

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

DATE OF MEETING: June 7, 2010
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 Pagnusat called the meeting to order at 7:07 pm

II. ROLL CALL

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

III. APPROVAL OF MINUTES

A. For the Regular Meeting on May 17, 2010

Motion: Commissioner Hardy made a motion and Commissioner Ritter seconded the motion to approve the May 17, 2010 minutes as presented.

Yes: 5 Noes: Abstain: Absent:

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 Modification and Time Extension for a previously approved Use Permit for a formula-based fast food business located at 7764 Old Redwood Highway. This application is exempt from the California Environmental Quality Act (CEQA) under section 15301, Existing Facilities.

PA# 09/10
APN: 144-080-015

Applicant: Peet's Coffee & Tea

Acting Community Development Director Lustig presented the staff report requesting a Use Permit Modification and Time Extension for a previously approved Use Permit. She explained each request along with comments from Design Review. She stated that previously maintaining the driveway was a part of the application but traffic analysis has now been completed, indicating the driveway is a safety hazard and the request to keep the driveway has been withdrawn. The requested modifications consist of maintaining the existing pole sign and relocating the outdoor dining.

In response to Vice Chair Hancock, Acting Community Development Director Lustig explained the historic findings of the sign.

Commissioner Hardy stated that the pole was historic and not the new sign.

OPEN PUBLIC COMMENT at 7:15 pm

Carol Mazzetti, applicant stated she agreed with all of the Conditions of Approval and explained the motivation for outdoor dining at the front. She explains that it provides a better dining experience because people will not be sitting next to the dumpster.

PUBLIC COMMENT CLOSED at 7:17 pm

Vice Chair Hancock stated that he supports the project and the historic pole.

Commissioner Moore likes the idea of the pole with the plaque at the base and the outdoor dining in front.

Commissioner Ritter said that he likes the idea of the sign and recommended making it look retro.

Commissioner Hardy and Chair Pagnusat agreed with the comments.

Acting Community Development Director reviewed the typographical corrections to the resolution.

Motion: Commissioner Hardy made a motion and Commissioner Moore seconded the motion to approve PC Resolution 10-12 with Conditions of Approval and recommended changes in language.

Yes: 5

Noes:

Abstain:

Absent:

CONDITIONS OF APPROVAL

1. The Use Permit and Design Review granted to Peet's Coffee and Tea on July 21, 2008 (PA# 01/08) is extended in accordance with Land Use Code Section 17.64.080 for a

period of one year and expires on July 21, 2011. All conditions of approval, approved by the Planning Commission on July 21, 2008, remain in force unless specifically altered below.

2. Design Review modifications granted by Planning Commission consist of: exchanging locations of landscaping and outdoor dining such that the landscaping is on the side of the building and the landscaping is in the front along Old Redwood Highway, and permission to keep the historic pole sign and install a plaque at the base describing the historic value. The monument sign is no longer a part of the approval.
3. The outdoor dining requires a license agreement and encroachment permit from the City of Cotati. Provisions of the license agreement do not allow logos or signage on the umbrellas.
4. Plaque language, location and design shall be reviewed and approved by the Design Review Committee at Final Design Review.
5. Relocated landscaping, irrigation details and outdoor dining shall be reviewed and approved by the Design Review Committee at Final Design Review.

- B. Request for a Use Permit to allow a church to locate at 7950 Redwood Drive, Suite 6. This application is exempt from the California Environmental Quality Act (CEQA) under section 15301, Existing Facilities.

PA# 1/10

Applicant: Sam Howard/Calvary Life Church

APN: 144-060-006

Assistant Planner Harris presented the staff report and reviewed the three main issues that staff identified: parking, hours of operation and work that was performed without the benefit of permits. She explained in detail each of these issues with available options. Staff recommends option B for hours of operation and approval of PC Resolution 10-11 with Conditions of Approval.

In response to Vice Chair Hancock, Assistant Planner Harris reviewed the parking constraints on the site and agreed with the importance of educating people to carpool.

OPEN PUBLIC COMMENT 7:28 pm

Sam Howard, pastor at 7950 Redwood Drive stated that option B for hours of operation would conflict with their service schedule on Friday and Sunday. He stated that the owner of the dispensary offered to work with their hours of operation.

