet at their current location. The height of these towers is sufficient to provide service to the immediate area but does not have the reach to expand service. The 2 towers allow for signals to be bounced off other cell towers to increase range but still provide effective coverage for less than ten miles. A tower of 195 feet is required to clear obstacles and reach beyond the curvature of the earth. A communication tower requires line of sight to operate at full capacity. The curve of the earth prevents line of sight ability in the same way it is difficult to see beyond the horizon. The 195' tall tower will provide maximum capacity for 20 miles. This can help Softcom provide service to parts of Sacramento to the north, Stockton to the south, Isleton to the west, and the foothills to the east.

Softcom will move into an existing building. The proposed internet service provider business use is permitted in the LM zone. Construction associated with the project is limited to interior tenant improvements, installation of the tower, groundwork to support the tower, and installation of an emergency generator. The generator is currently located in a 100 square foot area at the southeast corner of the building surrounded by a 6' tall wrought iron tubular steel fence. The equipment will be gray and black but will not be visible from the street. However, the applicant is proposing to locate it inside the building. Other equipment for the tower will be located inside the building immediately adjacent to the tower. The generator will run on natural gas so no outside storage tanks will be required. In addition, the applicant is proposing to add decorative features to the lower portion of the tower to create pedestrian level art. Staff is not specifically requiring decorative features but encourages it and reserves the right for design approval.

A minor use permit is required for radio, television, or commercial communication transmitter, receiver, or translator in all zones in the City. Although maximum building height in the LM zone is 100 feet, Section 18.20.020 (B) (4, a) only allows radio towers and similar structures to exceed 75 feet with site plan approval at the staff level. If the MUP is approved staff will subsequently approve the 195' height of the tower.

REVIEW AND ANALYSIS

Zoning Consistency:

The property is in the Light Manufacturing zoning district. Per the Galt Municipal Code, communication towers (Radio, television, or commercial transmitter, receiver, or translator) are permitted in the LM zoning

district subject to the approval of a Minor Use Permit (MUP). According to Section 18.76.020 (A) and (B) of the Galt Municipal Code (GMC) The Planning Director can review and decide MUP applications at a noticed public hearing and report determinations to the Planning Commission at its next regular meeting. However, per Section 18.76.030 of the GMC, the Planning Director may instead refer applications to the Planning Commission for determination. In an effort to streamline the process, the application was brought directly to the Planning Commission. This would avoid the need for a separate hearing and eventual reporting to the Planning Commission. Use permits are typically required for uses, which, due to their special nature may not be suitable in all locations and could require conditions or limitations. The location of communication towers could have a negative impact on the community. As a result, their use requires additional review to avoid over concentrations in a single area and location in areas that may not be compatible with the surrounding neighborhood or a scenic vista.

Site plan review is required for structures over 75' in height. Staff will complete this proposed 195' tall tower dependent on the results of the MUP. If the MUP is approved, staff will approve the 195' height request.

Land Use Compatibility:

The proposed construction of the communications tower and its use will be located in an industrial complex that has been planned and designed for relatively low intensity light industrial uses. This complex is adjacent to Three Palms Mobile Home Park on the east and Country Villa Mobile Home Park on the northeast, so it was designed to minimize potential impacts on these adjacent sensitive land uses. The 20-23 foot tall building acts as a buffer to the mobile home parks similar to the way the mini storage complex to the south backs up to the mobile home park. The building orientation also provides improved noise attenuation for the mobile home park from typical industrial park truck traffic and general activities.

The Softcom business is a less intensive type use compared to other uses allowed in the LM zone and is a good compliment to the other uses in the existing building at 545 Industrial Blvd. The construction of the tower will have minimal impact. It will not result in significant vehicle traffic, or excessive noise and dust. Moreover, there is not a proliferation of towers in the immediate area. The closest tower is at 495 Industrial Blvd behind the City's Municipal building. There is another tower at 10391 Live Oak Avenue. This tower is outside the City limits and in Sacramento County; however, it is adjacent to the City and the Industrial Park. Both towers are 120' tall. The tower behind 495 Industrial Drive is partially obscured by the City building. The Live Oak Avenue tower is built in front of the building close to the street similar to the proposed Softcom tower. The visual impact of this tower stems more from the groundwork than the pole itself. The Live Oak tower has a rather unsightly appearance due to the chain link fence on pavement, visible ground equipment, and other items stored around it. There were no cosmetic measures added to soften its appearance. The appearance of the tower itself, like the one behind the City's Municipal building, is rather plain. Both monopoles are light gray containing climbing apparatuses and communications equipment. The visual presence of the towers is rather unimposing and the most visual aspect of them is the area around the tower at ground level.

