



**AGENDA**  
**REGULAR PLANNING COMMISSION MEETING**  
**COUNCIL CHAMBERS, 380 CIVIC DRIVE, GALT**  
**THURSDAY, OCTOBER 11, 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)1. **SUBJECT:** FAIRWAY OAKS VESTING TENTATIVE SUBDIVISION MAP PROJECT— This item was continued from the August 23, 2012 meeting and will be further continued to the November 8, 2012 regular meeting.

**RECOMMENDATION**

1) Approve Resolution 2012-\_\_\_PC conditionally approving the Vesting Tentative Subdivision Map for the Fairway Oaks Project.

(9)2. **SUBJECT:** 28 3<sup>RD</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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.

(21)3. **SUBJECT: 1021 MEADOWVIEW DRIVE SETBACK VARIANCE FOR SIDE AND REAR YARD SETBACKS - This item was continued from the July 12, 2012 meeting.**

**RECOMMENDATION**

That the Planning Commission adopt Resolution 2012-\_\_\_(PC) denying a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from 5 feet to approximately 4.5 feet and in the rear yard from 10 feet to 4.5 feet.

**DEPARTMENT PRESENTATION** – A brief overview of the CEQA process.

**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. 27<sup>th</sup>, 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: October 11, 2012

**Prepared by:**

Chris Erias, Senior Planner **CE**

**SUBJECT**

28 3<sup>RD</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> Street - .33± acres  
216 A Street - .40± acres

**EXISTING GENERAL  
PLAN DESIGNATION**

28 3<sup>rd</sup> Street - High Density Residential  
216 A Street - High Density Residential

**EXISTING ZONING  
AND SPECIFIC  
PLAN DESIGNATION**

28 3<sup>rd</sup> Street - Residential  
216 A Street - Residential

**PROPOSED GENERAL  
PLAN DESIGNATION**

28 3<sup>rd</sup> Street - Low Density Residential  
216 A Street - High Density Residential (No Change)

**PROPOSED ZONING  
AND SPECIFIC  
PLAN DESIGNATION**

28 3<sup>rd</sup> Street - Residential (No Change)  
216 A Street - (R3) Multiple-Family

**EXISTING LAND USE**

28 3<sup>rd</sup> 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 3<sup>rd</sup> Street) and 150-0182-008 (216 A Street) to jog the property line around a building on 216 A Street. 28 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> Street will change the land use designation from High Density Residential to Low Density Residential.

The existing detached single family home on 28 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>RD</sup> 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 3<sup>RD</sup> 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 3<sup>rd</sup> 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:

