



AGENDA

REGULAR PLANNING COMMISSION MEETING COUNCIL CHAMBERS, 380 CIVIC DRIVE, GALT THURSDAY, SEPTEMBER 13, 2012, 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 three (3) 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 August 23, 2012 regular meeting.

RECOMMENDATION: That the Planning Commission approve the minutes of the August 23, 2012 special meeting.

PUBLIC HEARING

(7) **SUBJECT:** 28 3RD STREET AND 216 A STREET GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT AND REZONE PROJECT

RECOMMENDATION

- 1) Recommend that City Council adopt Resolution 2012 - ___ adopting the 28 3rd Street and 216 A Street General Plan Amendment, Downtown Revitalization and Historic Preservation Specific Plan Amendment and Rezone Project CEQA Exemption, and approving the General Plan Amendment at 28 3rd Street from High Density Residential to Low Density Residential and removing 216 A Street from the Downtown Revitalization and Historic Preservation Specific area.
- 2) Recommend that City Council introduce Ordinance 2012-___ approving the proposed Rezone at 216 A Street by removing it from the Downtown Revitalization and Historic Preservation Specific Plan area and assigning it (R3) Multiple-Family.

DEPARTMENT PRESENTATION – 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 Monday 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
Thursday, August 23, 2012, 6:30 p.m.

The meeting was called to order at 6:30 p.m. by Chairperson McFaddin. Commissioners present: Pellandini, Morris, McFaddin, and Rodriguez. Dees was absent.

Staff members present: Senior Planner Erias, City Attorney Rudolph, Development Services Engineer Forrest, and PC Secretary Kulm.

INFORMATION/CONSENT CALENDAR

1. **SUBJECT:** **Minutes of the July 12, 2012 regular meeting.**
ACTION: Rodriguez moved to approve the minutes of the July 12, 2012 meeting; second by Morris. Motion was unanimously carried by those Commissioners present. (Pellandini, McFaddin, Morris, Rodriguez)

2. **SUBJECT:** **Report to Planning Commission of Planning Director's approval of a Site Plan and Minor Use Permit application to erect and operate a 40 foot tall Amateur Radio Antenna and related equipment at 955 Roundstone Drive**
ACTION: Rodriguez moved to accept the Planning Director's approval of a Site Plan and the Minor Use Permit application at 955 Roundstone Drive; second by Pellandini. Motion was unanimously carried by those Commissioners present. (Pellandini, McFaddin, Morris, Rodriguez)

PUBLIC COMMENTS – None

Chairperson McFaddin moved agenda item #1 to the end of the agenda.

PUBLIC HEARING:

1. **SUBJECT:** **EGG-LAYING CHICKENS**

RECOMMENDATION

That the Planning Commission recommend to the City Council the adoption of an ordinance amending Chapter 18 of the Galt Municipal Code regarding the keeping of egg-laying chickens.

Rudolph gave the staff report.

Commissioner Morris asked if there was any previous code which allowed chickens in the City. Rudolph said no. Rodriguez asked how the ordinance would be enforced. Rudolph explained that it would be enforced by the Code Compliance Office in the same way other complaints are handled.

Chairperson McFaddin opened the public hearing.

Jim Klassen, City resident, spoke in opposition of egg-laying chickens within the City limits.

Rick Walter, City resident, spoke in opposition of egg-laying chickens within the City limits.

Patrick O’Flaherty, City resident, spoke in favor of egg-laying chickens within the City limits.

Chairperson McFaddin closed public hearing.

It was the general consensus of the Commission that egg-laying chickens should not be allowed in the City limits.

ACTION: Rodriguez moved that the Planning Commission’s recommendation to the City Council would be against the adoption of the ordinance amending Chapter 18 of the Galt Municipal Code regarding the keeping of egg-laying chickens; second by Pellandini. A roll call vote was taken by those commissioners present: Pellandini – Yes; Morris – Yes; Rodriguez – Yes; McFaddin - Yes. **Motion was unanimously carried.**

2. **SUBJECT: PLANNING COMMISSION ANNUAL REPORT – FY 2011-12**

RECOMMENDATION

That the Planning Commission review and make recommendations and/or revisions as needed to finalize the first Planning Commission Annual Report for presentation to the City Council.

Erias gave the staff report. Erias noted the report is scheduled for presentation to the Council at the Sept. 18, 2012 meeting and that a commissioner should probably do the presentation. Secretary Kulm will send an email to Commissioners on Monday, Aug. 27th, requesting all final revisions and/or comments.

Commissioner Rodriguez left the meeting due to a conflict. Rudolph noted that the commissioner is recusing himself because he owns property within 500’ of the project boundaries.

3. **SUBJECT: FAIRWAY OAKS REZONE AND VESTING TENTATIVE SUBDIVISION MAP PROJECT**

RECOMMENDATION

- 1) Recommend that the City Council adopt Resolution 2012-___ adopting the Initial Study, Mitigated Negative Declaration and adopting the Mitigation Monitoring and Reporting Program for the Fairway Oaks Project; and
- 2) Recommend that City Council introduce Ordinance 2012-___ amending the district zoning map of the City of Galt for the Fairway Oaks Project; and
- 3) Approve Resolution 2012-___PC adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and conditionally approving the Vesting Tentative Subdivision Map for the Fairway Oaks Project.

