

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

DATE OF MEETING: November 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

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

II. ROLL CALL

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

III. APPROVAL OF MINUTES

A. For the Regular Meeting on September 15, 2008

Commissioner Coleman-Senghor advised of a change on page 2, 3rd paragraph, which should read *would not lift up the sidewalk*, instead of *would liven up the sidewalk*.

It was moved by Commissioner Pagnusat to approve the minutes of September 15, 2008, seconded by Vice Chair Kurvers.

Yes: 4 Noes: 0 Abstain: 1 (Hardy) Absent: 0

B. For the Regular Meeting on October 6, 2008

It was moved by Vice Chair Kurvers to approve the minutes of October 6, 2008, seconded by Commissioner Hardy.

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

IV. CHANGES TO THE AGENDA

Change Item A to be heard after Item C

Moved by Commissioner Pagnusat and seconded by Vice Chair Kurvers

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

V. ORAL AND WRITTEN COMMUNICATIONS

None

VI. MATTERS AT HAND

B. Jewels to Junk - Use Permit

Request for a Use Permit to allow a second hand store to locate at 8025 Gravenstein Highway. This application is exempt from the California Environmental Quality Act (CEQA) Section 15301, Existing Facilities.

PA# 07/08
AP# 144-040-005

Applicant: Maria Jansen

Assistant Planner Harris gave an overview of the requested Use Permit for Jewels to Junk, located at 8025 Gravenstein Highway. She explained the issues and the proposed resolutions, which include parking spaces, signage, and code compliance issues. She discussed RV storage on the property, which is a code enforcement issue, and stated this would be addressed with the property owner. Staff recommended approval of PC Resolution 08-18 with Conditions of Approval. She advised the Commissioners of the typo in the Conditions of Approval number 3, recommending the word *hold* be removed, so the condition would read, *the applicant shall hold not exceed regular business hours as defined in the Land Use Code.*

In response to Commissioner Coleman-Senghor's question, Assistant to the City Manager Lustig explained that there is illegal RV storage on the site, not part of this Use Permit, and that it would be addressed with the property owners.

PUBLIC COMMENT OPENED at 7:16 p.m.

In response to Chair Rock's question, the applicant stated that she was satisfied with the Conditions of Approval.

PUBLIC COMMENT CLOSED at 7:18 p.m.

In response to Commissioner Coleman-Senghor's question, Assistant Planner Harris explained that the planter boxes are recommended in order to bring the site closer to code compliance, as is typical with Use Permits, and that the applicant would be responsible for the watering and maintenance.

Commissioner Coleman-Senghor recommended the removal of Condition 9.

In response to Chair Rock's inquiry regarding a sign permit, Assistant Planner Harris explained that the applicant would be required to obtain a sign permit from the Planning Division.

Commissioner Pagnusat asked if the sign permit would go through Design Review.

Assistant Planner Harris explained that a master sign program would go through Design Review, but that a single sign permit application, such as this one, would be an administrative permit.

Motion: Vice Chair Kurvers made a motion and Commissioner Coleman-Senghor seconded the motion to approve PC Resolution 08-18 with the removal of Condition No. 9 from the Conditions of Approval.