Comparatively, while much taller at 195 feet, the proposed Softcom communication tower will have a much more appealing presence at the pedestrian scale. Groundwork around the base of the tower will include decorative wrought iron or tubular steel fencing similar to the fencing used at the Squeeze Inn Restaurant which is directly across the centers' parking lot. Other decorative ground features include manicured landscaping around the 6' fence and all ground equipment will be located inside the main building. In addition, the applicant has expressed interest in providing some sort of art or decorative features on the lower portion of the tower that will further enhance the curb appeal of the tower. Even without the art work or decorative features, the tower itself has a more appealing pedestrian level presence than other towers in the area. It has a more tapered appearance with less bulky communications devices attached. The pole will be galvanized steel which is a gray color. There will be a climbing platform at about 30 feet high. It would

require a bucket truck or lift to reach the climbing platform. The climbing platform is small about 2 feet by 3 feet or just enough space to step onto before climbing the tower. Below the climbing platform the pole would be smooth with no pegs or anything available for climbing. This smooth feature will provide aesthetic value at the ground level. The extra attention provided to the appearance of the tower should minimize its view and make it more compatible with other uses in the center and those in and around the location.

The use of the tower (Softcom Internet Communications, Inc.) is also compatible with the surrounding uses. The current site has a rather eclectic mix of uses for a LM zone, i.e., restaurant, batting cages and automotive repair. Softcom provides a less intensive type use compared to other uses allowed in the LM zone. It does not manufacture anything that could generate noise, traffic and waste, like other potential LM uses. Since the focus of its business is offsite, the use will have little to no impact on other uses in the area, including the nearby mobile home parks. In fact, Softcom helps provide a good buffer to the residents of the mobile home parks to other more intensive light manufacturing uses.

Utilities:

The property is served by public water, sewer and storm drain. The applicant is moving into an existing building in a fully developed site. Capacity currently exists in the utility systems to serve this project.

Parking and Pedestrian Access:

The site has sufficient off street parking to serve Softcom as well as other uses in the center. The parking ratio is 1 space/488 s.f. which was deemed sufficient at the time of construction for the mix of tenants that were anticipated to go into this complex (furniture stores, appliance repair, wholesalers etc.). While the plan calls for the removal of 4 spaces, Softcom is expected to use only 5 of the current spaces in the site for employees and is converting 10,000 square feet of interior space for truck parking creating 10 new interior parking spaces. Softcom does not require customer parking as its business is focused on providing service to customers at their homes or place of business and does not rely on walk in customers. In addition, the complex includes sidewalks along both the Industrial Drive and Pringle Avenue frontages and at the front of each building providing excellent pedestrian access to the site. A bike lane is striped along Industrial Drive and bike parking is provided. Finally, there is on-street parking permitted along Industrial Drive if overflow parking is ever needed.

PUBLIC NOTICE

The project was advertised for public hearing in the Galt Herald on August 31, 2011 and notice was mailed to all property owners within 500 feet of the property boundary. In addition, individual notices were provided to all residents in the three mobile home parks in the vicinity (Three Palms, Country Villa, and Galt Mobile Estates).

FINDINGS:

Pursuant to Municipal Code Section 18.76.040, the application may be approved or conditionally approved upon the making of all of the following findings:

FINDING: The proposed use is consistent with the goals and policies of the General Plan and any applicable specific plan.

DISCUSSION: The proposed communication tower use is consistent with the General Plan.

Economic Development Policy ED-3.4 (p. ED-4) calls for the City to explore business development

opportunities with service providing industry. Softcom provides broadband internet service to the community. This service includes high-speed internet connections for households and businesses within the greater Galt area.

Economic Development Policy ED-3.6 (p. ED-4) states the City should encourage businesses to locate in the community that offer good working environments for employees, livable wages and benefits, and are in good standing with the Better Business Bureau. While Softcom has been in the Galt area for some time, its operations are currently located at 10225 Twin Cities Road in Sacramento County. The move to 545 Industrial Drive will bring the company into the City limits. Softcom provides a good working environment for its employees. The company plans to bring in 12 employees and hire an additional 7 within 2 years of moving to the site. All employees earn well above minimum wage. The average wage is about \$25 per hour. Softcom also provides health benefits, paying 80% of health insurance via Kaiser for all employees. The company is in good standing with the Better Business Bureau.

Land Use Element Policy LU-8.3 (p. LU-20) states that the City should seek new industries that have minimal adverse environmental effects, create local jobs, and broaden the City's revenue base. Softcom will have a minimal impact on the environment as it is moving into an existing building. The use of the communication tower will have minimal effect as compared to other uses that are permitted in the LM zone. All of the service provided by Softcom is offsite at various locations throughout the greater Galt area. The site will serve as a support area which includes offices, technical facility maintenance, storage, and over night parking for vehicles. These uses are much less intensive than most other uses associated with light industrial facilities. Other uses allowable in the zone could manufacture items generating noise, dust, traffic and waste. As mentioned above, the company will create local jobs by bringing in 12 employees with potential for 19 total in two years.

FINDING: The proposed use is consistent with the purpose of the applicable zoning district or districts.

DISCUSSION: The City of Galt's Zoning Ordinance stated purpose for the Light Manufacturing (LM) district is "To provide a working environment for industrial uses likely to have limited impacts on neighboring uses." The construction and use of the communications tower is consistent with this finding. As mentioned above, the services offered by Softcom are provided offsite so the impact of Softcom on neighboring uses will be minimal. In addition, the construction of a single communication tower is appropriate for the zoning designation and will not adversely affect surrounding uses. Consequently, the proposed use is consistent with the purpose of the applicable zoning district or districts.