Rudolph reminded the Commission that since there were only three members present, any action on this item would require a concurrence of all commissioners.

Erias gave the staff report. Erias explained that there are two recommended actions for this meeting; 1) make a recommendation to the City Council on the proposed rezone and the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and 2) continue action on the proposed Vesting Tentative Subdivision Map to the October PC meeting. The public right-of-way on Cornell Road could not be verified and as result the map

will not be approved tonight pending resolution of the right-of-way issue.

Ron Stinson, Raney Planning & Management (CEQA consultant), gave a brief overview of the CEQA document. McFaddin asked about potential traffic issues on Ranch Road. Mr. Stinson said that the traffic analysis did not identify Ranch Road as operating at an unacceptable level. The level of service is considered consistent with CEQA and the City's standards.

Mike Oliver, Arcadia Homes representative, gave a power point presentation describing the project. Morris asked what would be done to minimize traffic and other impacts on adjacent properties. Mr. Oliver explained that the impacts on Cornell Road could be minimized by narrowing the street, preserving as many trees as possible, and not putting in curb, gutter and sidewalk to keep that corridor inviting and to maintain the country view. He also talked about the possible connection at Glendale; however it was confirmed by Cal Trans that they do not want any interference with the hook ramp on Hwy. 99. Their goal is to create a project that people don't drive through to get somewhere else.

Tina Skinner, 13184 Midway Ave, said that she owns property at 918 Bridle Path near this project and that a few years ago the Planning Dept. discussed the problems for residents living in Creekside concerning the difficulty of getting in and out at Ranch Road onto Lincoln Way. Ms. Skinner said that this project will increase the amount of the traffic and hopes the planners look at a possible stop sign and/or stop light at Ranch Road and Lincoln Way. McFaddin said she remembers there was a promise made to the Creekside residents indicating that when Fairway Oaks was developed there would be something done at that intersection to increase safety for cars exiting and entering. Erias said that although the traffic counts did not warrant a stop sign or light; it doesn't mean one shouldn't be there. Erias said that independent of this project, the intersection needs to be studied in order to make it safer and it will be pursued.

Wendy Blevins, homeowner on Cornell Road, said she has no problems with the Fairway Oaks project, just the Cornell access. She said that Cornell Road is not adequate to handle all the traffic that will be generated by this project and suggested an alternative route through Glendale Ave. Ms. Blevins also noted that her deed says her property extends to the middle of Cornell Road; therefore, there are no right of way easements for use of the road. Ms. Blevins also asked that a letter from Sacramento County Dept. of Transportation be read into the record. Ms. Blevins read the letter.

James Templeton, 10570 Cornell Road, spoke in opposition to the project. Mr. Templeton's concerns are related to traffic, residents safety when entering and exiting Lincoln Way, lack of proper easement rights, emergency vehicle access, and the inadequate width of Cornell Road. Mr. Templeton's stated that Glendale Ave. would be a better access point.

Dale Templeton, 10601 Cornell Road, spoke in opposition to the project. Mr. Templeton's concerns are related to traffic, easement issues, drainage, proposed walking path, street width, adequate access and egress and Mr. Templeton likes the proposed subdivision but thinks a better access point would be Glendale Ave. which would offer a better connection to city sidewalks, safer exit for bicycles, and motor vehicles would have better access to the highway.

Jeff Silack, resident on Cornell Road, spoke in opposition to the project. Mr. Silack's concerns are related to traffic, drainage, street width, proposed walking path, loss of parking due to path, safety for walking pedestrians and children who currently are able to play in the street.

Carol Smith, resident on Cornell Road, spoke in opposition to the project. Ms. Smith's concerns are related to traffic, safety for children, entry and exit from Cornell Road onto Lincoln Way, proposed walking path, and thinks that Glendale Ave. should be the primary thoroughfare.

McFaddin asked that Erias point out the vacant lot on Glendale Ave. which is mentioned by the previous speakers. Bill Forrest explained that is not technically a vacant lot, it is the vacant part of a larger lot which the tire store occupies.

Chairperson McFaddin closed public hearing.

McFaddin explained the two proposed actions and asked staff if either of these actions would affect the issues that need some further resolution. Erias responded no, but as the issues are investigated and/or resolved, there could be some items that affect the CEQA analysis and may require additional studies. If that happens, the CEQA document would be amended and re-circulated. Erias stated that if PC recommends that Council approve the rezone and environmental document, staff would come back to the PC in October with the appropriate course of action how to handle the public right-of-way issue(s) on Cornell Road. If Cornell Road is removed from the map as a point of access, the traffic study would need to be redone and re-circulated for review.

Rudolph said that the rezone can move forward regardless of how the subdivision is ultimately designed. However, this project is a proposal before the Commission and it would be appropriate for the PC to provide input and direction to staff as it relates specifically to the access issue and/or any other issues. If the PC desires a redesign of the subdivision with an access point other than Cornell Road that direction needs to be relayed to staff. Erias said that at this point there is no indication that the applicant is looking at removing Cornell as an access point. The only other access to the subdivision we can move forward with is the Glendale connection because it was evaluated in the CEQA document. But even with the Glendale connection, Cornell would still be an access point.

