

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

DATE OF MEETING: April 19, 2010  
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 Pagnusat called the meeting to order at 7:02 pm

II. ROLL CALL

Commissioners Present: Hardy, Ritter, Moore, Hancock, and Pagnusat  
Commissioners Absent: None  
Staff Present: Lustig, Harris, and Fredrickson

III. APPROVAL OF MINUTES

A. For the Regular Meeting on March 15, 2010

Motion: Commissioner Hardy made a motion and Commissioner Ritter seconded the motion to approve the March 15, 2010 minutes as presented.

Yes: 5                      Noes: 0                      Abstain:                      Absent: 0

IV. CHANGES TO THE AGENDA

There were no changes to the agenda.

V. ORAL AND WRITTEN COMMUNICATIONS

There were no oral or written communications.

VI. MATTERS AT HAND

A. Request for a Use Permit to allow live entertainment at an existing restaurant in the Rancho Cotati Shopping Center at 572 East Cotati Avenue. This application is exempt from the California Environmental Quality Act (CEQA) under section 15301, Existing Facilities.

PA# 3/10                      Applicant: Favian Iniguez  
APN: 144-501-004                      Taqueria El Brinquito

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Commissioner Moore stated that she works next door to the project site, but that she does not have a conflict of interest and would participate in this project.

Assistant Planner Harris presented the staff report and reviewed the Conditions of Approval that would address any potential noise impacts. She stated that staff recommends approval of the Use Permit request.

PUBLIC HEARING OPENED at 7:07 pm.

Favian Iniguez, applicant, stated that he agrees with the Conditions of Approval.

Cheryl Briggs, 15 Baytree Court, stated that she has heard music from her house when a bar was located in the shopping center. After hearing the staff report and conditions about noise, she has no concerns. In response to Commissioner Moore, she said that she has no noise complaints right now.

PUBLIC HEARING CLOSED at 7:09 pm.

There was no further discussion by the Commission.

Motion: Vice Chair Hancock made a motion and Commissioner Hardy seconded the motion to approve PC Resolution 10-08 with Conditions of Approval.

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

**Taqueria El Brinquito  
572 East Cotati Avenue (PA# 3/10)  
Conditions of Approval**

Planning Division

1. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow live entertainment in the form of karaoke and live acoustic music, defined as a “night club” in the Land Use Code, to be located in conjunction with an existing restaurant at 572 East Cotati Avenue.
2. The business owner shall assume complete responsibility for potential noise impacts and take all reasonable measures to ensure that no noise impacts occur to the residents behind the business. Failure to address legitimate noise complaints shall result in revocation of the Use Permit.
3. The business owner shall not exceed regular hours as defined in the Land Use Code. Live entertainment shall cease no later than 9:30 p.m. Monday – Saturday, and 6:00 p.m. Sunday.
4. The business owner shall ensure that noise levels do not exceed 60 decibels at the rear (southern) property line at any time during the operation of the business in order to avoid noise impacts to the neighboring residents.

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5. The business owner shall comply with the sign ordinance prior to starting live entertainment activities.

Police Department

6. The business owner shall keep all doors and windows shut during all entertainment activities, live or electronic (e.g., jukebox or stereo).
7. Amplified music, except for karaoke, shall be prohibited.

Engineering Department

8. The business owner shall change out all fixtures to low water use (faucets, high efficiency [1.28 gallons per flush] toilets) prior to starting live entertainment activities.

Rancho Adobe Fire Protection District

9. The business owner shall comply with all State and local fire and building codes and ordinances.
10. The business owner shall ensure the site address and name are clearly marked on the building prior to starting live entertainment activities.
11. The business owner shall install an occupancy load sign mounted inside the front door prior to starting live entertainment activities.
12. Entertainment activities (e.g., band, karaoke machine) shall not obstruct any exit within the building.

Building Department

13. The business owner shall apply for and receive a building permit if any interior alteration of building, electrical, mechanical, or plumbing work is proposed. Any alteration to the kitchen would require approval from the County Health Department.
  - B. Request for adoption of a resolution recommending City Council adoption of an ordinance amending Chapter 17.34 (Landscaping Standards) of the City of Cotati Municipal Code. This application is exempt from the California Environmental Quality Act (CEQA) under section 15061(b)(3) because there are no foreseeable impacts.

Applicant: City of Cotati

Acting Community Development Director Lustig introduced Engineering Technician Fredrickson, who presented the staff report.