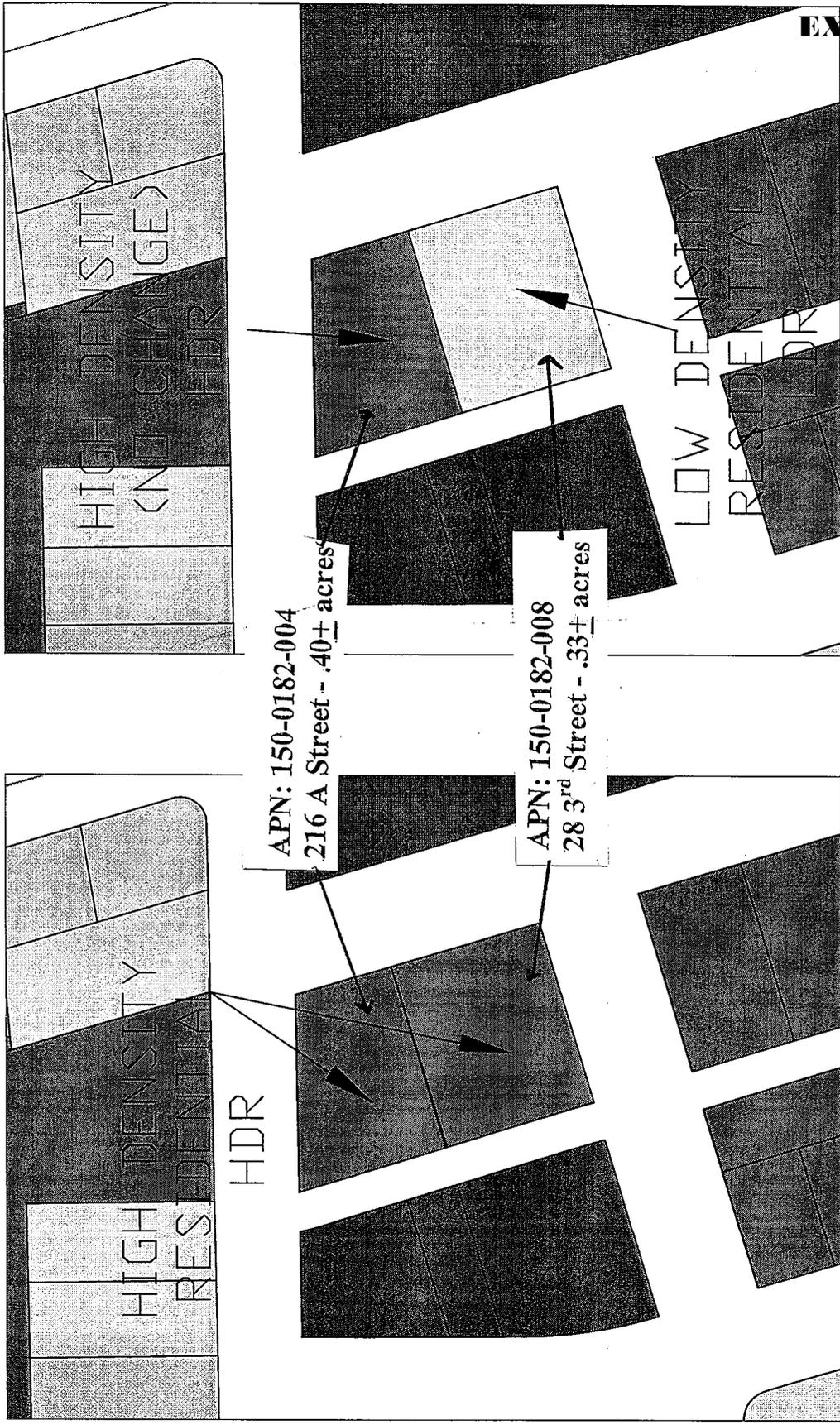
\_\_\_\_\_  
MAYOR, City of Galt

ATTEST:

\_\_\_\_\_  
City Clerk, City of Galt

# GENERAL PLAN AMENDMENT

EXHIBIT A



PROPOSED

EXISTING

# EXHIBIT B

## DOWNTOWN REVITALIZATION & HISTORIC SPECIFIC PLAN AMENDMENT

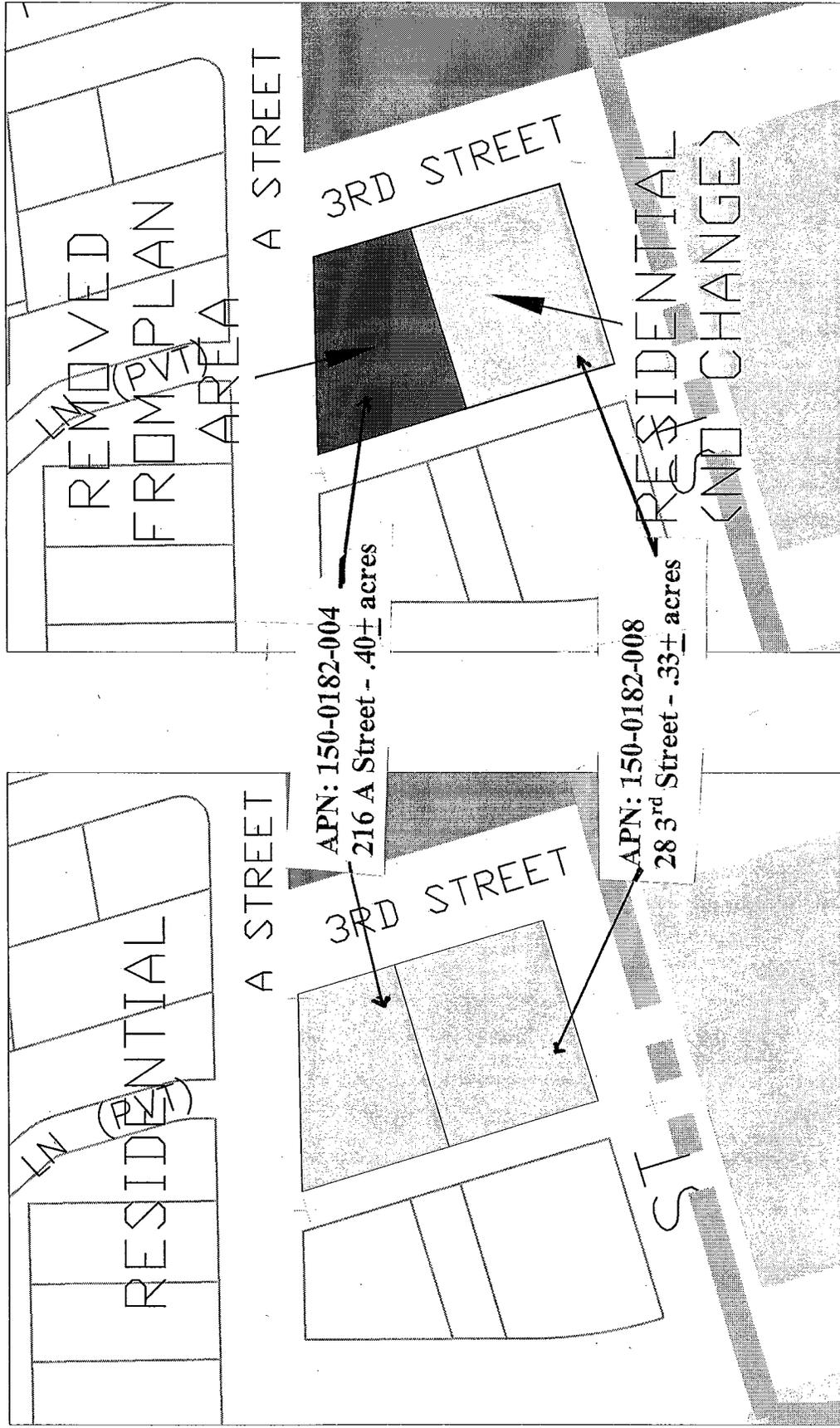


EXHIBIT B

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 3<sup>RD</sup> 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 3<sup>rd</sup> 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