McFaddin stated she wants to see what happens legally regarding the right-of-way issues on Cornell and wants staff to come up with something at Glendale Ave. and then come back to PC for one more meeting. Pellandini expressed concern regarding the flooding issues discussed earlier.

McFaddin asked Mr. Oliver to return to the podium for further questions. McFaddin asked Mr. Oliver if the flooding issues would be corrected if the project was redesigned. Mr. Oliver referred to Bill Forrest. Mr. Forrest explained that the flooding issues associated with Cornell Road (County island) are a result of no current functional drainage to handle existing flooding. He said that the cross culverts on Cornell are nearly plugged or partially filled and have no connections for the water flow to go into the drainage ditch which doesn't really go anywhere and is also partially filled. Morris asked if any of the homeowners had complained to the county. Mr. Silack said he had not contacted the county. Carol Smith said she also has had some flooding and called the City. The City came out and put some rock in even though her property is not in City limits. Erias explained that the project would be required to address all drainage issues associated with the project.

McFaddin asked if the walkway is needed. Erias said that staff recommended the walkway for pedestrian walking safety but it is not a requirement. Forest said that after community meetings, path of travel for pedestrians was a concern of the residents given the width of Cornell Road; therefore, the pathway was created. Mike Oliver explained that the pathway could be a work in progress. He also understands that this project will be required to provide the appropriate drainage. Forrest reiterated that although he can't say exactly what the drainage solution will be, it will be addressed if there are any additional impacts due to this project. Erias explained that there is a mitigation measure requiring the developer to submit a drainage plan.

Mr. Oliver explained that the subdivision will be required to maintain the landscaping, soundwall and pathway on the north side of Cornell, if built.

Discussion continued regarding the amount traffic trips, the possibility of an additional access point, drainage issues, roadway proximity to Cornell Road resident's leech fields, possible speed tables on Cornell Road and a potential stop sign/Smart light at Ranch Road and Lincoln Way.

Commissioner McFaddin closed the public hearing.

The Commission directed staff to review the drainage issues, resolve the right-of-way issues, review the path on Cornell Road and look at access at Glendale Avenue. The Commission also directed staff to look at doing something to alleviate the safety issues associated with Ranch Road and Lincoln Way. Erias said he would be speaking with Public Works next week.

Mike Oliver said there may be issues with acquiring property if an additional access point is a Condition of Approval and would look to the City for assistance with that process.

ACTION: Morris moved to recommend that the City Council adopt Resolution 2012-___ adopting the Initial Study, Mitigated Negative Declaration and adopting the Mitigation Monitoring and Reporting Program for the Fairway Oaks Project; second by Pellandini. A roll call vote was taken by those commissioners present: Pellandini – Yes; Morris – Yes; McFaddin - Yes. **Motion was unanimously carried.**

ACTION: Pellandini moved to recommend that City Council introduce Ordinance 2012-___ amending the district zoning map of the City of Galt for the Fairway Oaks Project; second by Morris. A roll call vote was taken by those commissioners present: Pellandini – Yes; Morris – Yes; McFaddin - Yes. **Motion was unanimously carried.**

ACTION: Morris moved to continue action on the Vesting Tentative Subdivision Map for the Fairway Oaks Project to the October 11, 2012 regular meeting; second by Pellandini. A roll call vote was taken by those commissioners present: Pellandini – Yes; Morris – Yes; McFaddin - Yes. **Motion was unanimously carried.**

DEPARTMENT REPORTS – None

Meeting adjourned at 8:45 p.m.

Respectfully submitted by:

Cathy Kulm
Planning Commission Secretary

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PLANNING COMMISSION AGENDA REPORT

Meeting Date: September 13, 2012

Prepared by: Chris Erias, Senior Planner

SUBJECT 28 3RD STREET AND 216 A STREET GENERAL PLAN AMENDMENT,
SPECIFIC PLAN AMENDMENT AND REZONE PROJECT

RECOMMENDATION

- 1) Recommend that City Council adopt Resolution 2012 - ___ adopting the 28 3rd Street and 216 A Street General Plan Amendment, Downtown Revitalization and Historic Preservation Specific Plan Amendment and Rezone Project CEQA Exemption, and approving the General Plan Amendment at 28 3rd Street from High Density Residential to Low Density Residential and removing 216 A Street from the Downtown Revitalization and Historic Preservation Specific area.
- 2) Recommend that City Council introduce Ordinance 2012- ___ approving the proposed Rezone at 216 A Street by removing it from the Downtown Revitalization and Historic Preservation Specific Plan area and assigning it (R3) Multiple-Family.

LOCATION 28 3rd Street and 216 A Street in Galt, California. The site is particularly identified as Assessor Parcel Numbers 150-0182-004 and 150-0182-008.

