

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

DATE OF MEETING: Monday, May 16, 2011
TIME OF MEETING: 7:00 pm
PLACE OF MEETING: Cotati City Hall, City Council Chambers
201 West Sierra Avenue, Cotati, CA 94931

I. CALL TO ORDER

Chair Moore called the meeting to order at 7:04 pm

II. ROLL CALL

Commissioners Present: Brady, Ford, Hancock, Ritter and Moore
Commissioners Absent: None
Staff Present: Lustig, Harris, and Pajon

III. APPROVAL OF MINUTES

A. For the Regular Meeting of March 21, 2011

Motion:	Commissioner Hancock made a motion and Commissioner Ford seconded the motion to approve the March 21, 2011 minutes.
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Yes: 4 Noes: 0 Abstain: 1 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 for off-sale alcoholic beverages (beer and wine) within an existing Walgreen's located at 7800 Old Redwood Highway. This application is exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities).

PA# 21/10 Applicant: Walgreen's/Robia Chang
APNs: 144-680-052 & 144-080

Assistant Planner Harris presented the staff report, reviewing Walgreen's request to sell beer and wine. Staff recommends approval of the Use Permit and adoption of PC Resolution No. 11-02 with Conditions of Approval.

In response to Commissioner Ford, Assistant Planner Harris and Acting Community Development Director Lustig explained the definition of Public Convenience and Necessity.

Commissioner Hancock asked about Condition No. 9, which would require Walgreens to have the lights on during all hours of darkness.

Assistant Planner Harris explained the Police Department's concern with security and safety issues.

Discussion ensued about having lights on 24 hours of day, the area of concern in the rear by of the building by the drive thru pharmacy, and the possibility of using motion lights.

Acting Community Development Director said that they could institute the motion lights but it would require the City Engineer's approval.

Commissioner Hancock commented on Condition H, public telephones, which prohibits from receiving incoming calls.

Assistant Planner Harris explained that Conditions A through I are standard Conditions taken out of the Land Use Code.

In response to Chair Moore, Acting Community Development Director Lustig explained Condition 11, accepting the southern driveway and the discussion with property owners along Old Redwood Highway regarding upcoming improvements.

Applicant Robia Chang stated that she has nothing to add to the staff report and that she's worked with staff and the public health department to clear up any issues. She asked that the Planning Commission approve the Use Permit.

In response to Vice Chair Ritter, Applicant Chang said that she is not aware of any suspensions of Walgreens ABC license.

In response to Commissioner Hancock, Applicant Chang explained that the district manager manages the process of bringing fresh fruit and fresh vegetables into the store.

CLOSED PUBLIC HEARING

Commissioner Hancock stated that the change made by Walgreens to bring healthy food into their store is a good change.

Vice Chair Ritter stated that he has a small issue understanding how allowing Walgreens to sell beer and wine is a necessity.

Commissioner Ford appreciated the way the applicant worked with staff. He stated that in the future he would like to have a clearer definition of necessity. Also, he would like to add "motion activated" to Condition 9.

Commissioner Brady stated that Walgreens has already added the fresh fruit and vegetables to this store.

Acting Community Development Director Lustig clarified the definition of Public Necessity and Convenience and stated that a definition is located on page 4 of the resolution. She stated that this can be developed more in the future.

Chair Moore stated and Commissioner Ford agreed that any change for Public Necessity and Convenience should be handled during the General Plan Update process.

Language to be added to Condition No. 9, ...lighting remains on, (*or motion activated*)