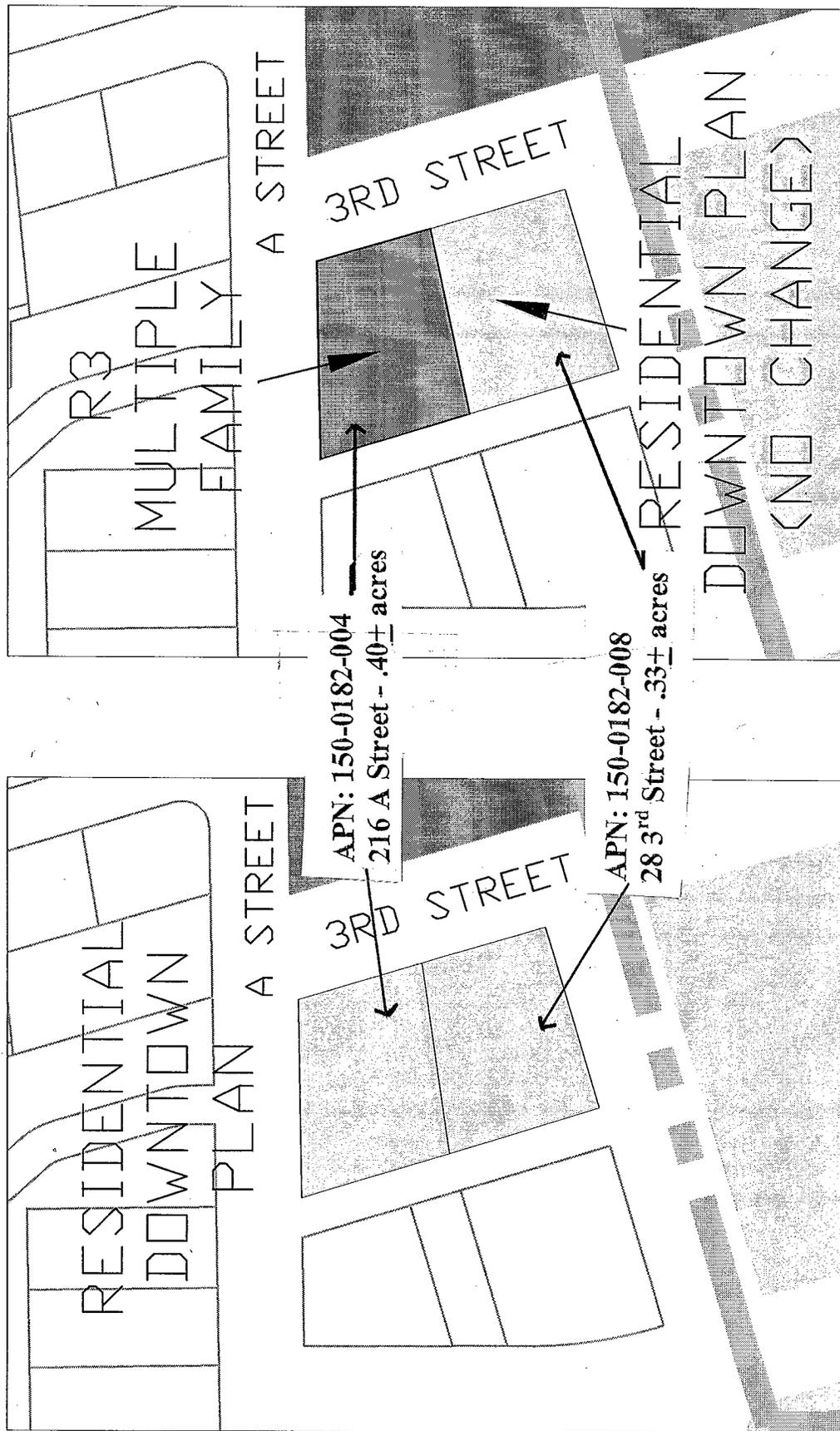


EXHIBIT A

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 3<sup>rd</sup> Street and 216 A Street General Plan Amendment, Downtown Revitalization and Historic Preservation Specific Plan Amendment and Rezone Project

**Project Location - Specific:** 28 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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

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## PLANNING COMMISSION AGENDA REPORT

Meeting Date: October 11, 2012  
Continued from July 12, 2012

**Prepared by:** Chris Erias, Senior Planner **CE**  
**Reviewed by:**

**SUBJECT** 1021 Meadowview Drive Setback Variance for side and rear yard setbacks.

### RECOMMENDATION

That the Planning Commission adopt Resolution 2012-\_\_(PC) denying a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from 5 feet to approximately 4.5 feet and in the rear yard from 10 feet to 4.5 feet.

**LOCATION** 1021 Meadowview Drive in Galt, California. The site is particularly identified as Assessor Parcel Number 148-0280-025.



**ZONING** R1C, Single-Family Residential, Maximum-Density (6,500 s.f. minimum lot size)

**OWNER** Herb Hobbs  
218 Quail Hollow Drive  
Galt, CA 95632  
209-745-6145

### BACKGROUND

The property located at 1021 Meadowview Drive has an illegal structure located in the rear of the property and an illegal attached patio cover. The patio cover and structure were built without required building permits and do not conform to required setbacks.

The variance request is for the illegal structure in the rear of the property. The date of its construction is not known. However, it existed as a storage shed prior to current ownership. At some point which is not clear, the shed was modified into a second residential unit. It contains a bathroom, kitchen, and heating and air conditioning system. The unit was occupied until the City received a complaint about the structure. Once the City became aware of the illegal structure or second unit, code enforcement action ensued. Since the building was constructed without a building permit, it was unknown if the structure is safe for human occupancy. It was not known if it meets all building code requirements. Consequently, the property owner was informed on or around April 30, 2012 that the tenant in the building must vacate by May 15, 2012. Staff has been

informed that the unit is now vacant.

Since the structure does not conform to current setbacks and was constructed without a permit, the property owner had the choice to either move the building so that it conformed with setbacks, remove the building entirely, or receive a variance for the setbacks. If the building is to remain, it will require a building permit. In addition, the structure has a covered walkway with a zero setback essentially connecting to the property line on the side (north) and rear (east). A 2 foot overhang is permissible as long as there is a minimum 3 foot airspace clearance. The applicant has chosen to seek a variance for the structure as a storage shed and not a second residential unit. If the variance is granted, the covered walkway or canopy must be removed or modified to ensure a 3 foot air space between the structure and the property line.



**Rear Structure**

The patio cover requires a 5' setback to the side (north) property line. The setback is measured from foundation, or post, to the property line. A 2 foot overhang is allowed as long as there is a 3 foot air space between structures. The structure has a zero setback and is directly on the property line. It is not a part of the variance request. If the structure is to remain, it must conform to the minimum setback and the property owner must obtain a building permit.