OWNER/APPLICANT Baumbach & Piazza, Inc.
323 W. Elm Street
Lodi, CA 95240
209-368-6618

PARCEL SIZE 28 3rd Street - .33± acres
216 A Street - .40± acres

EXISTING GENERAL PLAN DESIGNATION 28 3rd Street - High Density Residential
216 A Street - High Density Residential

EXISTING ZONING AND SPECIFIC PLAN DESIGNATION 28 3rd Street - Residential
216 A Street - Residential

PROPOSED GENERAL PLAN DESIGNATION 28 3rd Street - Low Density Residential
216 A Street - High Density Residential (No Change)

PROPOSED ZONING AND SPECIFIC PLAN DESIGNATION 28 3rd Street - Residential (No Change)
216 A Street - (R3) Multiple-Family

EXISTING LAND USE 28 3rd Street – Single family
216 A Street – 8 unit apartment complex

**SURROUNDING
LAND USE**

- North: High density residential zoned R3, a single family residence and a duplex zoned R2.
- South: Single family residential with a Residential land use designation in the Downtown Revitalization and Historic Preservation Specific Plan
- East: Union Pacific Railroad tracks and right-of-way and beyond it is the Robinson’s Feed Store. These properties have a Commercial land use designation in the Downtown Revitalization and Historic Preservation Specific Plan
- West: Single family residential and the Cosumnes Fire Department Station zoned Public/Quasi Public

ENVIRONMENTAL STATUS

This project is exempt from the California Environmental Quality Act (CEQA) in accordance with the CEQA Guidelines 15061 Review for Exemption 15061 (b) 3: 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This project involves no change in use and no new construction. It merely corrects existing land use and zoning to conform to existing conditions. No development is proposed with this project.

BACKGROUND AND PROJECT DESCRIPTION

The applicant is seeking a lot line adjustment between APNs 150-0182-004 (28 3rd Street) and 150-0182-008 (216 A Street) to jog the property line around a building on 216 A Street. 28 3rd Street contains a single family residence and 216 A Street has two 4 unit multi family buildings on the site. Currently, the property line separating the 2 parcels runs through one of the apartment buildings. See diagram below.



In accordance with Government Code §66412, the City can only approve a lot line adjustment if the resulting parcels will conform to the general plan and any applicable specific plan. Since the 2030 General Plan and Downtown Revitalization and Historic Preservation Specific Plan (Downtown Plan) land use designations do not conform to existing conditions the lot line adjustment cannot be completed.

To complete the lot line adjustment, the applicant is seeking the following:

1. Amend the Downtown Plan by removing 216 A Street from the Plan area and rezone the site to R3 (high density residential). 216 A Street will retain the High Density 2030 General Plan Land Use designation.
2. 28 3rd Street will retain the Downtown Plan land use designation of Residential but will seek a change of the 2030 General Plan land use designation from High Density Residential to Low Density Residential.

Please note that the lot line adjustment is not part of this request. If the GPA, SPA and Rezone are approved, the lot line adjustment request will be scheduled for the Development Review Committee for consideration.

2030 GENERAL PLAN AMENDMENT

The proposed project is consistent with the 2030 General Plan. As mentioned above, 216 A Street will retain the 2030 General Plan land use designation of High Density Residential and the property at 28 3rd Street will change the land use designation from High Density Residential to Low Density Residential.

The existing detached single family home on 28 3rd Street is consistent with the Low Density Residential land use designation of the 2030 General Plan. This designation provides for single family detached homes located in areas which include full urban services and away from industrial, intensive commercial and large scale infrastructure. 28 3rd Street is located in a full urban environment and away from the other intensive uses mentioned in the 203 General Plan.

In addition, the Low Density Residential designation calls for a minimum lot size of 6,500 square feet. The lot at 28 3rd Street meets this minimum lot size. It is 14,595± square feet, which far exceeds the minimum requirements.

DOWNTOWN REVITALIZATION AND HISTORIC PRESERVATION SPECIFIC PLAN AMENDMENT

The property at 216 A Street contains 2 apartment buildings. Multiple-Family Dwellings is not a permitted use on property with a Residential (R) Downtown Plan land use designation. However, since the apartments already existed when the Downtown Plan was created the use was considered legal non-conforming. The two apartment buildings on the site have a total of 8 units on what is just under 0.40 proposed acres, so the density of the site is 20 units per acre. This exceeds the maximum allowable density of 8 units per acre in the Downtown Plan. To be consistent with the Downtown Plan the property is proposed to be removed from the plan area. Once removed from the Plan area the density requirements of the Downtown Plan will no longer be required.

REZONE

The project includes providing an R3 Multiple Family zoning to 216 A Street. This property currently has a Residential land use designation in the Downtown Plan. As mentioned above, the site will be removed from Downtown Plan and the Residential land use designation and given the R3 zoning designation.

The site meets the requirements of the R3 zone which is a minimum of 14 units per acre. The site also meets all setbacks and developments standards of the R3 zoning designation. Since there is no new construction or change of use associated with this proposal once the rezone is granted the site will conform to the zoning requirements.

ATTACHMENTS

Resolution 2012 - __ adopting the 28 3rd Street and 216 A Street General Plan Amendment, Downtown Revitalization and Historic Preservation Specific Plan Amendment and Rezone Project CEQA Exemption, and approving the General Plan Amendment at 28 3rd Street from High Density Residential to Low Density Residential and removing 216 A Street from the Downtown Revitalization and Historic Preservation Specific area.

Exhibit A 2030 General Plan Amendment Exhibit

Exhibit A Downtown Revitalization and Historic Preservation Specific Plan Amendment Exhibit

Ordinance 2012-__ approving the proposed Rezone at 216 A Street by removing it from the Downtown Revitalization and Historic Preservation Specific Plan area and assigning it (R3) Multiple-Family.

