

CITY OF COTATI
MINUTES for the Regular Meeting of the Planning Commission

DATE OF MEETING: February 2, 2009
TIME OF MEETING: 7:00 p.m.
PLACE OF MEETING: Cotati City Hall, City Council Chambers
201 West Sierra Avenue, Cotati, CA 94931

I. CALL TO ORDER

Chair Hardy called the meeting to order at 7:00 p.m.

II. ROLL CALL

Commissioners Present: Hancock, Harvey, Ritter, Pagnusat, Hardy
Commissioners Absent: None
Staff Present: Lustig, Harris, Pajon

III. APPROVAL OF MINUTES

A. For the Regular Meeting of December 15, 2008.

Motion: Vice Chair Pagnusat made a motion and Commissioner Harvey seconded the motion to approve the December 15, 2008 minutes as presented.

Yes: 5 Noes: 0 Abstain: 0 Absent: 0

IV. CHANGES TO THE AGENDA

None

V. ORAL AND WRITTEN COMMUNICATIONS

None

VI. MATTERS AT HAND

A. Request for approval of a Use Permit to allow a personal fitness facility at 466 Primero Court, Suite E. This application is exempt from the California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities).

PA# 04/08

Applicant: Powerfit/Jantz

APN 144-010-066

Assistant Planner Harris gave an overview of the staff report for the request for approval of a Use Permit to allow a personal fitness facility at 466 Primero Court, Suite E. She gave a brief history of the project and the revised proposal submitted by the applicant. She explained the

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parking issue with this site and stated that staff is asking for approval for a reduced number of parking spaces, which is allowed by the Land Use Code. She stated that staff recommended a Condition of Approval requiring that all permits and fire code issues be resolved within 60 days is requested because work was previously done at this site without permits.

In response to Commissioner Harvey's question, Assistant Planner Harris clarified the definition of "group training activities," which are 4-6 clients per group and 1 session at a time.

In response to Commissioner Ritter's question regarding the calculation of the parking spaces, Assistant Planner Harris explained the striping and length of parking spaces and said that the compact spots were approved when the building was approved.

Discussion ensued about the number of the parking spaces actually located on site. Commissioner Ritter commented about his visit to the site and said that he only counted 17 spaces.

Commissioner Harvey commented on the equipment that is being stored in 6 of the parking spots.

Assistant Planner Harris stated that staff would be following up with the business that has the equipment in the parking spaces because it is not permitted.

Applicant Jantz responded to concerns from the Planning Commission.

- He explained that the original site plan showed parking spaces that were not marked and since he has occupied the building an additional 4-6 parking spaces have been marked.
- He said that the equipment located in several of the parking spaces belongs to the new tenants that are moving in.
- He explained that the business owner with property adjacent to this site authorized the use of his 11 parking spaces as roll over spaces and a letter was written and forwarded to the Planning Division.
- He stated that there would be three trainers working at peak time.

In response to Commissioner Ritter's question regarding the outside storage behind the cyclone fence and the equipment in that area, the applicant stated that since he had to downsize the business to meet City requirements, he had to pull equipment out of the final bay. He explained that his equipment is not visible, but that a new business is moving in and it might be their equipment.

OPEN PUBLIC HEARING at 7:18 p.m.

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Paul Bishop, a customer of applicant Jantz, said that he is a client of the applicant and is at the location at all different times of the day and that he has never had an issue with parking.

CLOSED PUBLIC HEARING at 7:19 p.m.

Commissioner Pagnusat asked if the Planning Commission could take into consideration the 11 off site parking spaces if they agree to approve a 15% reduction in parking spaces.

Assistant Planner Harris explained that the only parking spaces that can be counted for this use are those located on site.

Assistant to the City Manager Lustig said that the Planning Department did receive a letter regarding use of the 11 spaces, but that he has no authority to authorize the use because if the business changes or they are no longer at that location, a new tenant would not have to allow the use.

Commissioner Ritter expressed concern that the report indicates that there are 22 parking spots when he counted 17.

In response to Commissioner Ritter, Assistant Planner Harris displayed a copy of the plans that shows the parking spaces.

OPEN TO THE PUBLIC 7:24 p.m.

In response to Commissioner Harvey, applicant Jantz stated that there was one parking space located behind the office.

CLOSED TO THE PUBLIC 7:26 p.m.

Commissioner Ritter said that he has concerns about the parking spaces and suggested that someone should go the site to recount the available spaces.

Assistant to the City Manager Lustig responded to Commissioner Ritter's concerns regarding the parking and suggested approving the Use Permit contingent upon staff going out to the site to make sure that the parking is as stated.

Commissioner Harvey suggested staff accompany Commissioner Ritter to count the parking spaces.

Commissioner Hancock suggested encouraging people to cycle to the site since it was a multi use facility.