FINDING: The proposed use is listed as a use or clearly implied to be a use that is subject to a minor use permit in the applicable zoning district or districts or a determination of similar use has been made in accordance with the procedures set forth in Chapter 18.72.

DISCUSSION: This site is located within the LM zoning district and requires a Minor Use Permit pursuant to Zoning Code Table 18.16-1, "Radio, television, or commercial transmitter, receiver, or translator". The applicant has complied with all application requirements and the matter has been scheduled for public hearing in accordance with Chapters 18.76 and 18.52 of the Galt Municipal Code.

FINDING: The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City and the State of California;

DISCUSSION: The applicant has submitted an application for a minor use permit for construction and use of a communication tower in accordance with the City's procedures set forth in Subsections 18.52.050 A 1 (c), Review by the Planning Commission, and 18.52.070, Public Hearings and Notices. The Minor Use Permit applies only to the proposed communication tower. Site plan review is required for structures over 75'

in height. Staff will complete this proposed 195' tall tower dependent on the results of the MUP. If the MUP is approved, staff will approve the 195' height request. Proposed tenant improvements to the Softcom business will be reviewed for consistency with all applicable laws, ordinances, and regulations of the City and the State of California. In addition, Softcom will be required to obtain necessary permits from the Sacramento Metropolitan Air Quality District and Cosumnes Community Services District Fire Department to operate the emergency generator.

FINDING: The proposed use will not be materially detrimental to the health, safety, or welfare of the public or to property and residents in the vicinity.

DISCUSSION: The proposed communication tower will not be detrimental to the health, safety, or welfare of the public or to property and residents in the vicinity. A communication tower, and the accompanying Softcom business, does not involve substantial truck traffic, hazardous materials, excessive noise, or vibration which can otherwise be found in industrial areas. Although the tower will be taller than other structures in the area, the visual impact, as discussed previously, is not considered significant.

FINDING: The proposed use is suitable for the site and is compatible with neighboring uses.

DISCUSSION: A communication tower is compatible with neighboring uses and is suitable for this site. Please see discussion in the above Land Use Compatibility section.

ATTACHMENTS

Resolution 2011-__(PC)

Exhibit A – Tower Detail and Site Plan (including fencing detail and landscaping).

Exhibit B – Minor Use Permit Conditions

Attachment 1 Notice of Exemption

RESOLUTION NO. 2011 __ (PC)

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF GALT, CALIFORNIA,
ADOPTING A NOTICE OF EXEMPTION IN COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AND MAKING FINDINGS FOR APPROVAL OF
A MINOR USE PERMIT TO CONSTRUCT AND OPERATE A COMMUNICATION TOWER
AT 545 INDUSTRIAL DRIVE, SUITE 195
(SOFTCOM INTERNET COMMUNICATIONS, INC.)**

WHEREAS, Kevin Triplett with Softcom Internet Communications, Inc., has requested a Minor Use Permit (MUP) to construct and operate a communications tower in the Light Manufacturing (LM) zoning district at 545 Industrial Drive, Suite 195 (Exhibit A) located in the City of Galt; and

WHEREAS, a communications tower is a conditionally permitted use subject to approval of a Minor Use Permit, in the Light Manufacturing (LM) zoning district; and

WHEREAS, a California Environmental Quality Act (CEQA) Exemption has been prepared in accordance with CEQA Guidelines Section 15303 and 15311. CEQA Guidelines Section 15303 provides a categorical exemption for the construction of new small structures and equipment. Examples of projects to which this exemption applies are listed in the Guidelines and include a single family residence or a store, motel or restaurant not exceeding 2500 square feet in floor area and not involving significant amounts of hazardous materials. The total work area associated with the proposed project area is the tower and related equipment and encompasses only about 200 square feet and will have nominal impacts especially compared with the other listed uses. The tower will be located on a proposed concrete patio to be used for outdoor employee seating and landscaping. An emergency generator will be installed at the southeast corner of the building. The emergency generator will run on natural gas that will be plumbed to the gas lines in the suite. There will be no diesel storage. In addition, CEQA Guidelines Section 15311 allows construction of minor structures accessory to existing commercial, industrial, or institutional facilities; and

WHEREAS, the Planning Commission of the City of Galt held a duly noticed public hearing on September 15, 2011 to consider the Notice of Exemption and the Minor Use Permit application; and

WHEREAS, the Planning Commission, using their independent judgment, reviewed the Notice of Exemption and the Minor Use Permit and all evidence in the record related to the proposed project including the staff report, public testimony, and all evidence presented both orally and in writing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Planning Commission of the City of Galt, California hereby approves the filing of the Notice of Exemption and further approves the Minor Use Permit for a communications tower at 545 Industrial Drive, Suite 195 (Softcom Internet Communications, Inc.), subject to the conditions of approval set forth in Exhibit B, by making the following findings:

A. The Planning Commission, at the public hearing on September 15, 2011, reviewed the Notice of Exemption and the Minor Use Permit application and all evidence in the record related to the proposed project including the staff report, public testimony, and all evidence presented both orally and in writing.

B. The Planning Commission finds that the project is consistent with the goals and

policies of the General Plan.