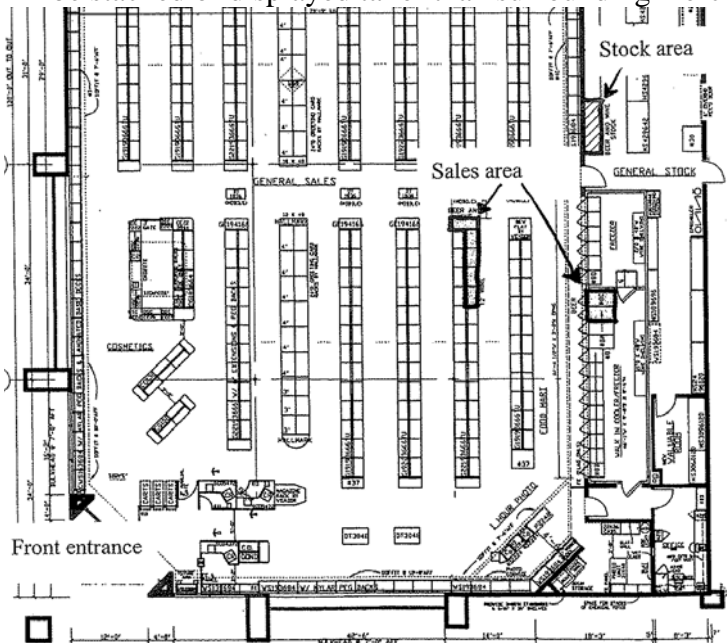
Motion:	Commissioner Hancock made a motion and Commissioner Ritter seconded the motion to approve a Use Permit for off-sale alcoholic beverages (beer and wine) within an existing Walgreen's located at 7800 Old Redwood Highway, with the recommended change and Conditions of Approval.
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Yes: 5 Noes: 0 Abstain: 0 Absent: 0

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 off-sale beer and wine sales, defined as “alcoholic beverage sales” as an ancillary use to the existing approximately 13,000 square foot Walgreen’s drugstore, defined as “general retail,” at 7800 Old Redwood Highway. This Use Permit shall not be valid until all Conditions of Approval are completed. The original Conditions of Approval from 1992, attached as “Exhibit B,” shall remain in full force and effect in addition to the Conditions approved with this application.
2. The sales area shall not exceed 45 square feet and the stock area shall not exceed 20 square feet, as shown on the site plan (excerpt below). The alcoholic beverages shall not be stacked or displayed taller than surrounding merchandise.



3. The applicant shall not exceed typical business hours as defined in the Land Use Code (6:00 a.m. – 11:00 p.m.).

4. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and regulations. Suspension of the applicant's license by the ABC may constitute sufficient cause or basis for review and possible revocation of the Use Permit.
5. The sale of alcoholic beverages shall not occur at the drive-through.
6. The applicant shall install mirrors or video cameras near the beer and wine sales area to reduce theft, prior to issuance of the ABC license to the satisfaction of the Police Chief.
7. The applicant shall remove all banners and temporary signs, or obtain the required sign permit, prior to issuance of the ABC license to the satisfaction of the Community Development Director.
8. The applicant shall remove the shipping container and debris in the rear parking lot prior to issuance of the ABC license to the satisfaction of the Community Development Director.
9. **AMENDED.** The applicant shall ensure that all exterior lighting is in good working condition and that all exterior lighting remains on (*or motion activated*) during all hours of darkness, prior to issuance of the ABC license to the satisfaction of the City Engineer.
10. The applicant shall ensure the dumpster is located in the existing trash enclosure at all times.
11. The applicant shall accept a relocated southern driveway approach if it can be demonstrated that the site still adequately provides customer and delivery access.
12. The applicant shall provide the City with the name, address, phone number, and email for the property owner, the store manager, and a corporate contact at Walgreen's prior to issuance of the ABC license.
13. The applicant shall complete a lot merger or other mechanism to combine parcels 144-680-052 and 144-080-024 prior to issuance of the ABC license, to the satisfaction of the City Engineer.
14. No outdoor storage, display, or sales are permitted.
15. The applicant shall maintain a valid City business license.
16. The applicant shall comply with the following operating standards set forth in Land Use Code section 17.42.030.B at all times:
 - a) Complaints. The owner shall designate him or herself, or one or more persons responsible for addressing complaints about operations and maintenance, and for responding to concerns of adjacent property owners and other members of the community. No liquor establishment shall have an unlisted phone number. Written notice of the designated person shall be on file with the City at all times.
 - b) Employee training. All employees shall, within 90 days of employment, complete an approved course in responsible beverage service training, including a review of pertinent State laws (e.g., Alcoholic Beverage Control [ABC] and Penal Code provisions) dealing with sale to minors; the effects of alcohol, including the impairment of driving skills; and methods of dealing with intoxicated customers and recognizing minors.
 - c) Laws. The establishment shall be maintained and operated in a manner that complies with all applicable laws, rules, and regulations.
 - d) Noise. Each establishment shall comply with the noise standards in Section 17.30.050 (Noise Standards).
 - e) Nuisance. The establishment shall be maintained and operated in a manner that does not create or allow a public or private nuisance.
 - f) Operation. The establishment shall be maintained and operated in a manner that minimizes the congregation of individuals, littering, loitering, loud noise, on-site drunkenness, public urination, solicitation, and violence.

