

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

DATE OF MEETING: May 5, 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 7:01pm

II. ROLL CALL

Commissioners Present: Hardy, Kurvers, Pagnusat, Rock, Coleman-Senghor
Commissioners Absent: None
Staff Present: Lustig, Harris, Giudice

III. APPROVAL OF MINUTES

A. For the Regular Meeting of April 21, 2008

Motion was made by Commissioner Coleman-Senghor to approve the minutes of April 21, 2008.

Second was made by Commissioner Pagnusat

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

IV. CHANGES TO THE AGENDA

Assistant Planner Harris stated the change to Matters at Hand to reflect hearing of Item B first.

V. ORAL AND WRITTEN COMMUNICATIONS

There were no oral or written communications

VI. MATTERS AT HAND (as amended)

A. Request for approval of an extension of a Use Permit for a contractor's outdoor storage yard located at 369 Blodgett Street. (Recommended for denial)

PA# 08/06 Applicant: Art Vollert/Frontier Contracting
APN 046-111-047

Assistant Planner Harris provided a description of the project, stating the recommendation for denial is due to the fact that the proposed use is not currently permitted at this location and that in order to allow review of Item B the current entitlement could not be active.

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In response to Commissioner Coleman-Senghor, **Assistant Planner Harris** explained that the building and the use do not currently exist and it is unusual to have two proposals for the same site at the same time.

Assistant to the City Manager Lustig explained the normal process for reviewing applications and stated that the proposed extension needed to be denied in order to allow review of the current proposal. She stated that the use of the building was previously approved in error.

The Public Hearing opened at 7:02 p.m.

Arthur Vollert, Applicant gave a brief history of the project. He stated that changes had been made after the first approval. He hopes to develop the site at this time.

The Public Hearing was closed at 7:05 p.m.

Motion was made by **Commissioner Pagnusat** to adopt Resolution No. PC-08-11 and to deny the request to extend the Use Permit.

Second was made by **Commissioner Coleman-Senghor**

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

B. Request for approval of a Mitigated Negative Declaration, Design Review, and Use Permit for a 41,874 square foot light industrial building located at 369 Blodgett Street.

PA# 21/07

Applicant: Art Vollert/Frontier Contracting

APN 046-111-047

Assistant Planner Harris provided a description of the project, stating that a tenant had not been identified at this time. She described the landscaping and bioswale system. She stated that the proposal includes skylights, preplumbing and prewiring for solar installation and that the building would be constructed with a load capacity that could handle solar installation. Assistant Planner Harris also stated that conditions of project approval would require that the interior finish work would be made of environmentally preferable materials and reduced formaldehyde in interior finishes.

Assistant Planner Harris stated that parking is a remaining issue as the site plan shows that the site is over parked by 20 spaces. The applicant is interested in keeping extra spaces but staff recommends 16 spaces as long as upgraded landscaping and upgraded pedestrian facilities are installed. She described the additional landscaping and the recommended pedestrian access gate.

In response to Commissioner Coleman-Senghor, **Assistant Planner Harris** explained that an alternate mode of travel would be provided by access to the maintenance road. She explained however, that it was not intended for public access.

Commissioner Coleman-Senghor expressed his concern about providing public access but also did not feel it made sense to provide access only to employees.

Assistant to the City Manager Lustig explained that in the future it could be used as public access and that the Water Agency has access roads that provide potential connections.

In response to Commissioner Pagnusat, **Assistant Planner Harris** read Section 17.36.050.D of the Land Use Code, which requires Use Permit approval for excessive parking. **Assistant to the City Manager Lustig** explained the method used for determining the amount of parking that would be required and Assistant Planner added that staff attempted to reach a balance.

In response to Commissioner Coleman-Senghor, **Assistant Planner Harris** stated that the applicants had not identified the use of the building. She also stated that customers are more likely to park the shortest distance to the entry but because tenants had not been decided, it was not clear where the main entrance would be.

In response to Vice Chair Kurvers, **Assistant Planner Harris** explained the hours of operation.

Chair Rock inquired about lot coverage and permeability and whether a permeable surface could be used to mitigate for excessive parking. **Assistant to the City Manager Lustig** responded that landscaping is a better alternative to permeable surfaces.

