

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

DATE OF MEETING: July 13, 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, and Hardy
Commissioners Absent: None
Staff Present: Lustig, Harris, Pajon, Ingraham, and O'Bid,
Consultants Present: McCracken, Reilly, Moran, and Tilton

III. APPROVAL OF MINUTES

None

IV. CHANGES TO THE AGENDA

None

V. ORAL AND WRITTEN COMMUNICATIONS

None

VI. MATTERS AT HAND

- A. The Planning Commission will consider making a recommendation to the City Council on the following matter(s):
- Certification of the Downtown Specific Plan Environmental Impact Report (EIR) (State Clearinghouse # 2006032072) and adoption of certain environmental findings and mitigation measures under the California Environmental Quality Act.
 - Adoption of the Downtown Specific Plan and repeal of the La Plaza Specific Plan.
 - Approval of certain General Plan text and map amendments relating to development under the Downtown Specific Plan. The General Plan land use designation for all properties within the Downtown Specific Plan area will be designated "General Commercial" except for La Plaza Park, which will remain designated "Parks," and the southern portion of the St. Joseph's property, which will remain designated "Low Density."
 - Rezoning properties within the Downtown Specific Plan area from Downtown Commercial (CD) to a new zoning district entitled "Specific Plan, Downtown" (SPD) and amending the zoning map to reflect these zoning changes.

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- Amending certain sections of the Land Use Code to provide clarity and consistency with the Downtown Specific Plan.

Assistant to the City Manager Lustig gave a powerpoint presentation of the Downtown Specific Plan. She discussed the goals, districts, and the actions necessary to adopt the plan. She also discussed key topics of interest, including bicycle access, park unification, and cultural resources.

Consultant Reilly went over the Environmental Impact Report and explained the purpose for the public hearing. He summarized the comments received with the DEIR, specifically the California Tiger Salamander, pedestrian access and safety, traffic, and storm drainage.

Commissioner Hancock asked about the comments received from the Regional Water Quality Control Board and how those comments were taken into consideration in the EIR process.

City Engineer/Public Works Director O'Bid went over the comments from the Regional Water Quality Control Board and explained that all development would be constructed in accordance with Cotati's Storm Water Management Plan.

In response to Commissioner Hancock's question about the monitoring of the effectiveness of the BMPs for Cotati, City Engineer/Public Works Director O'Bid stated that each project would have different BMPs depending on the type of the development.

Commissioner Hancock asked about the statement regarding cumulative impacts and asked how at build out Cotati would have confidence that the storm water system would be sufficient.

City Engineer/Public Works Director O'Bid stated that the 2005 Storm Drain Master Plan includes the entire city's storm drainage network and the streams, and used the land use designations from the General Plan to calculate ultimate development run off. He explained that the plan identified some minor upgrades to the storm drain network to accommodate the development, which is based on the land use designations in the General Plan.

In response to Commissioner Harvey's concern for traffic at Page Street and Old Redwood Highway, Consultant Tilton explained that under any circumstances the traffic will get worse and not better. This intersection would be analyzed as part of the General Plan Update.

OPEN PUBLIC HEARING at 8:05 p.m. for general, plan wide comments.

Jenny Blaker, 8166 Arthur Street had the following concerns:

- She asked why the 2003 Army Corp of Engineers map was used for the California Tiger Salamander analysis instead of the updated Department of Fish & Game map.
- She is concerned with resolution PC 09-05, which says that there were no breeding sites in the DSP area. She said that in April of this year there was a USFWS employee who found the California Tiger Salamander larva immediately adjacent to the DSP area reported it.

Dave DeOlla, 7945 Scriver Court, asked the following questions:

- Are the bike paths outside the area included in the plan?
- Is the Shell gas station clean up included?

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- What consideration has been given to the SMART train? Penngrove and Cotati are not currently on the list of stops, so what would it take to add them?
- What considerations in the plan have been given to local businesses?

Laurie-Ann Barbour, 101 Ross Street, thanked everyone for their progress on this project. She asked the Planning Commission to consider allowing chickens in all zones in Cotati with added restrictions.

Maria Glass, 101 Ross Street, requested a change in the zoning code to allow chickens in all zones.

Andy Taylor, Rancho Adobe Fire Protection District, stated that the RAFPD is in support of the DSP and requests the right to have input on the height limitations, fire apparatus and station relocation.

