

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

DATE OF MEETING: March 3, 2008

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

Chairman Rock called the meeting to order at 7:03 p.m.

II. ROLL CALL

Commissioners Present: Hardy, Kurvers, Pagnusat, Rock

Commissioners Absent: None

Staff Present: Thompson\*, Giudice, Lustig, Harris

\*City Manager Thompson arrived at 7:15 p.m.

III. APPROVAL OF MINUTES

A. For the Regular Meeting on January 28, 2008 and February 8, 2008

Vice Chair Kurvers stated both he and Chair Rock voted yes for their nominations of Chair and Vice Chair and that the minutes should be change to reflect such.

In response to comments from Vice Chair Kurvers, Commissioner Hardy stated that a motion was made on the Resolution for Kathi Brisbine and that the resolution was adopted.

Vice Chair Kurvers stated that Page 9 of the January 28, 2008, Planning Commission minutes, should have stated the following regarding the Eucalyptus Glen Design Review and Mitigated Negative Declaration:

*Vice Chair Kurvers commented that he initially had trouble approving the Mitigated Negative Declaration due to concerns about the cumulative affect of developments on global warming and greenhouse gases. He suggested the Planning Commission recommend City Council adoption of mandatory solar/photovoltaic requirement for all developments in Cotati. He supports this project but would like to see future developments meet a higher Green Building Standard*

He stated that he would like the minutes to reflect as such.

It was moved by Vice Chair Kurvers to approve the minutes of January 28, 2008 and February 8, 2008, with the changes noted.

Second by Commissioner Hardy.

Yes: 4          Noes: 0          Absent: 0          Abstain: 0          Vacancy: 1

IV. CHANGES TO THE AGENDA

Assistant to the City Manager Lustig indicated that staff would recommend continuance of Agenda Item A to a date uncertain. No other changes were recommended.

V. ORAL AND WRITTEN COMMUNICATIONS

There were no oral or written communications.

## VI. MATTERS AT HAND

- A. Request for a Use Permit to allow a construction contractor's business at 466 Primero Court, Suite H. This application is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

Assistant Planner Harris recommended a continuance of this item to a date unknown.

Commissioner Pagnusat moved to continue Item A. Second by Commissioner Hardy

Yes: 4            Noes: 0            Absent: 0            Abstain: 0            Vacancy: 1

- B. An application for an appeal to remove Condition of Approval No. 2 from an administratively-approved lot line adjustment between 301 and 343 East School Street. This Condition of Approval requires the applicant to create an easement on 343 East school Street to allow for the future extension of Amber Lane to 301 East School Street. This application is categorically exempt from the California Environmental Quality Act (CEQA) under section 15305, Minor Alteration in Land Use Limitations.

Assistant Planner Misti Harris gave a detailed report of the project, the decision that was made and the appeal that was submitted. She explained what a Lot Line Adjustment was and how it compared to a subdivision. She also explained the Lot Line Adjustment (LLA) process, noting that LLAs are not typically reviewed by the Planning Commission. She explained that the LLA was brought to them in this case through an appeal. She explained staff's recommendation that the Planning Commission disapprove the LLA.

Assistant Planner Harris described the proposed adjustment using a diagram to show the existing line versus the proposed shift.

Assistant Planner Harris described the easement required under the condition of approval that was contested and the reason the easement was requested. She also explained that as it stands, the LLA would result in a nonconforming lot and outlined the reasons this would be problematic.

Assistant Planner Harris recommended that the Planning Commission deny the appeal and deny the LLA based on findings that it would create a non-conforming parcel.

In response to Commissioner Pagnusat, Assistant to the City Manager Lustig explained the City's obligation to deny a project that does not comply with city standards. Due to the appeal the decision on the project was opened and to be heard anew.

In response to Commissioner Hardy, Assistant to the City Manager Lustig explained that they would look into the matter of fees to ensure the applicant is charged fairly.

The public hearing was opened at 7:18 p.m.

Rollin Bruce, applicant, explained his frustration regarding the process. He stated he did not feel that the criteria of lot dimensions applied to his LLA. He stated he felt that his lot did conform. He explained that there was enough room for a road in the future. He felt that he was being stopped from developing his property. He also expressed his concerns about the amount of time being spent on this project.

In response to Chair Rock, Assistant to the City Manager Lustig stated that lot dimensions were outlined under page 2-20 of the Land Use Code.

Mr. Bruce stated that the LLA would allow the two partners to divide the land and go their separate ways. He stated that he already has a subdivision designed for the remaining portion of the parcel and that is why they do not want to change the lot lines as required under the code. He also stated that he would be willing to work with staff after the LLA is approved. He concluded by stating his concerns about being billed for attorney fees.

Robert Coleman-Senghor Amber Lane, stated that he has been concerned about an easement on his property. He stated that the configuration of the easement on his property would limit a road to come through. He described the concerns that neighbors had in 1983, and at that time they stated that a road should go through so his property was burdened with an easement. He summarized the agreements that he attempted to make with Mr. Bruce in the past. He wants the LLA disapproved. He indicated that the design of this project proposed two dead ends abutting each other. He stated that the issue of fire safety creates a nexus for requiring a road.