Engineering Technician Fredrickson gave a brief background on the subject, stating that the water-efficient ordinance is a state-mandated requirement. He explained the regional work that has been done to provide appropriate requirements for Sonoma County. This ordinance has merged with the present landscaping ordinance for ease of use. He stated that today Vice Chair Hancock submitted a memo about this ordinance, which was placed on the dais for the Commissioners.

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Acting Community Development Director Lustig added that staff generally agrees with Vice Chair Hancock's recommendations but notes that there may be some recommended changes before City Council's consideration of the ordinance

Vice Chair Hancock thanked staff and explained his intention was to add more detail to the ordinance.

Chair Pagnusat wanted to discuss the process. Commissioner Moore agreed with staff's suggestion to include Vice Chair Hancock's comments in the ordinance.

There was general agreement by the Commission that it would recommend approval of the ordinance with Vice Chair Hancock's comments.

Acting Community Development Director Lustig stated that the comments were very useful, and needed review by staff to see where they can be included. She added that the Design Review Committee reviewed this ordinance twice and recommended several modifications, particularly on the effect on smaller projects, stating the ordinance was fair and beneficial.

Commissioner Moore asked if the new landscaping requirements would be implemented for a business pulling a building permit, such as a new roof.

Acting Community Development Director Lustig responded that it is currently required in the ordinance, but that if there is no nexus, the landscaping requirements will not be required.

Commissioner Ritter asked for clarification about projects under 2,500 square feet. Acting Community Development Director Lustig confirmed that those projects would not need a professional landscaping plan. Engineering Technician Fredrickson added that that project would need to comply with the ordinance, but would not need to hire a professional to do so.

In response to Commissioner Ritter, Acting Community Development Director Lustig responded that full landscaping of front is currently required in new construction of single-family homes. She added that an application for a building permit for a project such as a pool would trigger the requirements of this ordinance.

In response to Vice Chair Hancock, Engineering Technician Fredrickson walked the Commission through the required forms for compliance including a water budget, noting which requirements are constants for Cotati and which numbers change with each applicant.

The Commission asked staff to ensure that the constant values for Cotati, such as average rainfall, were already filled in on the worksheet.

In response to Vice Chair Hancock, Acting Community Development Director Lustig clarified that drip irrigation is required for all projects. Engineering Technician Fredrickson noted that not having any irrigation counts as drip irrigation in the compliance forms.

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Commissioner Hardy commented that Part B should have a plus sign between LA and SLA on page 1, and there should be plus signs between LW, MW, and HW on page 2.

In response to Vice Chair Hancock, Engineering Technician Fredrickson responded that the water use calculated is to establish the landscaping. In response to Vice Chair Hancock, Acting Community Development Director Lustig responded that there is no system in place to eventually move landscaping off the water system or a reduced water system.

Discussion ensued about irrigation to establish plants versus long-term irrigation. Vice Chair Hancock suggested posting irrigation schedules next to the water meter.

Acting Community Development Director Lustig stated that staff agrees with the dual irrigation phasing idea, for posting the schedule.

Commissioner Hardy suggested requiring a performance bond to guarantee reduced watering in the future. Acting Community Development Director Lustig responded that it is not viable for homeowner projects or small projects, and is already done for larger projects.

The Commission agreed that it wanted Vice Chair Hancock's ideas incorporated into the ordinance.

Acting Community Development Director Lustig requested that at the end of the Purpose section, the word "inputs" should be deleted and the following language should be added: "...improve water quality and the minimization of loss of water and other natural resources."

Vice Chair Hancock added that the first part of the Purpose paragraph should include the word "to" so it reads "to protect."

motion: Commissioner Moore made a motion and Commissioner Ritter seconded the motion to approve PC Resolution 10-07 with incorporation of Vice Chair Hancock's comments.

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

**VII. REPORTS BY STAFF**

Acting Community Development Director Lustig advised that the massage ordinance will be presented to the Commission in May 2010 and expects to bring the Commission a mini-workshop on the bicycle/pedestrian map revisions this summer.

VIII. REPORTS BY COMMISSION

Vice Chair Hancock reported that he saw a lot of sediment in Cotati Creek and noticed it came from a parcel on Water Road, outside of City limits, and filed a citizen's complaint to the Regional Water Quality Control Board.

MEETING AJOURNED by Chair Pagnusat at 8:17 pm.

*Submitted Respectfully by:*  
*Misti Harris*