- g) Permit posting. A copy of the planning permit for alcohol sales shall be posted on the premises in a conspicuous place where it may be readily viewed by the public.
- h) Telephones. Each public telephone located on an off-sale premises (or located in an adjacent area under the control of the off-sale licensee) shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.
- i) Trash. Off-sale establishments shall have litter and trash receptacles at convenient indoor and outdoor locations, and the operators shall remove trash and debris on a daily basis to an enclosed trash receptacle.

Police Department

17. To reduce loitering and consumption on and/or near the site, the applicant shall not sell single-serving alcoholic beverages.

Building Division

18. The applicant shall update parking lot striping, signage, and building and site access features to current State and Federal handicap access standards, prior to issuance of the ABC license to the satisfaction of the Building Official.

ORIGINAL CONDITIONS OF APPROVAL
DESIGN REVIEW AND USE PERMIT GRANTED ON AUGUST 17, 1992

CONDITIONS OF APPROVAL - WALGREENS (PA# 23/92):

BUILDING DEPARTMENT

- 1. The drive-through shall have directional signage.

POLICE DEPARTMENT

- 2. This building shall be constructed in accordance with the City's Building Security Ordinance.
- 3. In addition to a burglary alarm, a robbery alarm needs to be installed.
- 4. Security lighting shall be utilized around the building's exterior. Fixtures shall be positioned around doorways and windows to avoid glare. This lighting shall be directed down or towards the building.
- 5. Parking lot lighting shall be at an acceptable level. To attain this, double light stanchions need to be utilized. These poles shall be positioned at a distance not to exceed 150 feet. Additional lighting can be placed on the sides of the building.

PUBLIC HEALTH

- 6. Prior to the issuance of building permits, plans must be approved by the Department of Public Health.
 - 7. This facility will need an annual operational permit from the Department of Public Health.
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WATER AGENCY

8. Site grading and drainage for the project shall be designed in conformance with the Sonoma County Water Agency Flood Control Design Criteria.

PLANNING DEPARTMENT

9. Trash enclosure shall have ample room for recycle containers and must be approved by Planning staff prior to issuance of building permits.

10. Loading and unloading activity shall be limited to times which do not coincide with the hours of operation of the drive-up window. A chain shall be installed which will be located at the southwestern corner of the building to close off the drive-up window in the event a delivery truck is off schedule.

~~DELETED:~~ 11. A public access easement shall be provided to the east of the building on the proposed internal street exiting onto Gravenstein Way.

DESIGN REVIEW

12. The one-way circulation pattern be appropriately striped.

13. The parking space at the north end of the walkway along the front of the building be eliminated and striped for pedestrian use.

14. The parking spaces at the rear of the building be designated for employee use only.

15. The applicant shall provide a temporary landscaping hedge from the sidewalk to the rear of the building along the south boundary. The plant material is to be approved by staff. If the property owner will not allow this, then the applicants shall come back to design review with an alternative. The hedge may be removed upon development of the adjacent parcel.

16. The lighting standards shall be more in keeping with the Downtown Specific Plan design guidelines and approved by staff.

~~DELETED:~~ 17. If the Planning Commission decides to extend the Downtown Specific Plan design guidelines along the Old Redwood Highway corridor to Gravenstein Highway, that the applicants be held to these design requirements as far as cosmetic embellishments are concerned (i.e. exterior lighting and street landscape treatment).