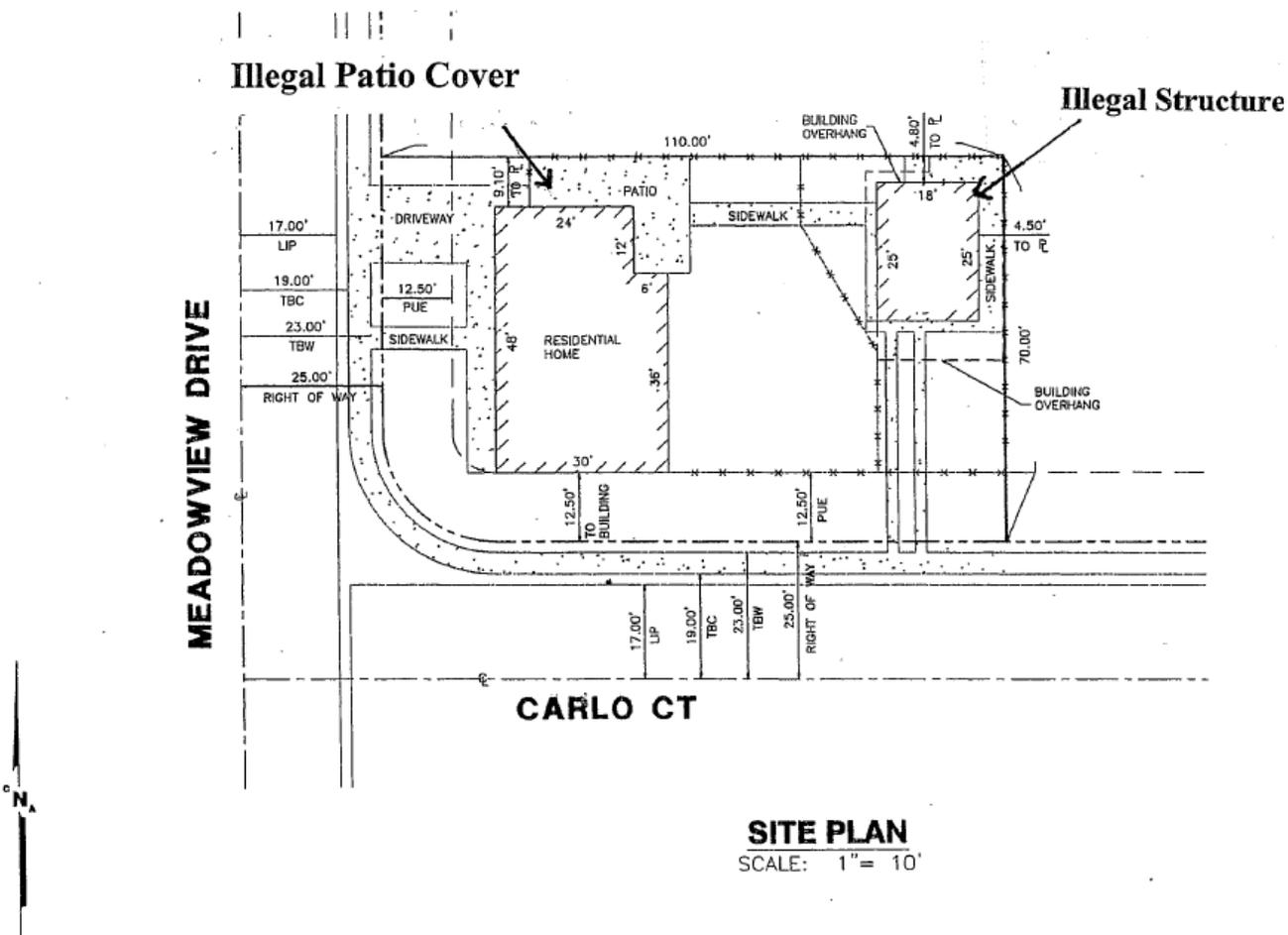


**Patio Cover**

### VARIANCE REQUEST

The applicant has requested a variance, under Chapter 18.84 of the Galt Municipal Code, from Section 18.20.020 of the Galt Municipal Code Table 18.20-1 of the Galt Municipal Code which requires a minimum side yard setback of not less than five (5) feet and a rear yard setback of not less than ten (10) feet in the R1C Zone. The variance request is for the illegal structure in the rear of the property. It has a 4.8' side yard setback and a 4.5' rear yard setback (see site plan below). If the applicant receives a variance for the setbacks they must obtain a building permit and the covered walkway or canopy must be removed or modified to ensure a 3' air space between the structure and the property line.