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

PLANNING COMMISSION RESOLUTION NO. 08-18
CONDITIONS OF APPROVAL

8025 Gravenstein Highway

PLANNING DIVISION

1. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow a second hand store with outdoor display to be located within the entire building at 8025 Gravenstein Highway. This use will occupy 3,120 square feet and 150 square feet of outdoor display area.
2. The applicant shall obtain all required building permits.
3. **MODIFIED.** The applicant shall ~~hold~~ not exceed regular business hours as defined in the Land Use Code.
4. No outdoor storage of any kind shall be allowed.
5. The applicant shall obtain a sign permit prior to installation of any signage in compliance with the City's sign ordinance.
6. Merchandise drop-offs shall be permitted only during business hours when an employee is on-site to receive the merchandise.
7. Merchandise may be displayed outdoors while the business is open, underneath the front awning, for a total of 150 square feet. The height of the displayed merchandise shall not exceed the height of the awning. The outdoor display shall not disrupt the normal function of the site or its circulation, and shall not encroach upon the driveway, parking spaces, or pedestrian walkways. A clear path of travel for handicap access, meeting ADA standards, shall be maintained at all times. All merchandise shall be removed from this dedicated outdoor display area at the close of each business day.
8. The applicant shall stripe four (4) parking spaces, measuring 9x18 feet, designated for this use located at the rear of the building within 30 days of approval of this Use Permit to the satisfaction of the Community Development Director.
9. ~~**DELETED.** The applicant shall install two (2) ceramic planters, a minimum of 42" in height and filled with live plant material, on either side of the awning at the front façade of the building within 30 days of the approval of this Use Permit to the satisfaction of the Community Development Director.~~
10. The applicant shall remove the two (2) blank white wooden boards from the sign poles within 30 days of the approval of this Use Permit to the satisfaction of the Community Development Director.

11. The applicant shall install a minimum 2-space bicycle rack near the front entrance in compliance with Land Use Code section 17.36.070.A1 within 30 days of the approval of this Use Permit to the satisfaction of the Community Development Director.

C. Coast Oil Company - Use Permit

Request for a Use Permit to allow Coast Oil Company to operate a wholesale and distribution business at 6819 Redwood Drive.

PA# 17/08
AP# 144-010-011

Applicant: Gary Rowe

Associate Planner Giudice presented the staff report for Coast Oil Company for a Use Permit to operate a wholesale distribution business at 6819 Redwood Drive. She explained the Conditions of Approval which included signage, striping, and upgraded landscaping. Staff recommended approval of PC Resolution 08-20 with Conditions of Approval.

In response to Commissioner Pagnusat's question about the landscaping and why the owners weren't maintaining it, Associate Planner Giudice explained that the condition relating to the Land Use Code requires loading areas be located away from the right of way. However, in cases where loading areas are located near the right of way, landscaping needs to be installed and maintained to provide a visual screen.

Discussion ensued on who should be responsible for the upkeep of the landscaping.

Commissioner Coleman-Senghor stated that only a portion should be required by the applicant and they should not be held responsible to landscape the rest. He asked if there was any requirement for the owner to keep up the landscaping once it is installed.

Assistant to the City Manager Lustig explained that there were no provisions in the code for abating poor maintenance of landscaping unless it becomes a nuisance.

Commissioner Coleman-Senghor said that he would like to find out if there are other cities that have an ordinance in place requiring property owners to maintain their properties. He stated that he does not want to see the improvements of the property going through the applicants when it should be the responsibility of the property owner.

Commissioner Hardy suggested having money put in a fund by the property owner to rebate back over time if they maintain their property, which is something similar to a subdivision.

Assistant to the City Manager Lustig stated that although this was an interesting proposition there was no means of requiring a property owner to maintain the property. The only avenue was through the Use Permit applicant process. Who actually pays for this improvement is between the owner and the tenant.

Chair Rock said that Council would have to direct staff to look into this type of requirement.

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Assistant to the City Manager Lustig stated that Planning staff could do some research to see if there was a tool that would allow the City to follow up with property owners who do not maintain their landscaping, but she was not aware of any ordinances.

Discussion ensued about a list of Land Use Code items that need to be reviewed and a possible workshop to discuss them in the future.

In response to Commissioner Coleman-Senghor, Associate Planner Giudice said that the dead trees will be replaced per the tree ordinance.

Vice Chair Kurvers said that he understands the reasoning for the screening from the right of way, but is concerned from a security standpoint. He feels that the screening would make it difficult to see the building.

Associate Planner Giudice explained that staff visited the site and felt that the trees provided softness to the site and still seemed to provide visibility.

Commissioner Pagnusat asked if the owner of the building and the other tenants were notified of the needed striping.

Associate Planner Giudice explained that there was a discussion with both of the business owners and they were supportive of the idea. The property owner received correspondence from the City.

PUBLIC COMMENT OPEN at 7:43 p.m.