ENGINEERING DEPARTMENT

18. Storm drain and water main re-location shall be approved by the City Engineer prior to issuance of building permits.

19. The southerly driveway on Old Redwood Highway shall be a minimum of 151 feet south of the southerly crosswalk line of St. Joseph Way and 375 feet southerly of the southerly crosswalk line of Gravenstein Highway.

20. Driveway channelization for the northerly driveway on Old Redwood Highway shall be designed by the traffic engineer and approved by the City Engineer prior to issuance of building permits.

21. All utilities to the site shall be underground.

22. On-site lighting of parking and driveway area shall meet City of Cotati and Police Department standards.

23. Curb and gutter exists along the frontage. The developer shall be responsible for replacement and repair of any existing public improvements damaged during construction.

24. A sidewalk shall be placed along the frontage which will conform to City of Cotati and Planning Department standards.

25. Landscaping shall meet Design Review Committee requirements.

26. Fire protection such as on-site hydrants and/or sprinkler system shall meet Cotati Fire Protection District standards.

27. Parking shall meet requirements of Cotati Land Use Ordinance.

28. Trash enclosure shall be screened in accord with Design Review Commission requirements.

29. A grading plan shall be submitted to the Building Department for review and approval prior to issuance of any permits.

30. Any existing septic tank, leach field or water wells shall be abandoned in accord with County and Health Department requirements.

31. The Department of Public Works shall inspect sanitary sewer connections from adjacent properties to ensure that no sewer laterals from adjacent properties cross the proposed development.

32. All storm water shall be collected on-site and discharged to the City of Cotati storm drain system by means of underground storm drain piping. No water shall be allowed to drain over public sidewalk area.

33. A water backflow prevention device shall be installed on the water service.

34. A sanitary sewer application permit shall be made with regard to proposed occupancy.

35. Approval shall be voided after one year from date of approval if no building permit has been applied for.

36. Developer shall pay all appropriate City fees in accord with fee schedule and Land Use Ordinance.

37. Storm drain relocation shall be approved by Sonoma County Water Agency.

38. All easements for storm drain and water main shall be granted to the City.

ADDED: 39. The developer shall quitclaim the transportation easement to the City of Cotati which currently exists over the 20 foot strip of land owned by the City which runs through the project, prior to building permit issuance.

ADDED: 40. The applicant shall comply with all requirements of the Cotati Fire Protection District.

- B. Request for a Use Permit for extended hours of operation and outdoor display at an existing coffee shop located at 8225 Old Redwood Highway. This application is exempt from the California Environmental Quality Act (CEQA) under section 15301, Existing Facilities.

PA# 10/11
APN: 144-263-003

Applicant: Kelly Clark/Holy Roast, LLC

Assistant Planner Harris presented the staff report and recommends adoption of PC Resolution 11-05 with Conditions of Approval.

In response to Commissioner Brady, Acting Community Development Director Lustig stated that it is difficult to revoke or modify a Use Permit once it has been issued.

In response to Commissioner Hancock, Acting Community Development Director Lustig clarified Condition 9, explaining that the purpose of this condition is to make sure that the display doesn't encroach on City property.

PUBLIC HEARING opened at 7:25 pm

Applicant Kelly Clark, Cotati Coffee, explained her request to be open until 3:00 am, stating that she would like the opportunity to stay open if it is financially feasible and offer coffee and snacks to those leaving the bars. She stated her agreement with the outdoor display conditions.

In response to Commissioner Hancock’s question on the process of the Use Permit, Applicant Clark said that Cotati is a tough town and very thorough. She said that she feels that there are ways to streamline the process.

In response to Commissioner Ritter, Assistant Planner Harris explained that outdoor dining is related and is being handled concurrently under a license agreement.

PUBLIC HEARING closed at 7:30 pm

Chair Moore said that she understands why the applicant requested to stay open until 3:00 am and she is okay with the request. She stated that if it becomes an issue, it could be brought back to Planning Commission for review.

Vice Chair Ritter and Commissioner Hancock agreed with Chair Moore.