C. The Planning Commission has determined that the project is consistent with the purpose of the Light Manufacturing zoning district.

D. The Planning Commission has determined that the project is listed as a use subject to a minor use permit in the Light Manufacturing zoning district.

E. The Planning Commission has determined that the project will not be materially detrimental to the health, safety, or welfare of the public or to property and residents in the vicinity.

F. The Planning Commission has determined that the project is suitable for the site and is compatible with neighboring uses.

G. The Planning Commission has determined that the project meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City and the State of California.

H. The Galt City Clerk, 380 Civic Drive, Galt, CA 95632 is the custodian of the documents and material that constitutes the record of proceedings upon which the decision is based.

The Planning Commission Secretary shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the Planning Commission of the City of Galt, California, this 15th day of September 2011, upon motion by Commissioner _____, seconded by Commissioner _____, by the following vote, to wit:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:

Planning Commission Chair, City of Galt

ATTEST:

Planning Commission Secretary, City of Galt

EXHIBIT A

DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
5/8" x 8 ft lightning rod	195	(4) 72" x 12" x 4" Panel w/ mount pipe	140
(4) 72" x 12" x 4" Panel w/ mount pipe	192	(4) 72" x 12" x 4" Panel w/ mount pipe	140
(4) 72" x 12" x 4" Panel w/ mount pipe	192	10' Platform w/ Handrail	140
10' Platform w/ Handrail	192	(4) 72" x 12" x 4" Panel w/ mount pipe	140
(4) 72" x 12" x 4" Panel w/ mount pipe	192	(4) 72" x 12" x 4" Panel w/ mount pipe	115
(4) 72" x 12" x 4" Panel w/ mount pipe	165	(4) 72" x 12" x 4" Panel w/ mount pipe	115
(4) 72" x 12" x 4" Panel w/ mount pipe	165	10' Platform w/ Handrail	116
10' Platform w/ Handrail	165	(4) 72" x 12" x 4" Panel w/ mount pipe	115
(4) 72" x 12" x 4" Panel w/ mount pipe	165		

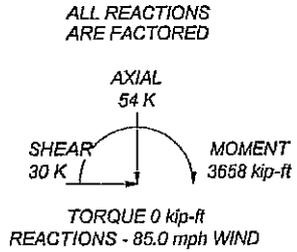
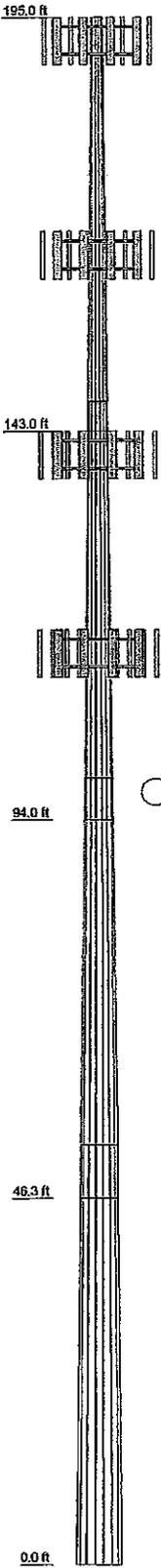
MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-65	65 ksi	80 ksi			

TOWER DESIGN NOTES

1. Tower is located in Sacramento County, California.
2. Tower designed for Exposure C to the TIA-222-G Standard.
3. Tower designed for a 85.0 mph basic wind in accordance with the TIA-222-G Standard.
4. Deflections are based upon a 60.0 mph wind.
5. Tower Structure Class II.
6. Topographic Category 1 with Crest Height of 0.00 ft
7. Design uses TIA-222-G-2 2009
8. TOWER RATING: 68.1%

Section	Length (ft)	Number of Sides	Thickness (in)	Socket Length (ft)	Top Dia (in)	Bot Dia (in)	Grade	Weight (K)
1	52.00	18	0.1875	3.75	16.0000	29.4670	A572-65	2.4
2	52.75	18	0.2500	5.25	28.1208	41.7810	A572-65	4.9
3	53.00	18	0.3125	6.75	39.9215	53.6470	A572-65	9.3
4	53.00	18	0.3750	8.25	51.2739	65.0000	A572-65	12.4



Paul J. Ford and Company		Job: 195-Ft Monopole / Galt	
250 E. Broad Street, Suite 1500		Project: 65011-0066	
Columbus, OH 43215		Client: Magnum Towers	Drawn by: Thomas Dehnke
Phone: 614.221.8679		Code: TIA-222-G	Date: 08/02/11
FAX: 614.448.4108		Path: <small>T:\500_Magnum Towers\2011\05311-0065 Galt\A572-65\195-Ft Monopole\195-Ft Monopole.dwg</small>	Scale: NTS
		Dwg No. E-1	