Adrienne Lauby, 1 Kingston Way, spoke about the following issues:

- She is concerned that there will not be enough parking spaces with shared parking. She explained her situation living across from the co-housing community and the parking situation. She feels that the parking issue is a concern for the businesses.
- She doesn't understand how new development wouldn't impact drainage and requests additional detailed plans for catchment.
- She stated that she is in support of the chicken ordinance.

Callie Kull and three young residents, 101 Ross Street, requested that the City allow chickens.

Pru Draper, 718 West School Street, agreed with Ms. Lauby about the parking issue and stated that parking should be considered whenever a development comes to Cotati. She agreed that chickens were a big part of Cotati and well controlled chickens should be allowed.

PUBLIC COMMENT CLOSED

Responses:

Biologist Moran responded to the question regarding the two maps and why the Department of Fish & Game map was not used. She explained the history of the maps, stating that both maps were reviewed through the CEQA process and it was determined that they had the same effect; the mitigation requirements do not change. The map that is used doesn't really matter because a CTS determination is performed on a site by site basis. The studies are still required; the plan does not preclude any of those studies and all required mitigation must occur in coordination with the regulatory agencies for each property.

In response to Chair Hardy's question, if critical habitat were discovered in the Downtown Specific Plan area, Biologist Moran said that the required mitigation would be done.

Biologist Moran responded to the question regarding the recent occurrence that was documented, and stated that mitigation protocol would have to be followed. She added that even though the larva was discovered in April, it takes some time for the technical documents to be processed.

Assistant to City Manager Lustig explained that while preparing an EIR, there has to be a freezing or end point at which data is collected.

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In response to the question regarding the SMART train, Assistant to the City Manager Lustig explained that there will be a stop in Cotati for the train.

Assistant to the City Manager Lustig stated that the City has received an application for a demolition permit at the shell station.

Assistant to the City Manager Lustig said that tearing up the roadway for improvements could affect businesses during construction, but the improvements are expected to benefit existing businesses and encourage new businesses.

Assistant to the City Manager Lustig explained how the bike paths interconnect and that Cotati is part of the countywide Bike Master Plan, which includes interconnecting paths. She also said that the SMART train will have a bike path.

The issue of chickens will be discussed at the end of the meeting to allow the Commission to continue discussing the plan.

Assistant to the City Manager Lustig explained that the parking in the DSP is similar to the current requirements in the Land Use Code. She explained how the plan was designed and explained what shared parking works.

In response to Commissioner Harvey's question about parking requirements for restaurants, Assistant to the City Manager Lustig explained that the restaurant requirement in the Land Use Code is substantial due to high demand.

Assistant to the City Manager Lustig responded to a question regarding the storm drain system, saying that the information was calculated under the General Plan and some of it has been done or will be done. She said that improvements can be required at time of individual project planning.

Consultant Reilly said that storm drain plans will be reviewed as part of the development review process.

**COMMISSIONER HANCOCK AND CHAIR HARDY RECUSED THEMSELVES DUE TO A
CONFLICT WITH THE LA PLAZA SUBDISTRICT**

Public Hearing opened at 8:49 p.m. to discuss the La Plaza Subdistrict.

Anna Young, owner of the building at Old Redwood and La Plaza, expressed concern that this plan is downzoning her property and she wants a personal response to her concerns. She is confused by the circulation pattern in the park.

Tom Scott with Oliver's Market is concerned about the shared parking and would like to understand how the shared parking is developed.

Adrienne Lauby is concerned about the circulation around La Plaza and how the fire district will get out. She is concerned that they will have to circle the hub. She expressed concern over the parking lot at Page Street, which is being used illegally and wondered where everyone will park once that lot gets developed.

Pru Draper, 718 West School Street, is pleased with the hexagonal design. She asked if Assistant to the City Manager Lustig would be available to meet with the businesses and explain how the DSP could affect their business. She also explained that she feels that historic structures need more attention.

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Emil Hewko, 8150 La Plaza, is concerned about the parking, stating that parking is necessary for a business to be successful.

Laurie Ann Barbour stated that shared parking is working for their co-housing group, with tenants using it at night and businesses using it during the day.

Jordan Richard, 411 Matteri, asked if federal grants have infrastructure money for parking garages.

PUBLIC HEARING CLOSED at 9:03 p.m.

Assistant to the City Manager Lustig responded to comments as follows:

- How properties are affected and downzoning – The density has not decreased and mixed use is permitted and encouraged. There is no downzoning.
- How shared parking occurs – She explained the concept of shared parking.

Discussion ensued on shared parking and new businesses.

- Access for fire trucks – The DSP identifies a plan to mitigate any issues. There are options in the plan that can be utilized.