Commissioner Ford stated that he understands the reason for the applicant’s request, but doesn’t feel that people need to hang out for an hour after the bars close. He stated that he supports a closure time of 2:30 am.

Commissioner Brady stated that having the applicant’s business open until 3:00 am doesn’t appear to cause a huge change in the downtown area.

Acting Community Development Director Lustig said that last call is 1:30 am. She stated that she supports the Chief in his reasoning for the change in hours. She also supports the applicant in wanting to provide something other than alcohol late in the evening and early morning hours.

PUBLIC HEARING opened at 7:37 pm

In response to Chair Moore, the applicant said that she would be okay with a closing time of 2:30 am. She explained that she lives in the downtown area and feels confident that she and her husband or their employees could police their business.

PUBLIC HEARING closed at 7:38 pm

Commissioner Ford thanked the applicant for their donation for Bike to Work Day.

Motion:	Commissioner Ritter made a motion and Commissioner Ford seconded the motion to approve PC Resolution 11-05, to approve a Use Permit for extended hours of operation with recommended changes and Conditions of Approval.
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Yes: 5 Noes: 0 Abstain: 0 Absent: 0

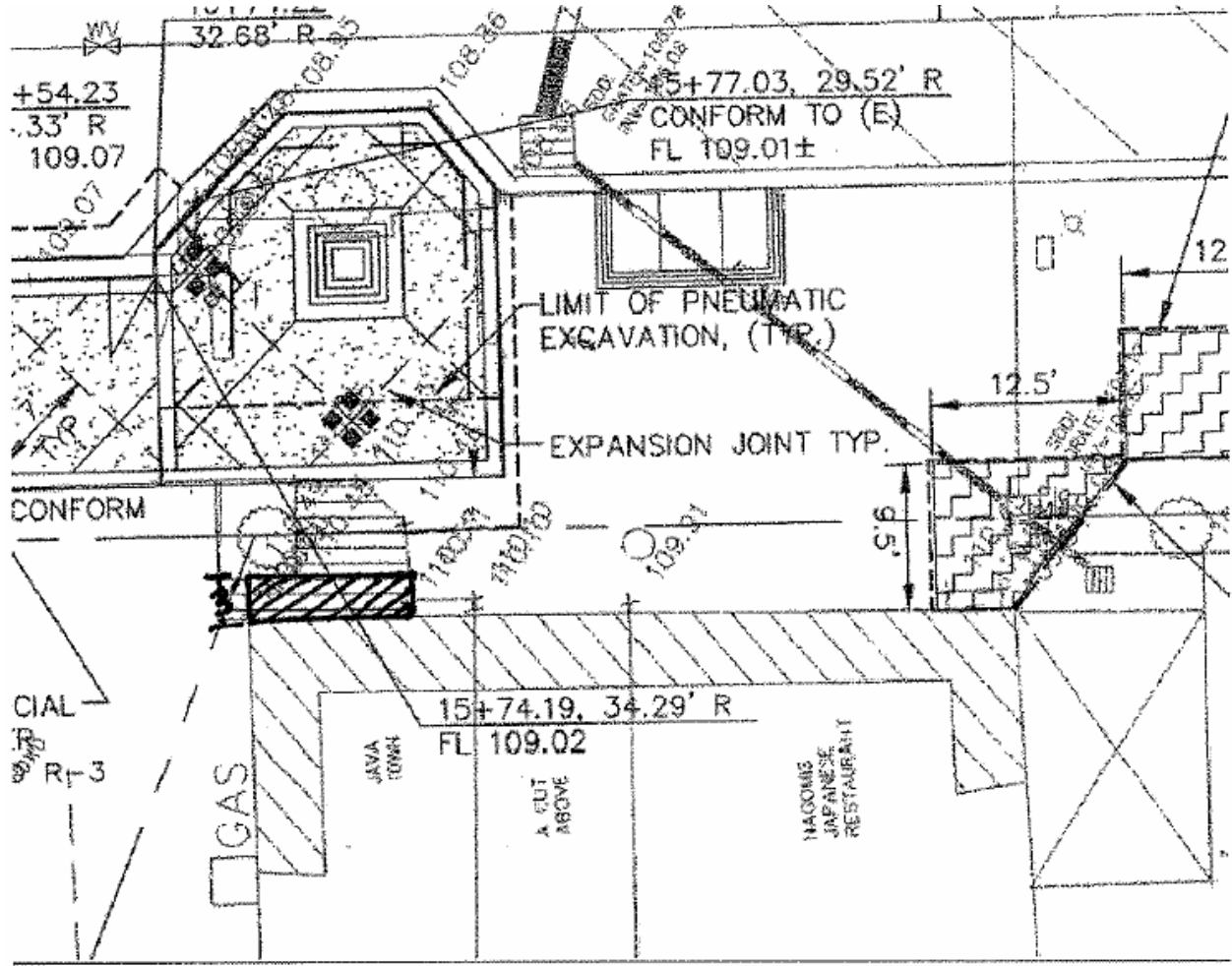
Conditions of Approval

1. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow extended hours of operation and outdoor display and sales at Cotati Coffee, located at 8225 Old Redwood Highway. The coffee shop occupies approximately 500 square feet. This Use Permit shall not be valid until all Conditions of

Approval are completed.

2. **AMENDED.** The hours of operation shall not exceed 5:30 a.m. to ~~2:00~~ 2:30 a.m. daily. All merchandise and displays shall be removed from the outdoor display area by 12:00 a.m. daily to prevent gathering crowds.
3. Deliveries from vehicles weighing less than 3 tons (i.e., a car, van, pickup truck, or SUV) may be permitted during business hours. Deliveries from vehicles larger than 3 tons shall be limited to 7:00 a.m. to 7:00 p.m. daily.
4. At a minimum, the applicant shall serve similar food to the existing menu at all times during business hours. This includes coffee beverages, cold drinks, baked goods, frozen yogurt, and yogurt. The applicant shall obtain approval from the Health Department for any food preparation or service expansion. No alcohol sales are permitted.