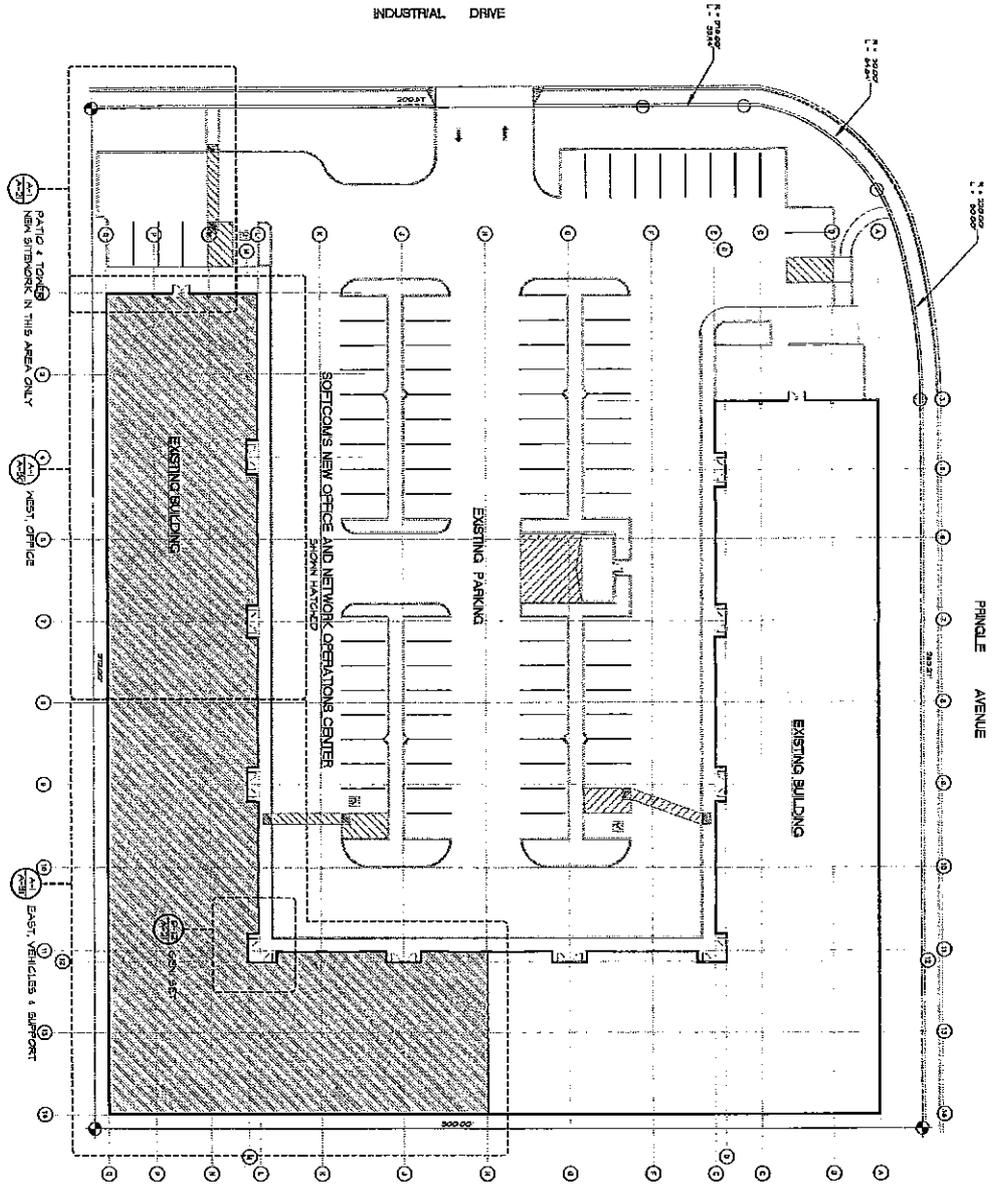


EXHIBIT A

PROJECT No. 000720
DATE 08/04/11

PROJECT No. A-20

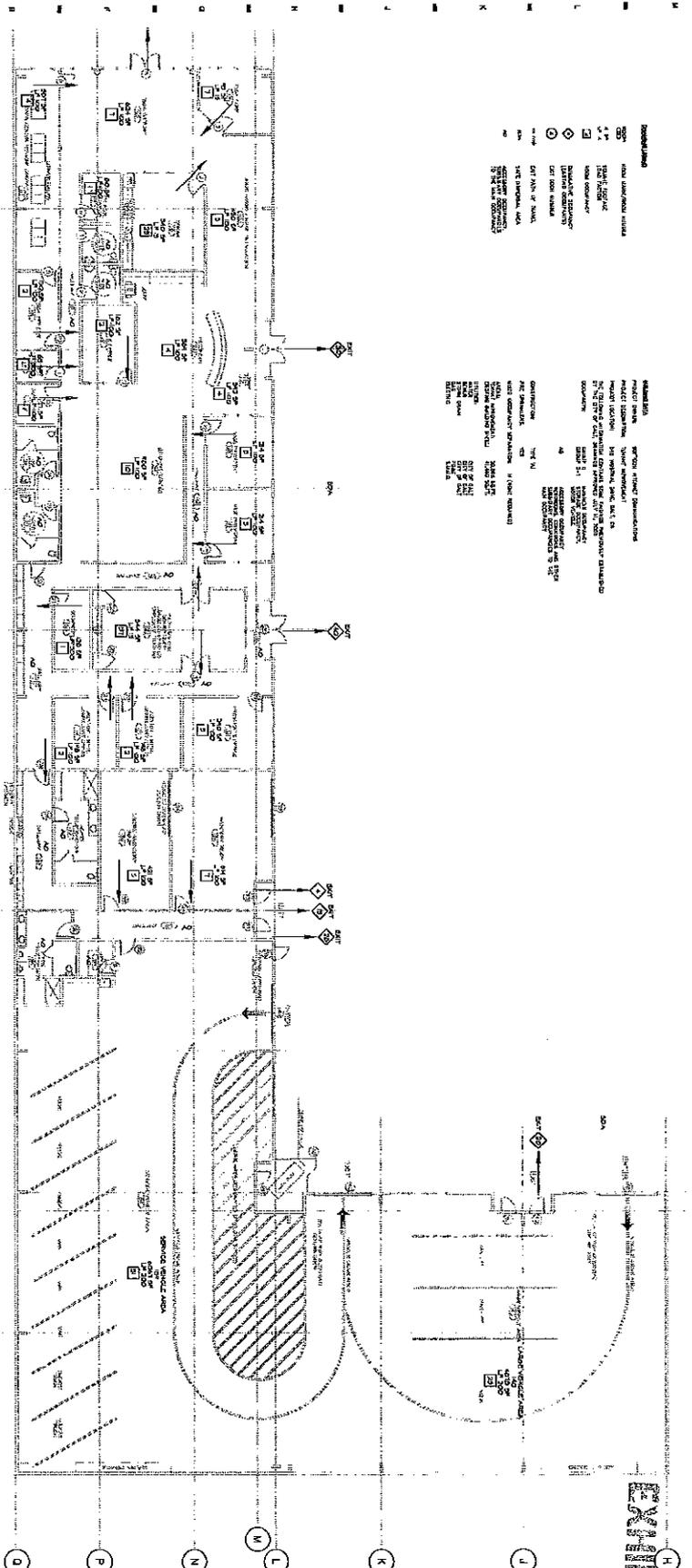
PROJECT TITLE
SITE PLAN
KEY PLAN



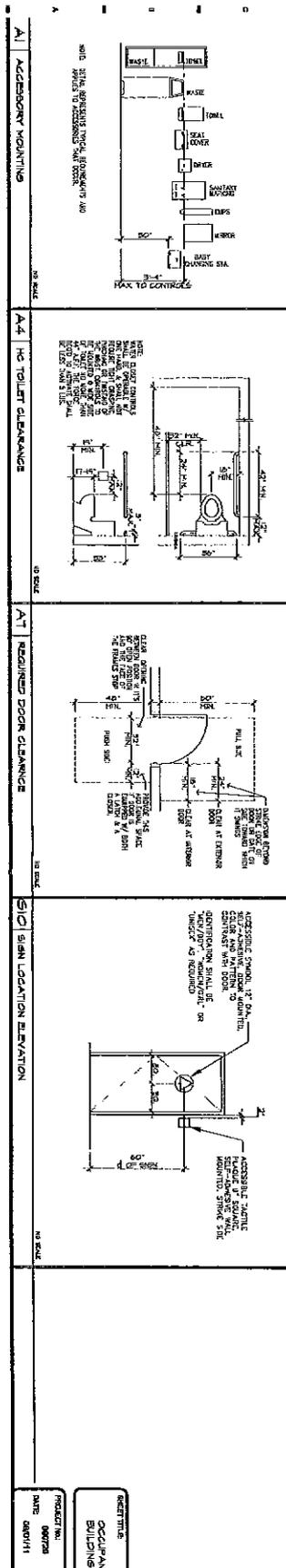
**MICHAEL L. TRIPLETT, AIA
ARCHITECT**
2124 NW Colwood Circle, Suite, Dallas, TX 75271
Phone (972) 753-7350 Fax (972) 822-2164
triplett@triplett.com

TENANT IMPROVEMENTS FOR
A NEW OFFICE AND NETWORK OPERATIONS CENTER
FOR
SOFTCOM INTERNET COMMUNICATIONS, INC.
545 Industrial Drive
GEO, CA 95622

- Legend**
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D1 BUILDING EXIT ANALYSIS



PROJECT INFO

PROJECT NO. 200703
DATE 08/07/11

CLIENT

SOFTCOOM INTERNET COMMUNICATIONS, INC.

PROJECT NAME

SOFTCOOM INTERNET COMMUNICATIONS, INC. BUILDING SIGNAGE

PROJECT NO.

A-11

MICHAEL L. TRIPLETT, A I A ARCHITECT

2124 8th Street, Suite 100, Costa Mesa, CA 92627
Phone (562) 733-7560 Fax (562) 622-2104
triplett@architectural.com

TENANT IMPROVEMENTS FOR A NEW OFFICE AND NETWORK OPERATIONS CENTER FOR SOFTCOOM INTERNET COMMUNICATIONS, INC.