Applicant Steve Dempsey explained that they were willing to do whatever it took to get this business going including maintaining the site. He said there was a landscaping company that currently maintains the front of the building and that they will be in contact with them to begin cleaning up the site.

Commissioner Pagnusat asked if he minded being involved in cleaning up the front.

Applicant Dempsey said that they didn't want to do all the work, but they were willing to help keep the landscaping maintained.

Commissioner Pagnusat stated that he did not want to put the entire burden on the applicant.

Applicant Dempsey said that they were willing to help motivate the property owners to make sure the landscaping was maintained.

Commissioner Coleman-Senghor expressed his concerns with the tenants being required to bring the property up to standards with no assurance that the upkeep would be maintained.

Mark Singleton, who also has a business in the building, stated that the owners were very conscientious of the need to keep the landscape maintained.

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In response to Commissioner Coleman-Senghor, Mr. Singleton stated that he strongly believed the owners would support maintaining the landscaping, and that the landscaping would screen the loading area.

PUBLIC COMMENT CLOSED at 7:50 p.m.

Commissioner Pagnusat said that he questions the concept of screening in an industrial area but agreed that because there was an ordinance that addressed this, it must be approved.

Chair Rock explained that any loading zone needs screening and needs to be brought up to standards but doesn't agree that it should be the whole 200 feet.

Assistant to the City Manager Lustig explained that the loading area was required to be internal to the building site. However, this projects requirement was a compromise which allowed the loading zone to abut the public right of way.

Commissioner Pagnusat suggested that the Planning Commission define where the landscaping should start and end for the applicant.

Associate Planner Giudice described her visit to the site and that she believed that the poplar trees were not doing well but that an arborist could determine which ones were dead.

Commissioner Coleman-Senghor said that the trees looked dead and probably contain beetles. He suggested replacing the trees with drought tolerant trees.

Discussion ensued on the state of the trees, using an arborist, and the best time to plant.

Associate Planner Giudice recommended having 4 or 5 trees replaced with drought tolerant trees and to work with the applicant to identify the species.

Commissioner Coleman-Senghor recommended planting the trees now.

Vice Chair Kurvers recommended replacing 5 trees and asked about reversing the one way parking aisle.

Commissioner Coleman-Senghor said that it made more sense to reverse the direction of the one way and asked that this be revisited with the Chief of Police.

Associate Planner Giudice stated that a Condition could be added that would request the direction of the one way be worked out with the Chief of Police.

Motion: Vice Chair Kurvers made a motion and Commissioner Hardy seconded the motion to approve PC Resolution 08-20 with Conditions of Approval and recommended changes to Condition No's. 2 and 3.

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

PLANNING COMMISSION RESOLUTION NO. 08-20
CONDITIONS OF APPROVAL

6819 Redwood Drive

1. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow a wholesale/distribution business within a 1,984 square foot tenant space located at 6819 Redwood Drive, Unit D.
2. The applicant shall install the necessary signage and pavement striping to facilitate a one-way flow of traffic at the Portal Street connections to the satisfaction of the Chief of Police.
3. **Prior to Issuance of a Business License**, the applicant shall retain a professional landscape service to provide clean up and maintenance of the landscape strip along Portal Street such that a total of 5 trees are removed and replaced with a drought tolerant tree species. The landscape strip shall be kept free of weeds and debris.
4. Hours of operation shall be Monday through Friday from 7:00 a.m. to 4:00 p.m.
5. No outdoor storage of any kind is permitted.
6. No vehicle mechanical work, painting, or washing of vehicles shall be performed within the inside or outside area of this site. Inoperable vehicles shall not be stored on this site for any given length of time.
7. The applicant shall be in compliance with the City of Cotati Municipal Code at all times, including but not limited to sections related to noise, limited hours of operation, and limits on outdoor storage.

City of Cotati Police Department

8. The building shall be protected with a burglary alarm that is monitored by an alarm company. **Prior to Issuance of a Business License**, the applicant shall obtain an alarm permit as required by the City of Cotati Police Department.