5. The applicant shall obtain building permits as required for any work to be performed. Any interior work will trigger ADA upgrades in accordance with the Building Code and the Building Official.
6. The applicant shall implement a cleanup plan for the immediate area surrounding this business. At a minimum, the plan shall include the following:
 - a. Provide at least one trash can inside the business with signage directing patrons to utilize receptacles to “keep Cotati clean.”
 - b. Ensure employees clean the storefront and nearby area every morning, paying extra attention to cleanliness following busy nights. The area to be cleaned up shall extend at least 30 feet in all directions, including the street.
7. Other than required as a Condition of Approval, there shall be no exterior changes or modifications made to the existing building in association with the proposed use/operation. Minor exterior modifications require approval of the Planning and/or Building Departments. Major exterior modifications would require approval by the Design Review Committee, in accordance with section 17.62.040.B of the Land Use Code.
8. All signage in association with the proposed use shall be established in conformance with the provisions of Chapter 17.38 of the City’s Land Use Code. The A-board sign shall be removed. The applicant may submit a sign permit application for the A-board sign to be located on private property in accordance with the Land Use Code.
9. The outdoor display area shall be located entirely on private property adjacent to the front of the building. The area shall not exceed the length of the tenant space and shall have a maximum depth of three (3) feet so it does not encroach into the public right-of-way. The merchandise display(s) shall be reviewed and approved by the Community Development Director prior to use. Displayed merchandise shall not exceed a height of six (6) feet above natural grade.

OUTDOOR DISPLAY AREA



VII. REPORTS BY STAFF

Acting Community Development Director Lustig spoke about the following:

- General Plan Update - Reviewed potential meeting dates and Commission agreed to start at 6:00 pm.
- CEQA workshop – June 2, 2011
- Introduction of the newest Planning Commissioner, Jami Brady
- Five applications received for the open Council seat

VIII. REPORTS BY COMMISSION

Commissioner Ford stated that Bike to Work Day was a success.

MEETING ADJOURNED by Chair Moore at 7:47 pm

Submitted by

Keri L. Pajon
Administrative Secretary