Consultant Tilton explained that it is standard practice to equip the lights of emergency vehicles with opticoms to allow the vehicles to control the traffic signals.

- Federal money for parking garages – This is a possibility, but all the grant money that Cotati is looking into is to improve Old Redwood Highway. This does not preclude parking garages from being constructed as part of the plan, but the plan could not move forward relying on parking garages.

Assistant to the City Manager Lustig said that she would be able to meet with the business owners to discuss and explain the DSP.

BREAK at 9:13 p.m.

MEETING RESUMED at 9:25 p.m.

Assistant to the City Manager Lustig explained that the public hearing portion of the meeting was complete and discussion on the zoning issue for chickens could be discussed.

Assistant Planner Harris reviewed the draft ordinance for chickens explaining that chickens would be permitted in the NL district and a zoning clearance letter would be required for other districts. This would allow staff to make sure that standards, such as setbacks, were met. She reviewed the proposed amendments to the standards, including setbacks of 12 ft. for side and rear property lines and 25 ft. for streets and dwellings on other properties. She stated staff recommends increasing waterway protection by including all animals so that the creeks do not become contaminated. Section G would be a new section, which describes standards specific for chickens.

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Discussion ensued about the proposed ordinance amendment.

OPEN PUBLIC COMMENT at 9:36 p.m.

Laurie Ann Barbour stated that she appreciated staff's work on this ordinance along with Steven Gold's work. She asked the Planning Commission to consider a 20 ft. setback from the street instead of the recommended 25 ft.

Steven Gold, 101 Ross Street #26 explained the useful resource that chickens were and said that they weren't a nuisance. He asked the Planning Commission to pass the ordinance.

CLOSED PUBLIC HEARING at 9:38 p.m.

Chair Hardy stated that she thinks a 20 ft. setback is fine and she supports the ordinance.

Vice Chair Pagnusat said that he has no experience on this topic and can't offer any suggestions.

Commissioner Harvey said a 20 ft. setback was acceptable.

Commissioner Hancock said that he has had good experiences with chickens and supports the ordinance. He also supports the 20 ft. setback.

Commissioner Ritter said that he agreed with Commissioner Hancock.

Assistant to the City Manager Lustig advised the Commissioners of the process to move forward on these items.

Commissioner Hancock said that PC Resolution 09-05 was fine and felt that the questions about the EIR were answered, and that the issue about the CTS and the maps will evolve and would be resolved with future mitigation. He said that he feels that there is an evolution that will happen in the future, particularly with water issues that will appear to be handled project by project.

Commissioner Pagnusat stated that there will always be questions and at some point it is time to move forward.

Commissioner Harvey agreed and stated that as each project comes forward, specific items would be addressed. She stated that she felt that all of the significant items have been identified and that the mitigation seems appropriate. She said that this plan allows a roadmap for the Commission to be able to make decisions on specific projects.

Commissioner Ritter agreed with Commissioner Hancock and said that he felt that they should move forward on this item.

Chair Hardy agreed with Planning Commissioner's comments and feels that they should move forward. She stated that this plan is a blue print that will change over time as projects come in.

Motion: Commissioner Harvey made a motion and Commissioner Hancock seconded the motion to approve PC Resolution 09-05, **The Planning Commission of the City**

of Cotati recommends that the City Council certify the Environmental Impact Report (EIR) for the Downtown Specific Plan.

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

Motion: Commissioner Ritter made a motion and Vice Chair Pagnusat seconded the motion to approve PC Resolution 09-06, **The Planning Commission of the City of Cotati recommends the City Council rezone certain properties, amend the zoning map, amend certain sections of the Land Use Code to provide clarity and consistency with the Downtown Specific Plan, approve certain text and map amendments to the General Plan, repeal the La Plaza Specific Plan, and adopt the Downtown Specific Plan**, and the proposed amendment to section 17.42.040 of the Land Use Code with a 20 foot setback from streets and dwellings.

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

REPORTS BY STAFF

Assistant to the City Manager Lustig advised the Planning Commission that the City had received an application for a demolition permit for the Shell station.

REPORTS BY THE COMMISSION

Commission Hardy said that she attended the Climate Action Leadership in May and has some information that she is able to share with the Commissioners.

In response to Commissioner Harvey's inquire on the status of Peet's Coffee; Assistant to the City Manager said that she heard that Peet's might not be locating in Cotati. She said that she will make contact with the new owner and have an update at the next Planning Commission meeting.

MEETING AJOURNED at 9:55 p.m.

Submitted Respectfully by:

Keri L. Pajon