Bill Underwood, E. School Street, stated his concurrence with Robert Coleman-Senghor. He stated that he has been aware of the requirements of a through road prior to the purchase of the property. He stated he had concerns about runoff and location of trees. He felt that the roadway issue has not been fully evaluated by the applicant. He advised that the applicant consider road dimension variations.

Heidi, – E. School Street, stated that when she purchased her property she was under the impression that a street should be installed through the Bruce property. She hopes the Planning Commission makes the right decision that benefits the community.

The public hearing was closed at 8:43 p.m.

In response to Commissioner Pagnusat's question Assistant Planner Harris explained the Planning Commission's options.

Assistant to the City Manager Lustig explained that staff agrees with the applicant regarding the appeal of condition of approval #10, but is now recommending for denial of the LLA due to the reasons stated. This would allow the appellant to redesign the proposed LLA to conform to the City's standards and resubmit a separate application.

In response to Chair Rock, Assistant to the City Manager Lustig explained the relation to the decision on the LLA and conformance to the code. She explained the minimum lot width is 60 feet. Assistant Planner Harris added that the length of the lot was at issue.

Commissioner Pagnusat stated that he understood that the regulations that apply have to be followed.

Commissioner Hardy stated that the LLA cannot occur as proposed and conform to City Standards and stated that this needed to be rectified.

The public hearing was re-opened at 8:50 p.m.

Mr. Bruce encouraged the Planning Commission to approve the project as is. He explained the dilemma of having to install a road and swap land with Coleman property. He indicated that the road would only serve the people at the end of Amber Lane.

Chair Rock explained that the road requirements noted by Mr. Bruce don't apply to this decision on the LLA, and explained the lot design requirements previously described by staff.

Mr. Bruce explained that he did not appeal the issue of lot dimension and suggested that the roadway could be revisited at a later date.

Robert Coleman-Senghor stated that there is a roadway access issue. He stated that recent case law proves that a nexus could be made. He also stated he could pursue a temporary takings case as he was assured that the

temporary easement would go away once development took place. He stated that the administrative decision does not preclude requirements of compliance with the code. He also suggested that staff should be directed to resolve the issue of the access road and how it would be designed. He stated his belief that there are numerous solutions to achieve compliance with the code.

Bill Underwood noted that Mr. Bruce had just stated that a subdivision for the remaining lot had been designed, which proves that he was not prepared to make any changes.

The public hearing closed at 8:04 p.m.

Commissioner Hardy recommended changes to paragraph 9 of the resolution to be corrected to read as follows:

***WHEREAS, the Planning Commission held a duly noticed public hearing on March 3, 2008 to consider public testimony and all relevant documents and evidence regarding the request for an appeal to remove Condition of Approval number 2, requiring an easement to be placed on 343 East School Street to allow the future extension of Amber Lane, for the lot line adjustment located at 301 and 343 East School Street; and,***

Vice Chair Kurvers made a motion to adopt the resolution, with changes stated by Commissioner Hardy, to uphold the appeal and deny the project based on the findings presented by staff. Second by Hardy

Yes: 4      Noes: 0      Absent: 0      Abstain: 0      Vacancy: 1

After adoption Commissioner Hardy stated that staff should consider Mr. Coleman's position whenever any development on that property is considered in the future

## VII. REPORTS BY STAFF

Assistant to the City Manager Lustig gave the following reports:

The Medical Marijuana Dispensary meeting will be postponed to April 7. She noted that a letter by the applicants attorney had been circulated and staff had provided that to the Planning Commission. If any questions arise, she asked that Planning Commissioners speak with her. She stated that there are a number of zoning issues that will have to be resolved.

Assistant to the City Manager Lustig stated that as in the past, the Planning Commission would be contacted regarding future meetings and would be informed of any meetings that would be canceled.

Assistant to the City Manager Lustig stated that the Planning Commission Appointments Process was approved by the City Council with a second reading to come. She explained the changes made and stated that she would keep the Planning Commission apprised through direct notification.

In response to Commissioner Hardy, Assistant to the City Manager Lustig explained that two appointments would take place immediately in a way that would fill the existing vacancies. This will happen shortly after the effective date of the ordinance. The remaining appointments would be made after elections. This will result in a shift to four year appointments.

City Manager Thompson added that all Planning Commissioners would be encouraged to apply.

Commissioner Hardy explained that because her appointment would be up in December she would be interested in applying now. City Manager Thompson explained that if that occurred the City Council would work it out.

Assistant to the City Manager Lustig responded to the questions about residency requirements stating that those requirements would remain the same.

## VIII. REPORTS BY COMMISSION

City Manager Thompson responded to a question by Commissioner Hardy regarding Brown Act Classes. She stated she could check to see if anybody is due to take a follow up class.

Vice Chair Kurvers stated that he would not be available to attend the April 21<sup>st</sup> Planning Commission meeting.

## IX. ADJOURNMENT

Chair Rock adjourned the meeting at 8:28 p.m.

*Submitted by:  
Alicia Giudice  
Associate Planner*