Chair Hardy asked staff who would be paying for the 15 gallon drought tolerant tree that the applicant is being asked to plant.

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Assistant to the City Manager Lustig explained to the Planning Commission that the only way to get improvements on existing sites is through the Use Permit process. She stated that the Planning Commission can turn down the recommendation, but that this is the only method available to attain a minimal level of upgrade.

Discussion ensued regarding the tree that the applicant is being asked to plant.

OPEN PUBLIC HEARING 7:37 p.m.

Applicant Jantz spoke about the existing trees and stated that the roots are lifting the surrounding area, adding that the owner wanted the trees to be removed but the City would not approve the removal because they were not dead.

CLOSED PUBLIC HEARING 7:38 p.m.

Assistant to the City Manager Lustig explained to the Commission how the owner and applicant work together to accomplish the required conditions and improvements.

Commissioner Ritter asked about the required length of the parking space with reference to the Land Use Code.

Assistant Planner Harris explained that there was a different Zoning Code in place at the time this building and parking spaces were built.

Vice Chair Pagnusat said that one tree was not a lot to ask of the applicant and said that he felt that the parking issue should be contingent upon providing proof of the 22 parking spots and that the Planning Commission should allow the reduction of spaces.

Commissioner Hancock agreed with that approach and believes that planting trees should be encouraged. He said that the Commission should support businesses coming in to Cotati and he would like to encourage people to ride bikes. He stated he is in support of reducing the parking requirement by two spaces.

Commissioner Ritter said that he agreed with Commissioner Hancock and would like to support the project and move forward with the contingency to verify the parking spots.

Commissioner Harvey said she supports the project and agrees with what has been said. She stated that Cotati needs more businesses and thinks that if there was a problem with parking at this location that the City would have heard about it from the citizens. She would like to see the tree installed and would like the number of parking spaces verified.

In response to Vice Chair Pagnusat's request for wording for a Condition on the parking issues, Assistant Planner Harris suggested the following: "Planning Division staff and one Planning Commissioner shall confirm that 22 spaces exist on-site."

Motion: Vice Chair Pagnusat made a motion and Commissioner Harvey seconded the motion to approve PC 09-01 with the added Condition.

Yes: 5 Noes: 0 Absent: 0 Abstain: 0

EXHIBIT “A”

CONDITIONS OF APPROVAL POWERFIT USE PERMIT PA# 04/08

466 PRIMERO COURT, SUITE E

Planning Department

1. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow a health and fitness facility to be located at 466 Primero Court, Suite E only. This use will occupy a total of 1,439 square feet with a total of 209 square feet devoted to office.
2. The use shall not expand to adjacent tenant spaces. Any such expansion shall be grounds for revocation of this use permit approval.
3. Hours of operation shall be 5:00 a.m. to 9:00 p.m. Monday through Friday, and regular business hours as defined in the Land Use Code on Saturdays and Sundays.
4. The applicant shall install a minimum of one 15-gallon, drought-tolerant shade tree (ideally of a native species) at the property frontage within 30 days of the date of Use Permit approval to improve parking lot shading. The tree species shall be subject to approval by the Community Development Director.
5. The applicant shall obtain all required building permits for any interior alterations to accommodate the approved use and receive final inspection by the Building Department within 60 days of this approval. Failure to do so may result in revocation of this use permit approval.
6. No outdoor storage of any kind shall be allowed for this use.

Rancho Adobe Fire Protection District

7. The applicant shall comply with the 2007 Fire Code and Rancho Adobe Fire Protection District ordinances (e.g., sprinklers, fire walls, etc.).

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8. The applicant shall complete all required business forms and contact the Rancho Adobe Fire Protection District's Fire Marshal for an inspection within 60 days of Use Permit approval.

Finance Department

9. The applicant shall obtain an updated City of Cotati Business License within 30 days of Use Permit approval.

Planning Commission

10. **ADDED.** Planning Division staff and one Planning Commissioner shall confirm that 22 spaces exist on-site.

VII. REPORTS BY STAFF

Assistant to the City Manager Lustig reported to the Planning Commission the following:

- Open vacancies for the Design Review Committee
- The impacts of the budget to the City and the Community Development Department.
- Update on the Downtown Specific Plan

VIII. REPORTS BY THE COMMISSION

In response to Vice Chair Pagnusat's question on the status of Peet's Coffee and the Shell station, Assistant to the City Manager Lustig stated that at this time Peet's was still moving forward. Regarding the Shell station, she explained that the state was going to require Shell to remove the canopy as part of the remediation process. She said that the City could not have the attorney move forward on this item due to cost.

Assistant Planner Harris talked about the EVR that is required by the state, and stated that all the gas stations in the state are required to have this completed by April.

IX. ADJOURNMENT

Adjourn meeting at 8:00 p.m.

Submitted By:

Keri L. Pajon, Secretary