845 Industrial Drive, Costa Mesa, CA 92626

EXIT PLAN

Exhibit B to Resolution 2011 ____ (PC)
Communications Tower Minor Use Permit
For 545 Industrial Drive, Suite 195 (Softcom Internet Communications, Inc)
(11 conditions)

1. Approval of this Conditional Use Permit is for the construction and operation of a communications tower at 545 Industrial Drive, Suite 195, in accordance with the tower detail and site plan, including landscaping and fencing (Exhibit A).
2. All signage for the site shall be in compliance with the City of Galt sign regulations and the Master Sign Plan for the Galt Industrial Center and approved by the Community Development Department.
3. Lighting for the site shall be as approved for the Galt Industrial Center Site Plan Review. No modifications shall be made unless specifically approved by the Galt Planning Department to ensure that the lighting will not cause glare or spillover onto adjacent properties.
4. The owner shall comply with all applicable state and local laws, rules, ordinances and regulations during the construction and operation of the facility.
5. Fire access lane shall not be obstructed in any manner.
6. The generator shall meet all requirements of the Sacramento Air Quality Management District and evidence of air quality permit approval, if required, shall be provided to the City Planning Department for verification prior to final building permit approval.
7. Access to the bike rack must be ensured. This can be accomplished by providing pedestrian access to it in its current location by not connecting the fence to the building providing no barriers to the existing sidewalk, or the rack can be relocated elsewhere on the site. If relocated, placement of it must be approved by the planning department.
8. The City encourages artwork/decorative features on the lower portion of the tower to add pedestrian scale visual interest and deter graffiti, but reserves approval authority for the artwork.
9. The Minor Use Permit (including these conditions) runs with the land and is transferable and binding on all successors in interest. If the use ceases to operate for one year the CUP is deemed null and void.
10. The Minor Use Permit granted herein may be revoked or modified by the decision-making authority at a duly noticed public hearing for noncompliance with the conditions of approval or any cause cited in Chapter 18.52 of the Galt Municipal Code including, but not limited to, violation of any statute, ordinance, law or regulation or exercising the use so as to be detrimental to the public health or safety or constituting a nuisance.
11. The use for which this use permit has been granted (195' communication tower) must commence and be diligently pursued within one (1) year of the approval of the use permit. If the development has not commenced or been diligently pursued to completion within one (1) year, the approval shall automatically expire. Prior to the expiration of the permit, the applicant may apply for a single one (1) year extension.

ATTACHMENT 1

NOTICE OF EXEMPTION

To: Sacramento County Clerk
P.O. Box 839
Sacramento, CA 95812-0839

From: CITY OF GALT
Planning Department
495 Industrial Drive
Galt, CA 95632
209-366-7230

Project Title: Softcom Internet Communications, Inc., Communication Tower (Minor Use Permit)

Project Location: The property is located at 545 Industrial Drive, Suite 195. This property is at the southeast corner of the intersection of Pringle Avenue and Industrial Drive in Galt. It is further identified as APN: 150-0041-062. The property is zoned Light Manufacturing (LM). The tower is proposed at the southwest corner of the building in front of Suite 195.

Project Applicant: Softcom Internet Communications, Inc.
Kevin Triplett
10255 Twin Cities Road
Galt, CA 95632
800.982.7675

Description of Project: See attached

Name of Public Agency Approving Project: City of Galt, Planning Commission

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Categorical Exemption (Sec. 15303, New Construction of Small Structures and Sec. 15311, Accessory Structures).
- Exemption, Consistent with Existing General Plan and Zoning (Section 15183)
- Funding Request: Feasibility and Planning Studies (Sec. 21102, 15262)
- Statutory Exemption. (Sec. 15282(l))

Reasons Why Project is Exempt: See attached.

Lead Agency: City of Galt
Contact Person: Chris Erias, Senior Planner
Telephone/E-Mail: 209-366-7230/cerias@ci.galt.ca.us

Signature

Date

Signed by Lead Agency X
Signed by Applicant _____

Date Received for filing at OPR: _____

Attachment

CITY OF GALT
CEQA COMPLIANCE AND EXEMPTION DETERMINATION
Softcom Internet Communications, Inc. Minor Use Permit

Project Description

The applicant is proposing to construct a 195 foot tall communication tower in front of the tenant space at 545 Industrial Drive, Suite 195. It is the southwest corner of the building. The tower will support Softcom Internet Communications, Inc., which is relocating to this location from 10225 Twin Cities Road. Softcom received a federal grant through the American Recovery and Reinvestment Act to deliver broadband internet service to rural parts of Sacramento and San Joaquin counties. The most efficient way for Softcom to deliver the service is through the use of wireless technology, which requires the construction of the tower.

Softcom currently uses 2 towers of 50 and 60 feet at their current location. The height of these towers is sufficient to provide service to the immediate area but does not have the reach to expand service. The 2 towers allow for signals to be bounced off other cell towers in the immediate area to increase range but still only provide effective coverage for less than ten miles. A tower of 195 feet is required to clear obstacles and reach beyond the curvature of the earth. A communication tower requires line of sight to operate at full capacity. The curve of the earth prevents line of sight ability in the same way it is difficult to see beyond the horizon. The 195' tall tower will provide maximum capacity for 20 miles. This can help Softcom provide service to parts of Sacramento to the north, Stockton to the south, Isleton to the west, and the foothills to the east.