Rancho Adobe Fire Protection District

9. **Prior to issuance of a business license**, the applicant shall provide the Fire Protection District with a Key to Knox Box.
10. **Prior to issuance of a business license**, the applicant shall complete all required business forms and contact the Rancho Adobe Fire Protection District's Fire Marshal for an inspection.
11. The applicant shall comply with all State, City, and Fire Department codes and ordinances.

Finance Department

12. The applicant shall obtain a City of Cotati Business License prior to occupying this tenant space.

A. S.M. Leslie Electric - Use Permit

Request for a Use Permit for a construction contractors business with no outdoor storage to be located at 526 Portal Street

PA# 20/08
AP# 144-010-062

Applicant: S. M. Leslie Electric, Inc.

Associate Planner Giudice presented the staff report for a request for a Use Permit for a construction contractors business with no outdoor storage to be located at 526 Portal Street. Staff recommended approval of PC Resolution 08-19 with the deviation of the parking space requirements.

In response to Commissioner Pagnusat, Associate Planner Giudice clarified the request for the deviation of the parking spaces stating that the applicant was proposing to use spaces within the warehouse. Therefore total on site parking was adequate for the proposed use.

Motion: Commissioner Pagnusat made a motion and Commissioner Hardy seconded the motion to approve PC Resolution 08-19 with Conditions of Approval.

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

PLANNING COMMISSION RESOLUTION NO. 08-19
CONDITIONS OF APPROVAL

526 Portal Street

13. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow a construction contractor's business within a 6,676 square foot building located at 526 Portal Street. No more than 2,048 square feet of space shall be devoted to office use and 4,628 square feet shall be devoted to indoor storage of product, tools, storage of equipment, and parking for 4 company vehicles and minor assembly associated with a contractors business.

14. Hours of operation shall be Monday through Friday from 7:00 a.m. to 5:00 p.m.

15. Inoperable vehicles shall not be stored on this site for any given length of time.

16. All construction equipment shall be stored inside the warehouse. No outdoor storage of any kind is permitted.

17. No vehicle mechanical work, painting, or washing of vehicles shall be performed within the inside or outside area of this site.

18. The applicant shall be in compliance with the City of Cotati Municipal Code at all times, including but not limited to sections related to noise, limited hours of operation, and prohibition of outdoor storage.

City of Cotati Police Department

19. The building shall be protected with a burglary alarm that is monitored by an alarm company. An alarm permit is required and shall be issued by the City of Cotati Police Department.

Rancho Adobe Fire Protection District

20. The applicant shall comply with the 2007 Fire Code and Rancho Adobe Fire Protection District ordinances, including any requirements imposed to properly and safely allow indoor parking spaces (e.g., sprinklers, fire walls, etc.).
21. The applicant shall complete all required business forms and contact the Rancho Adobe Fire Protection District's Fire Marshal for an inspection within 30 days of Use Permit approval.

Finance Department

22. The applicant shall obtain a City of Cotati Business License within 30 days of Use Permit approval.

REPORTS BY STAFF

Assistant to the City Manager Lustig requested help with removing the chairs for the election the next day. She congratulated the Commissioners for their service to the public and wished good luck to those running for Council.

REPORTS BY COMMISSION

Commissioner Coleman-Senghor said that during his walks through neighborhoods there were two items that consistently came up by the citizens of Cotati: The old Shell gas station and the condition of the roadways of Cotati. He stated that the gas station, which is the gateway to the City, is an eyesore and asked what role the Planning Commission played in improving that site.

Assistant to the City Manager Lustig explained that the site is a hazardous material clean-up site.

Commissioner Coleman-Senghor expressed the need to inform the citizens of Cotati that the City is addressing this issue and the timeframe for resolution.

Assistant to the City Manager Lustig explained that it is currently in the hands of the County Environmental Health Department and that staff is in contact with them.

Chair Rock adjourned the meeting at 8:25 p.m.

Submitted By:

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*Keri L. Pajon
Secretary*

DRAFT