In response to Commissioner Moore, Pastor Howard stated that their Sunday service begins at 10:00 am and is over at approximately 11:30 am or 12:00 pm.

Chair Pagnusat asked Pastor Howard if he agreed with the conditions and bringing the tenants space up to code.

Pastor Howard responded, stating that they were not okay with the conditions and they felt unfairly punished. He said that he has expressed this previously.

Vice Chair Hancock asked Pastor Howard how they could encourage people to use other modes of transportation and recommended addressing his congregation about this issue.

Pastor Howard stated that many church attendees already carpool.

Mark Albertson, architect, distributed a document with parking calculations that he created and requested that staff and the Planning Commission consider this information. He requested that the Planning Commission consider option A and allow the 2nd story storage.

Vice Chair Hancock said that the parking lot is ADA compliant because of the recent updates to the lot, including adding bicycle and motorcycle parking locations.

Craig Enyart, property manager/owner, responded to the three areas of concern expressed by staff. He stated that the site has never had an issue with parking and he feels that this is a non-issue. He said that the owner of the Medical Marijuana Dispensary is willing to be open from 1:00 pm to 5:00 pm on Sunday and from 1:00 pm to 7:00 pm Monday – Friday to allow the church to continue their scheduled service. He said that there is no conflict on Saturday. He stated that the work done without permits is recognized and they are willing to correct this situation. He said that because there is no parking issue, there should be no requirement to reduce the size of the tenant space. He stated that if the church agrees to make the stairs to code, then they should be allowed to keep the office space.

In response to Commissioner Hardy, Mr. Enyart stated that the church was there for two years while Montana Hawk was located there, with no issues.

In response to Chair Pagnusat, Greg Lucas, MMD owner, stated that he was in agreement with the hours proposed by the applicant.

Commissioner Moore stated that she felt the hours wouldn't be an issue.

CLOSED PUBLIC HEARING at 7:52 pm

Assistant Planner Harris responded to comments, stating that the parking information distributed by Mr. Albertson has not been reviewed by staff. She said that staff could review this information, but it would require a continuance of this meeting. She explained that the reason for the recommended hours of operation is to avoid overlap of patrons.

Acting Community Development Director Lustig stated that this use is an assembly use and although they have a small congregation at this time, it is important to look at the potential. She explained that the amount of space that can be used is based upon the amount of parking available. She said that the Use Permit runs with the property and if another church were to move in, their congregation size might be greater.

Discussion ensued about the square footage and the parking calculations.

In response to Commissioner Hardy, Assistant Planner Harris reviewed how the square footage calculations are accomplished.

Commissioner Moore recommended discussing the calculations at a later time and addressing the additional items brought forward by staff.

Commissioner Moore and the Commission agreed with the hours requested by the applicant.

The Planning Commission recommends and agrees with the staff report option A, which is the following:

Option A	Sunday: 6:00 a.m. – 12:00 p.m. and 6:00 p.m. – 11:00 p.m.
(Preference to church)	Monday – Friday: 7:00 p.m. – 11:00 p.m.
	Saturday: 6:00 a.m. – 9:00 a.m. and 8:00 p.m. – 11:00 p.m.

Discussion ensued about the suite being brought up to code.

Commissioner Moore agreed with bringing back the item after reviewing the parking calculations, but cautioned that whatever decision is made that the Commission understands that they may be setting a precedent. She stated that because a Use Permit stays with the land it is important to look at all aspects of the approved use.

In response to Commissioner Hardy, Acting Community Development Director Lustig stated that a Use Permit is extremely difficult to revoke. She explained that the City can go to court to try to revoke the Use Permit, but it is very difficult and costly.

All Commissioners agreed with option A for hours of operation and agreed that a reevaluation of parking needs to be completed.

Chair Pagnusat continued the meeting to allow a reevaluation of the parking calculations.

Commissioner Hardy with the support of the Planning Commission, directed staff to calculate the parking based on the actual assembly space.

Commissioner Moore requested and the Planning Commission agreed that a calculation be done with and without the foyer considered as assembly space.

VII. REPORTS BY STAFF

None

VIII. REPORTS BY COMMISSION

In response to Vice Chair Hancock, Acting Community Development Director Lustig updated the Commission on a grant the City recently received.

MEETING AJOURNED by Chair Pagnusat at 8:30 pm

Submitted Respectfully by:

Keri L. Pajon

DRAFT