**SITE PLAN EXHIBIT FOR:  
1021 MEADOWVIEW DRIVE  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA  
APN: 148-0280-025**



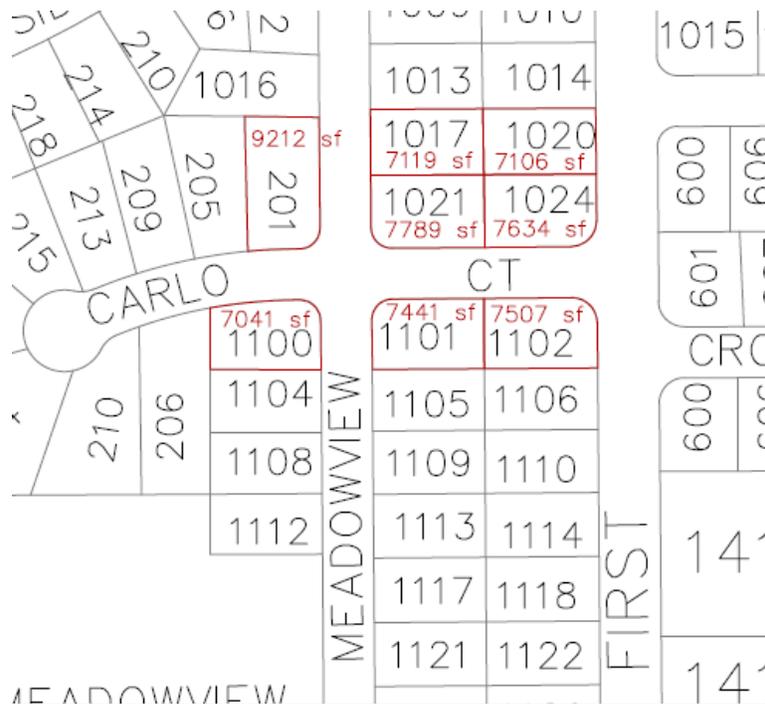
1021 Meadowview Drive Site Plan

**VARIANCE FINDINGS AND ANALYSIS**

In considering a variance, the Planning Commission may approve or conditionally approve the application request for a variance if it finds all of the following under Section 18.84.030 of the Galt Municipal Code:

**FINDING:** There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of requirements of this title would deprive the property owner of privileges generally enjoyed by other property owners in the vicinity and under identical zoning classification.

**DISCUSSION:** The strict application of the setback requirements in the zoning code does not deprive the property owner of 1021 Meadowview Drive the privileges generally enjoyed by others in the vicinity under identical zoning classification. The property does not have special circumstances in regard to size, shape, topography, location, or surroundings. 1021 Meadowview Drive is located in the R1-C zoning district. The minimum lot size for this zone is 6,500 square feet. All homes near 1021 Meadowview Drive are also in the R1-C zoning district and exceed the minimum lot size requirement. The applicant’s parcel is 7,789± square feet which is slightly larger than most other adjacent properties, see diagram below. The parcel size provides ample space for adhering to all code setback requirements. The building could easily meet setback requirements and still provide ample space between structures. The main home is small to average size, 1,100± square feet, and does not create any burdens for additional structures meeting setback requirements. Nor are there any specific features, like oak trees or other peculiar items, which create space issues on the lot. The lot is a basic rectangle shape like most others in the neighborhood. As a result, the variance request does not meet this finding.



**Lot Sizes - 1021 Meadowview Drive and Surrounding Properties**

**FINDING:** The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

**DISCUSSION:** Allowing the requested variance for the setbacks at 1021 Meadowview Drive constitutes a granting of special privileges to the property owner that are inconsistent with the limitations upon other properties in the vicinity and in the same zoning district. Since the property does not have special characteristics distinguishing it from others in the neighborhood, if granted the variance, it would have special setback privileges that other nearby properties do not have. No other properties in the immediate area, in same zoning district, have sought relief from the zoning code for setbacks. Therefore, the variance request does not meet this finding.

**FINDING:** The variance does not authorize a use that is not otherwise allowed in the zoning district.

**DISCUSSION:** This variance request will not authorize a use that is not otherwise allowed in the R1C zoning district. The variance request meets this finding.

