



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.

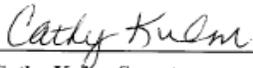
ACTION: Morris made a motion to approve to adopt Resolution 2011-__ (PC) recertifying the Environmental Impact Report, as revised, approving the Mitigation Monitoring and Reporting Program, and adopting CEQA Findings and Statements of Overriding Considerations; second by Pellandini. A roll call vote 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, Secretary
Galt Planning Commission**

Approved 9-15-11.