The Public Hearing was opened at 7:32p.m.

Arthur Vollert, Applicant thanked staff for the efforts made to make the project work. He expressed concerns about the gate and potential liability associated with its use. He stated that the bioswale was a compromise to removing parking spaces. He stated that ideally he would have a single user but multiple users are more likely and thus additional parking is needed.

Landscape Architect McNair explained the challenge of maintaining good circulation, parking, and adding the additional landscaping requested by staff. He explained that the bioswale was not enlarged because landscaping would need to be reduced.

Chair Rock asked about the amount of water that would be filtered with a smaller bioswale.

Landscape Architect McNair explained that the project engineer had designed the bioswales keeping in mind the grades. Mr. Vollert added that the project design was based on the perfect fit for flows and he would prefer not to make them larger because he did not want to lose landscaping. He stated his opinion that the extension of the bioswale would not have much value.

Landscape Architect McNair stated that the plans represented a change to landscaping such that all parking desired by his client would be kept, the landscaping was not increased and that the garbage enclosure was not included in plans.

Assistant to the City Manager Lustig expressed concern that the applicant was presenting plans that had not been reviewed by staff. She stated that it would be appropriate to continue the hearing without the new material to allow staff to review what was now presented by the applicant.

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The applicant explained that this project has been before PC previously and stated that this was the third time Preliminary Design Review comments were made.

Landscape Architect McNair stated the trash enclosure was located in a place that would avoid blocking the connections between the two parking lots. He explained that he would prefer to locate the picnic table at the rear of the building.

Commissioner Coleman-Senghor clarified that the proposed project was being presented to the Planning Commission for the first time.

Public Hearing Closed at 8:50pm.

Assistant Planner Harris clarified that the gate was not intended for public use, and suggested that it could be locked to allow employee access only. **Assistant Planner Harris** stated that adding curb cuts would increase the amount of flow into the bioswale.

In response to Commissioner Pagnusat, **Assistant to the City Manager Lustig** explained that the design of the bioswales in general is reviewed by the Design Review Committee but ultimately will be reviewed by the City Engineer. **Assistant Planner Harris** explained the reason for relocating the trash enclosure is to remove it from the required rear setback.

Assistant Planner Harris responded to Commissioner Coleman-Senghor regarding the meandering sidewalks, by stating that the condition required a meandering bioswale but not a sidewalk. She also explained that the applicant could consider an alternate location for the trash enclosure if the recommended location was not feasible. She explained that the site was designed with circulation around the building and as such garbage pick-up would not be an issue.

Chair Rock asked if delivery would be 40-foot trucks and if circulation by these trucks could occur. **Arthur Vollert, Applicant** responded that it would.

Commissioner Pagnusat stated that he likes the concept but would like to have the Design Review Committee review the bioswale and landscaping and that he was not certain about the gate.

In response to Chair Rock, **Assistant to the City Manager Lustig** explained that the bioswale would not be very big and that elevation changes would be minor. She also stated that they need to look at alternative means of travel and that there is a resource that could be used to provide access to this site.

Commissioner Coleman-Senghor stated that he was not in favor of requiring the gate.

Chair Rock stated that he felt the proposal is a good effort but he feels the planter on the easterly side should be wider and possibly deeper. He stated that he is in favor of providing for alternative modes of travel and the gate would provide that opportunity. He stated that the trash enclosure could be relocated and he was fine with requiring the bioswale.

Commissioner Hardy stated that she did not have an issue with reducing the amount of parking and was fine with widening the landscape fingers and adding the gate as recommended by staff.

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She also stated that she would like to have the Design Review Committee provide feedback on the trash enclosure.

Vice Chair Kurvers stated that he was in favor of the gate and appreciates staff having this vision for the future. He expressed concerns that cumulative effects were not mitigated. He stated that photovoltaic should be installed to mitigate energy impacts. He stated that there is a cumulative impact on police services and stated that installation of a security system should be required.

Commissioner Pagnusat is concerned about requiring PV panels for this project when it has not been required for others.

Chair Rock stated that Planning Commission could express the concern of requiring installation of photovoltaic panels.