Softcom will move into an existing building. The proposed internet service provider business use is permitted in the LM zone. Construction associated with the project is limited to interior tenant improvements, installation of the tower, groundwork to support the tower, and installation of an emergency generator. All equipment for the tower except part of the generator will be located inside the building immediately adjacent to the tower. The generator will run on natural gas so no outside storage tanks will be required.

A minor use permit is required for radio, television, or commercial communication transmitter, receiver, or translator in all zones in the City. Although maximum building height in the LM zone is 100 feet, Section 18.20.020 (B) (4, a) only allows radio towers and similar structures to exceed 75 feet with site plan approval at the staff level. If the MUP is approved staff will subsequently approve the 195' height of the tower.

CEQA COMPLIANCE

The proposed activity is a "project" under CEQA (Guidelines Section 15378). Once a lead agency has determined that an activity is a project subject to CEQA, it must then determine whether the project is exempt from CEQA. A project may be statutorily exempt, categorically exempt, or exempt under the "general rule" that CEQA applies only to projects which have the potential to cause a significant effect on the environment (Guidelines Section 15061). The City has reviewed the available exemptions and concludes the following are applicable:

CEQA Section 15303 provides a categorical exemption for the construction of new small structures and equipment. Examples of projects to which this exemption applies, but is not limited to, are listed in the Guidelines and include a single family residence or a store, motel or restaurant not exceeding 2500 square feet in floor area and not involving significant amounts of hazardous materials. In addition to allowing the aforementioned examples, Section 15303 (c) of the CEQA guidelines also exempts the construction, in urbanized areas, of up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The total work area associated with the proposed project area is the tower and related equipment and encompasses only about 200 square feet and will have nominal impacts especially compared with the other listed uses in Section 15303.

The proposed internet service provider is a less intensive type use compared to other uses allowed in the LM zone. It does not manufacture anything that could generate noise, traffic and waste, like other potential LM uses. Since the focus of its business is offsite, the use will have little to no impact on other uses in the area, including the nearby mobile home parks. In fact, Softcom helps provide a good buffer to the residents of the mobile home parks to other more intensive light manufacturing uses.

The construction of the tower will have minimal impact. It will not result in significant vehicle traffic, or excessive noise and dust. Moreover, there is not a proliferation of towers in the immediate area. The closest tower is at 495 Industrial Blvd behind the City's Municipal building. There is another tower at 10391 Live Oak Avenue. This tower is outside the City limits and in Sacramento County; however, it is adjacent to the City and the Industrial Park. Both towers are 120' tall. The tower behind 495 Industrial Drive is partially obscured by the City building. The Live Oak Avenue tower is built in front of the building close to the street similar to the proposed Softcom tower. The visual impact of this tower stems more from the groundwork than the pole itself. The Live Oak tower has a rather unsightly appearance due to the chain link fence on pavement, visible ground equipment, and other items stored around it. There were no cosmetic measures added to soften its appearance. The appearance of the tower itself, like the one behind the City's Municipal building, is rather plain. Both monopoles are light gray containing climbing apparatuses and communications equipment. The visual presence of the towers is rather unimposing and the most visual aspect of them is the area around the tower at ground level.

Comparatively, while much taller at 195 feet, the proposed Softcom communication tower will have a much more appealing presence at the pedestrian scale. Groundwork around the base of the tower will include decorative wrought iron or tubular steel fencing similar to the fencing used at the Squeeze Inn Restaurant which is directly across the centers' parking lot. Other decorative ground features include manicured landscaping around the 6' fence and all ground equipment will be located inside the main building. In addition, the applicant has expressed interest in providing some sort of art or decorative features on the lower portion of the tower that will further enhance the curb appeal of the tower. Even without the art work or decorative features, the tower itself has a more appealing pedestrian level presence. It has a more tapered appearance with less bulky communications devices attached. The pole will be galvanized steel which is a gray color. There will be a climbing platform at about 30 feet high. It would require a bucket truck or lift to reach the climbing platform. The climbing platform is small about 2 feet by 3 feet or just enough space to step onto before climbing the tower. Below the climbing platform the pole would be smooth with no pegs or anything available for climbing. This smooth feature will provide aesthetic value at the ground level. The extra attention provided to the appearance of the tower should minimize its view and make it more compatible with other uses in the center and those in and around the location.

As mentioned above, the MUP is for construction and operation of the tower. The height of the tower is dependent on staff level site plan approval.

CEQA Section 15311 allows construction of minor structures accessory to existing commercial, industrial, or institutional facilities.

The construction of the tower encompasses less than 200 square feet. Based on the size and information above, the construction of the tower is deemed minor and it is an accessory structure to the main use, the Softcom Internet Communications, Inc. business.

CEQA DETERMINATION

It is clear from the evidence in the record that there is no possibility that implementation of the proposed Project will result in a significant adverse effect on the environment pursuant to CEQA.

Based on an examination of the Project, supporting information, and the analysis contained herein, the Project is found to be exempt from the provisions of CEQA under Sections 15303, New Construction of Small Structures and Section 15311, Accessory Structures

Chris Erias, Senior Planner

Date

References (on file with the Galt City Clerk):

Project application as completed by the applicant.

Galt General Plan

Galt Municipal Code

PL0590