**FINDING:** The variance may not be granted if it will adversely affect the interests of the public or the interests of other residents and property owners within the vicinity of the premises in question.

**DISCUSSION:** The modified setbacks do not encroach on any easements or on any other private property. However, in general, setbacks have a number of purposes:

1. They provide uniformity to a neighborhood and determine the relationships and placement between structures.
2. Setbacks allow a certain measure of privacy between neighbors, provide space for light and air circulation, and provide open space for landscaping and recreational use. They also provide distance between neighbors to mitigate noise and odors.
3. Setbacks also ensure that there is adequate room for emergency vehicles or equipment between and around the properties and access for utility workers who need to deal with power, water, and gas lines. It also provides space for maintenance on the home.
4. It provides places for cars to park in front of their garages without having to overhang and block a sidewalk.
5. Setbacks also improve street visibility.

A building setback is an important part of zoning regulation and one that not only preserves a neighbor's privacy and light, but also provides protection from potential nuisances like noise and odor. The reduced setbacks requested by the property owner at 1021 Meadowview Drive could directly impact the adjacent side (north) and rear (east) properties. These adjacent neighbors could be subject to increased noise and odor, and have reduced privacy due the decreased setbacks of the illegal structure at 1021 Meadowview Drive. Consequently, the requested variance does not meet this finding.

**FINDING:** A variance can be approved only if all the applicable legislative requirements of Government Code Section 65906 are met.

**DISCUSSION:** All requirements of Government Code Section 65906 are not met. As mentioned above, there are no special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of requirements of this title would deprive the property owner of privileges generally enjoyed by other property owners in the vicinity and under identical zoning classification, and if the variance is authorized it will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

#### **AGENCY COMMENTS**

Planning staff circulated a project description and a plot plan to various departments and agencies for comment. The CSD Fire District preferred that a 3 foot minimum clearance was maintained between all structures and the property lines.

#### **APPEAL**

An applicant, or any other person aggrieved by the decision, may appeal the Planning Commission's decision, under Section 18.52.050.A.6 of the Galt Municipal Code within ten (10) days after the mailing of the notice of decision by filing a written notice of appeal with the city clerk.

#### **PUBLIC NOTICE**

The project was advertised for public hearing in the Galt Herald on June 27, 2012 and notice was mailed to all property owners within 500 feet of the property boundary.

#### **ATTACHMENTS**

Resolution 2012-\_\_\_\_(PC) denying a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from 5 feet to approximately 4.5 feet and in the rear yard from 10 feet to 4.5 feet.

Exhibit A:                      Site Plan

**RESOLUTION NO. 2012 (PC)****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GALT, CALIFORNIA DENYING A VARIANCE AT 1021 MEADOWVIEW DRIVE MODIFYING THE REQUIRED SETBACKS IN THE SIDE YARD FROM 5 FEET TO APPROXIMATELY 4.5 FEET AND IN THE REAR YARD FROM 10 FEET TO 4.5 FEET**

**WHEREAS**, the applicant requests a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from five (5) feet to four and one-half (4.5) feet and in the rear yard from ten (10) feet to four and one-half (4.5) feet as shown on the site plan Exhibit A; and

**WHEREAS**, the Planning Commission of the City of Galt held a public hearing on July 12, 2012 and reviewed all evidence in the record including the staff report and oral and written testimony and using their independent judgment denies the variance request at 1021 Meadowview Drive.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Galt, California that the following findings have been made on the variance at 1021 Meadowview Drive:

A. A legally noticed public hearing was held for input and testimony by the Planning Commission on July 12, 2012; and

B. The strict application of requirements of the title would not deprive the property owner of privileges generally enjoyed by other property owners in the vicinity and under identical zoning classification; and

C. The variance, if authorized would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district; and

D. The variance does not authorize a use that is not otherwise allowed in the zoning district; and

E. The variance could adversely affect the interests of the public or the interests of other residents and property owners within the vicinity of the premises in question; and

F. The City of Galt Planning Commission finds that the variance does not meet all the applicable legislative requirements of Government Code Section 65906; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Galt, California that based on the findings the variance request for 1021 Meadowview Drive is denied.