Exhibit A Zoning Exhibit

Attachment 1, California Environmental Quality Act Notice of Exemption

RESOLUTION NO. 2012-_____**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALT, CALIFORNIA,
ADOPTING THE 28 3RD STREET AND 216 A STREET GENERAL PLAN AMENDMENT,
DOWNTOWN REVITALIZATION AND HISTORIC PRESERVATION SPECIFIC PLAN
AMENDMENT AND REZONE PROJECT CEQA EXEMPTION,
AND APPROVING THE GENERAL PLAN AMENDMENT AT 28 3RD STREET FROM HIGH
DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL AND REMOVING 216 A STREET
FROM THE DOWNTOWN REVITALIZATION AND
HISTORIC PRESERVATION SPECIFIC AREA.**

WHEREAS, the applicant, Baumbach & Piazza, Inc. on behalf of the John and Gertrude Schmidt LLC, has applied to amend the City of Galt 2030 General Plan land use designation of the .33 acre property that is located at the northwest corner of Guild Street and Third Street, further identified as APN: 150-0182-008. The request is to amend the General Plan from High Density Residential to Low Density Residential; and

WHEREAS, the applicant also applied to amend the Downtown Revitalization and Historic Preservation Specific Plan land use designation of the .40 acre property that is located at the southwest corner of A Street and Third Street, further identified as APN: 150-0182-004. The request is to amend the Downtown Revitalization and Historic Preservation Specific Plan by removing the property from the plan area; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) in accordance with the CEQA Guidelines 15061 under Review for Exemption 15061 (b) 3: 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This project involves no change in use and no new construction. It merely corrects existing land use and zoning to conform to existing conditions. No development is proposed with this project; and

WHEREAS, the Planning Commission of the City of Galt held a duly noticed public hearing on September 13, 2012, and reviewed the CEQA Notice of Exemption for the 28 3rd Street and 216 A Street General Plan Amendment, Downtown Revitalization and Historic Preservation Specific Plan Amendment and Rezone Project (Project) and all evidence presented both orally and in writing and, using their independent judgment, finds the document to be in compliance with CEQA and recommends adoption of the Notice of Exemption for the project by the City Council of the City of Galt; and

WHEREAS, the City Council of the City of Galt held a duly noticed public hearing on October 2, 2012 and reviewed the CEQA Notice of Exemption for the Project, the recommendation from the Planning Commission, and all evidence presented both orally and in writing and, using their independent judgment, finds the document to be in compliance with CEQA; and

WHEREAS, the City Council adopted the 2030 General Plan and certified the Final Environmental Impact Report by adopting Resolution 2009-28, on April 7, 2009, herein incorporated by reference, providing a basis of project approval; and

WHEREAS, the City Council adopted the Downtown Revitalization and Historic Preservation Specific Plan by adopting Resolution 95-129, on September 5, 1995, herein incorporated by reference, providing a basis of project approval; and

WHEREAS, the General Plan Amendment will modify the 2030 General Plan in accordance with Exhibit A; and

WHEREAS, the Specific Plan Amendment will modify the Downtown Revitalization and Historic Preservation Specific Plan in accordance with Exhibit B; and

WHEREAS, the Downtown Revitalization and Historic Preservation Specific Plan Amendment is consistent with the Galt 2030 General Plan; and

WHEREAS, at the September 13, 2012 public hearing, the Planning Commission of the City of Galt considered all evidence, presented both orally and in writing, related to the proposed General Plan and Specific Plan Amendment to change the current General Plan land use designation of APN: 150-0182-004 from High Density Residential to Low Density Residential (Exhibit A) and to change the Downtown Revitalization and Historic Preservation Specific Plan area map by removing Assessor’s Parcel Number 150-0182-008 (Exhibit B), and recommended approval to the City Council; and

WHEREAS, at the public hearing on October 2, 2012, the City Council received and reviewed all evidence presented, both orally and in writing, including the Planning Commission recommendation regarding the 2030 General Plan Amendment and Downtown Revitalization and Historic Preservation Specific Plan amendment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Galt, California, using their independent judgment, hereby adopts the Notice of Exemption per Section 15061 (b) 3 of the California Environmental Quality Act (CEQA) for the Project providing a basis of project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby approves the 2030 General Plan Amendment (Exhibit A) and Downtown Revitalization and Historic Preservation Specific Plan amendment (Exhibit B), herein attached.