Assistant to the City Manager Lustig stated the Design Review Committee had a similar conversation and that during the update to the green building program there may be an opportunity to add that as a requirement. She asked if perhaps the applicant is willing to voluntarily add it.

Assistant to the City Manager Lustig stated that it is more feasible to install the photovoltaic system prior to dividing the unit spaces.

Commissioner Coleman-Senghor stated that it should be done in a non-arbitrary way and it should not be imposed on the applicant in this way.

Commissioner Hardy stated that at some point we have to look at this opportunity seriously and perhaps the City should look into seeking grants that the city could offer to developers.

Assistant to the City Manager Lustig explained what nearby Cities are doing in terms of loans for solar installation.

Commissioner Hardy inquired about redevelopment money being used for low interest loans and thought that there might be money available.

Public Hearing opened at 8:20 pm.

Arthur Vollert, Applicant stated that there was no budget for the solar system, but that they did upgrade the load for the building and it would be preplumbed for solar installation. He stated that he is open to anything that is cost effective.

Commissioner Kurvers reiterated his concerns about the solar panels. He stated that the question about the bioswale and landscape fingers should go back to DRC. He did say that he was fine with the gate.

Commissioner Hardy stated that the language in Resolution 08-10, page 3 - number 5, should be modified to state "...therefore, the proposed use would not be likely to adversely affect..."

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Commissioner Kulvers stated that item 38, on page 9, should be stated that a security system as approved by the Police Department shall be required.

A motion was made by **Commissioner Pagnusat** for approval of Resolution No. PC 08-09 with the changes stated above.

Second was made by **Commissioner Hardy**.

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

A motion was made **Commissioner Pagnusat** for approval of Resolution No. PC 08-10 with changes stated.

Second was made by **Commissioner Hardy**.

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

VII. REPORTS BY STAFF

Assistant to the City Manager Lustig reported that the Sustainable Building Program will need to be updated and there may need to be a joint meeting with DRC and those ideas should be provided to staff. **Commissioner Kurvers** talked about LED lighting. **Commissioner Coleman-Senghor** asked if a green survey has been done for the City.

Assistant to the City Manager Lustig stated that an analysis was done for all cities within Sonoma County and that it was geared to government facilities.

Commissioner Coleman stated that his desire is to report to Council regarding the Planning Commission concerns about solar. **Commissioner Pagnusat** stated that he felt they needed to be informed about what other cities are doing and would like to only go to City Council based on informed opinions.

Commissioner Coleman-Senghor said that they should inform the City Council that they have a vision on what to do with respect to green issues.

Commissioner Hardy stated that because there is not an ordinance in place they are unable to make requirements about solar panels and other features.

Assistant to the City Manager Lustig stated that they are trying to bring forward the green building update soon. She explained that there are staff limits and that is the reason this has not been done yet.

Commissioner Kurvers stated that he did not feel he has been heard when he has asked about the need for photovoltaic for over a year.

Chair Rock stated he did not want to get locked into one single technology.

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Assistant to the City Manager Lustig explained the ordinance and how it requires better than title 24, which is getting tougher.

Commissioner Coleman-Senghor stated that someone has to be first and stated that there is a range of new technology that could be used. He doesn't see Cotati being postured to take advantage of these without an ordinance.

The group discussed the benefits of updating the ordinance. **Assistant to the City Manager Lustig** talked about the possibility of having someone from Sebastopol provide information on their loan program.

Commissioner Hardy stated that perhaps a voluntary program that would allow fast tracking.

Commissioner Coleman-Senghor asked about utilizing students to provide ideas for green building.

Assistant to the City Manager Lustig announced that next Monday is a Sonoma State University presentation on the general plan and encouraged Planning Commissioners to attend. She stated that the background report has already been done. She also stated that discussion on Green Building just started, and that the planning manager will soon start to help with workload.

VIII. REPORTS BY COMMISSION

Commissioner Pagnusat is concerned about the appearance of the old Shell station. **Assistant to the City Manager Lustig** advised that the use is not grandfathered and that the property owners have been informed.

Commissioner Coleman-Senghor stated that he felt it was blight.

IX. ADJOURNMENT

Chair Rock adjourned the meeting at 9:00 p.m.

*Submitted by:
Alicia Giudice
Associate Planner*