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 \_\_\_\_ day of \_\_\_\_\_, 2012, upon motion by Planning Commissioner \_\_\_\_\_, seconded by Planning Commissioner \_\_\_\_\_ by the following vote, to wit:

**AYES:** Planning Commissioners:  
**NOES:** Planning Commissioners:  
**ABSTAIN:** Planning Commissioners:  
**ABSENT:** Planning Commissioners:

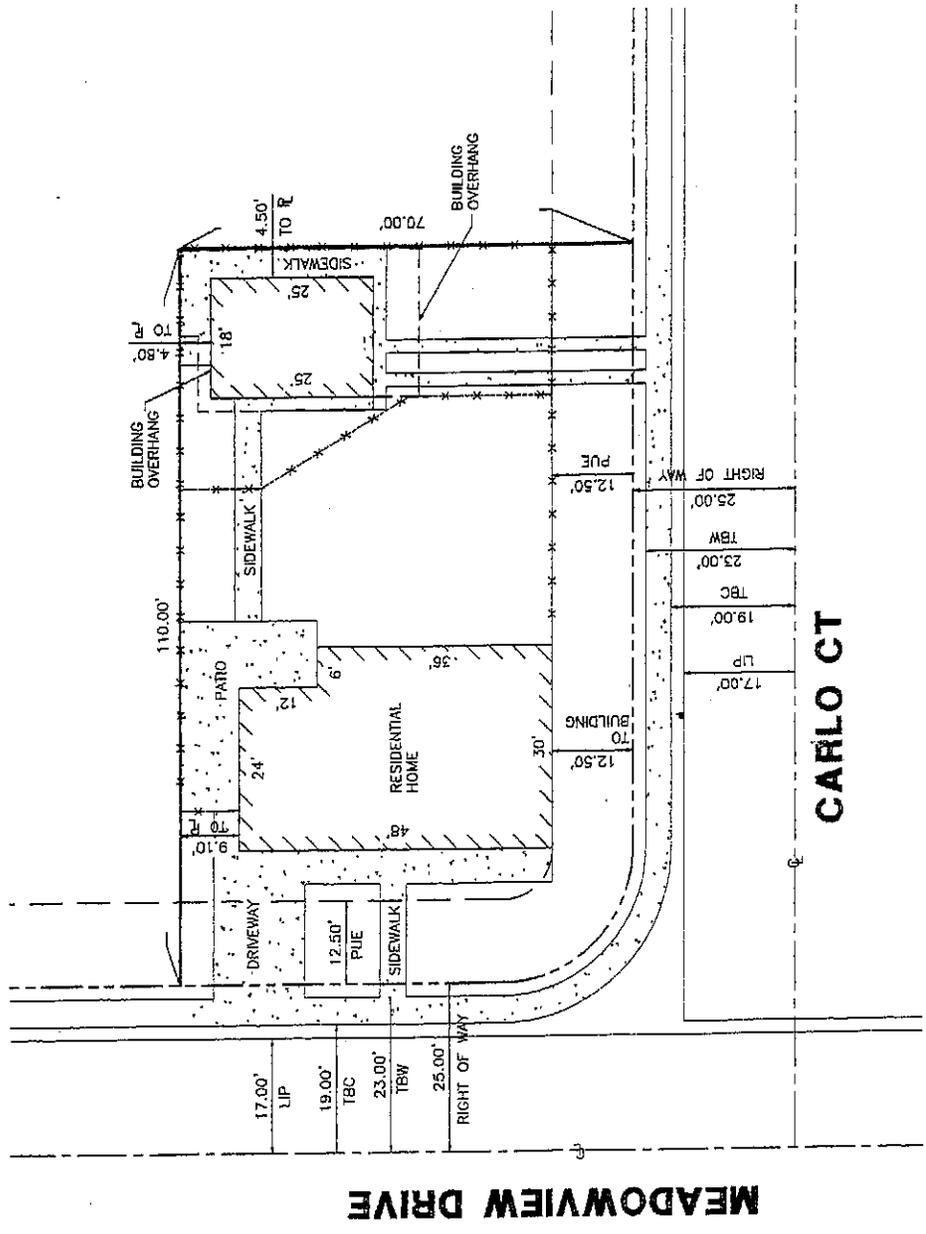
\_\_\_\_\_  
Chair, City of Galt Planning Commission

ATTEST:

\_\_\_\_\_  
Planning Commission Secretary, City of Galt

**EXHIBIT A to  
Reso. 2012-**

**SITE PLAN EXHIBIT FOR:  
1021 MEADOWVIEW DRIVE  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA  
APN: 148-0280-025**



**SITE PLAN**  
SCALE: 1" = 10'