The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Galt, California, this 2nd day of October 2012, upon motion by Councilmember _____, seconded by Councilmember _____, by the following vote, to wit:

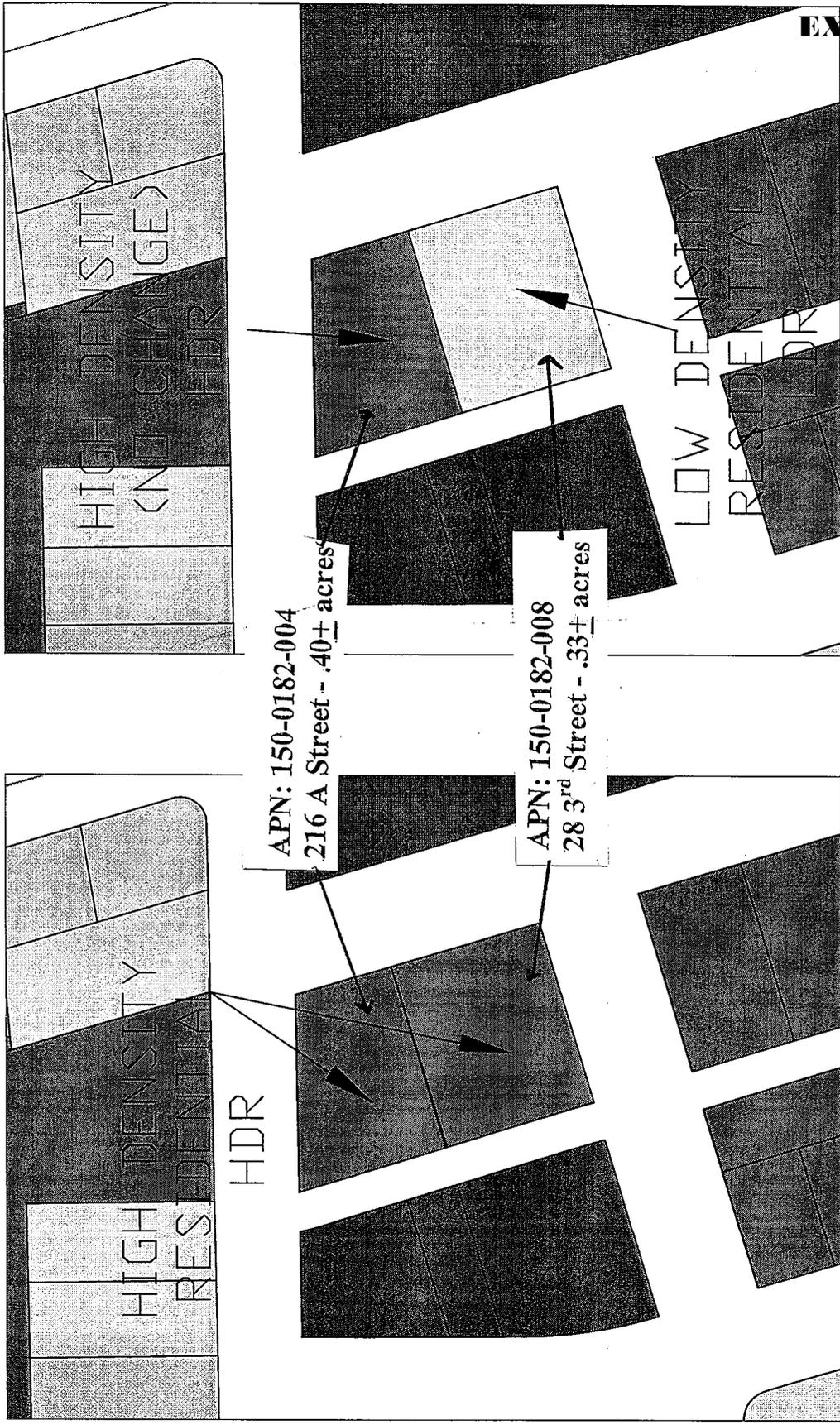
AYES: Councilmembers:
NOES: Councilmembers:
ABSTAIN: Councilmembers:
ABSENT: Councilmembers:

MAYOR, City of Galt

ATTEST:

City Clerk, City of Galt

GENERAL PLAN AMENDMENT



PROPOSED

EXISTING

EXHIBIT B

DOWNTOWN REVITALIZATION & HISTORIC SPECIFIC PLAN AMENDMENT

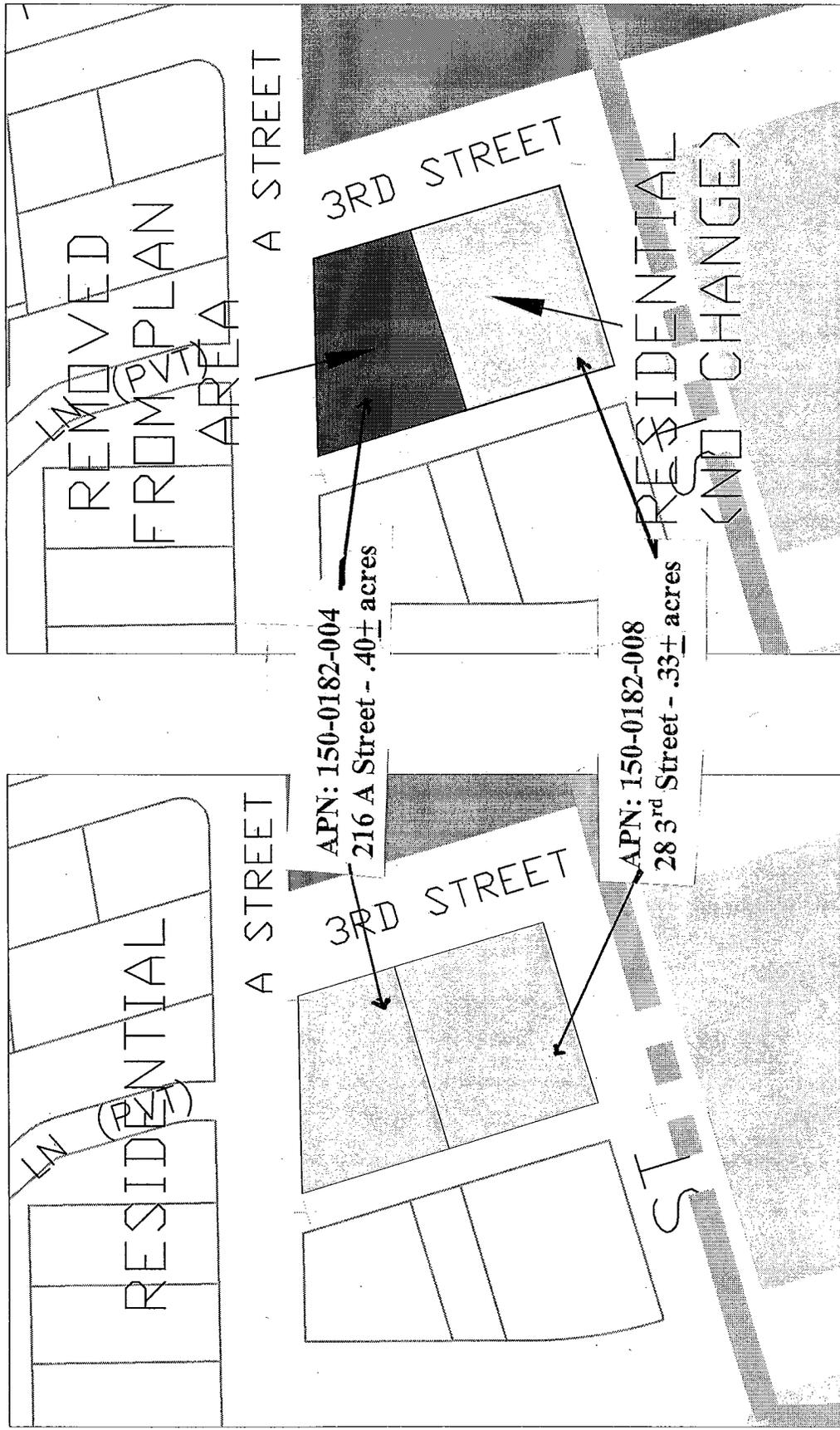


EXHIBIT B

PROPOSED

EXISTING

ORDINANCE NO. 2012-_____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF GALT, CALIFORNIA,
AMENDING THE DISTRICT ZONING MAP OF THE CITY OF GALT FOR THE
28 3RD STREET AND 216 A STREET
GENERAL PLAN AMENDMENT, DOWNTOWN REVITALIZATION AND HISTORIC
PRESERVATION SPECIFIC PLAN AMENDMENT AND REZONE PROJECT**

THE CITY COUNCIL OF THE CITY OF GALT, CALIFORNIA, does ordain as follows:

SECTION 1. The Official District Zoning Map of the City of Galt established by Galt Municipal Code Section 18.08.040, is hereby amended in order to rezone to R3 Multiple Family those .40± acres of land identified as Assessor Parcel Number 150-0182-008 as described in Exhibit A attached hereto and incorporated herein in conformance with the Galt Planning Commission recommendation at a public hearing held September 13, 2012, and the City Council decision at the public hearing held October 2, 2012.

Further, the Planning Commission and the City Council find that the proposed 28 3rd Street and 216 A Street General Plan Amendment, Downtown Revitalization and Historic Preservation Specific Plan Amendment and Rezone request is in conformance with the Galt General Plan and Downtown Revitalization and Historic Preservation Specific Plan, and that the City Council adopted a California Environmental Quality Act Notice of Exemption for said project approved by Resolution 2011-

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after its final passage and adoption.

SECTION 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published in full in accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council the 2nd day of October 2012 and by unanimous vote of the Council members present, further reading was waived.

On a motion by Councilmember _____ seconded by Councilmember _____ the foregoing ordinance was duly passed and adopted by the City Council of the City of Galt at a regular meeting thereof, this _____ day of _____, 2012, by the following vote, to wit:

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

MAYOR, City of Galt

ATTEST:

CITY CLERK, City of Galt

EXHIBIT A

REZONE

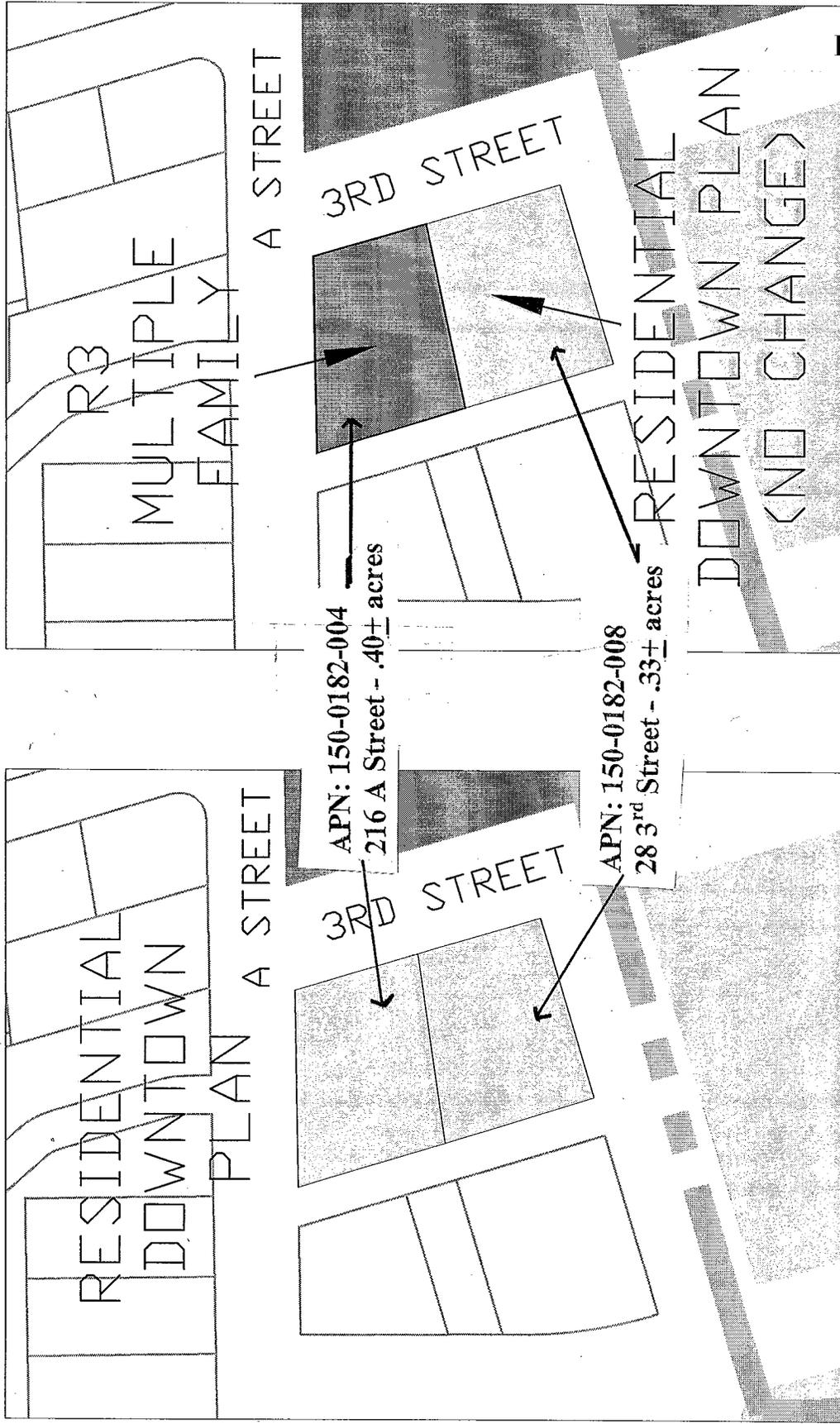


EXHIBIT A

PROPOSED

EXISTING

NOTICE OF EXEMPTION

ATTACHMENT 1

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: 28 3rd Street and 216 A Street General Plan Amendment, Downtown Revitalization and Historic Preservation Specific Plan Amendment and Rezone Project

Project Location - Specific: 28 3rd Street and 216 A Street in Galt, California. The site is particularly identified as Assessor Parcel Numbers 150-0182-004 and 150-0182-008.

Project Location: City of Galt, County of Sacramento, California

Project Applicant: Baumbach & Piazza, Inc.
323 W. Elm Street
Lodi, CA 95240
209-368-6618

Description of Project: The applicant is seeking a lot line adjustment between APNs 150-0182-004 (28 3rd Street) and 150-0182-008 (216 A Street) to jog the property line around a building on 216 A Street. Currently, the property line runs through the building. However, the 2030 General Plan and Downtown Revitalization and Historic Preservation Specific Plan (Downtown Plan) land use designations do not conform to existing conditions. As a result, the lot line adjustment cannot be completed because it is not consistent with the General Plan and Downtown Plan. To complete the lot line adjustment, the applicant is seeking to remove 216 A Street, which contains two apartment complexes, from the Downtown Plan and rezone the site to R3 (high density residential). 216 A Street will retain the High Density 2030 General Plan Land Use designation. 28 3rd Street, which contains a single family home, will retain the Downtown Plan land use designation of Residential but will seek a change of the 2030 General Plan land use designation from High Density Residential to Low Density Residential. There are no changes of use and no construction proposed as part of this project. The entitlement actions are correcting land use designations and zoning to conform to existing conditions so that the lot line adjustment can be completed.

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

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Categorical Exemption (Sec. 15332)
- Review for Exemption, General Rule (Section 15061 (b) 3)
- Funding Request: Feasibility and Planning Studies (Sec. 21102, 15262)
- Statutory Exemption. (Sec. 15282(1))

Reasons Why Project is Exempt: This project is exempt from the California Environmental Quality Act (CEQA) in accordance with the CEQA Guidelines 15061 Review for Exemption 15061 (b) 3: 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This project involves no change in use and no new construction. It merely corrects existing land use and zoning to conform to existing conditions. No development is proposed with this project.

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

Date Received for filing at OPR: _____

Signed by Applicant _____

Chris Erias, Senior Planner

Date