

Commissioner Ford commented on Condition No. 3, stating that the sentence “it shall be a minimum of 25 square feet” is confusing. He said that the Land Use Code is written with a maximum square footage.

Assistant Planner Harris explained that Condition No. 3 helps make sure that a minimum sign area is available for each tenant so that they have a reasonable size.

Community Development Director Parker said that the condition establishes uniformity for the overall site.

Commissioner Ford said that he reads the condition as if we are prohibiting the applicant from installing less than 25 square feet.

PUBLIC HEARING opened at 7:12 pm

Brian Ling, Applicant, responded to Commissioner Ford’s comments and stated that Condition No. 3 is acceptable.

PUBLIC HEARING closed at 7:13 pm

Chair Moore commented on finding 3.h. in the resolution, which would allow additional sign colors on the main building for regional or national tenants with a trademarked logo. She expressed concern that review will not occur and the colors may not complement the site.

Assistant Planner Harris explained staff recommends flexibility in case a large tenant with an established logo locates here. She advised the Commission that they could change the recommendation.

Discussion ensued on signs for regional or national chains and color palettes.

Commissioner Brady expressed concern for the property owners, stating that it might make it difficult for the property owners to gain tenants.

Community Development Director Parker recommended requiring staff approval of that sign.

The Commission agreed that a condition requiring approval at staff level would be fine.

In response to Commissioner Ford, Community Development Director Parker said that it is part of staff’s normal course of review to evaluate aesthetics for a sign.

Commissioner Ford requested that Condition No. 3 read “shall be allowed a minimum of 25 square feet.”

Motion:	Vice Chair Ritter made a motion and Commissioner Ford seconded the motion to approve Resolution No. PC 11-09 with changes to the Conditions of Approval.
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Yes: 4 Noes: 0 Abstain: 0 Absent: 1

CONDITIONS OF APPROVAL

COMMUNITY DEVELOPMENT DEPARTMENT

1. Pursuant to the City of Cotati Land Use Code Section 17.62.040, Design Review is granted for a Master Sign Program for an existing site at 7911 Redwood Drive.
2. Prior to installation of any signage, the applicant shall obtain a sign permit from the Community Development Department. Prior to installation of any wall-mounted signs and/or lighting fixtures, the applicant shall obtain the required building permits.
3. **AMENDED.** Each tenant identity sign, identified as signs D1, D2, and D3, shall be *allowed* a minimum of 25 square feet per Land Use Code 17.38.060.B. The 6” high suite number is required by the Building Code and, therefore, excluded from sign area calculations.
4. “Auxiliary signage” shall not exceed 20% of the area of the man door. The 6” high suite number is required by the Building Code and, therefore, excluded from sign area calculations.
5. Each wall sign shall be installed such that the top of the sign does not exceed 20 feet above grade in compliance with Land Use Code section 17.38.050.C.2.

CITY ENGINEER

6. Prior to final inspection, the applicant shall submit the final compliance documentation required by the water-efficient landscape ordinance.
7. Prior to final inspection, the applicant shall install low-flow toilets and fixtures to the satisfaction of the City Engineer.

PLANNING COMMISSION

8. **ADDED.** If a business with a trademarked logo with colors in addition to those identified in this sign program locates in Building A and proposes signage visible from the public right-of-way, the additional colors may be allowed at the discretion of the Community Development Director.

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- B. Request for an amendment to a previously approved Conditional Use Permit to temporarily allow construction activities to occur on weekends at 7764 Old Redwood Highway. This application is exempt from the California Environmental Quality Act (CEQA).

PA# 01/08
APN #

Applicant: Peet's Coffee & Tea
144-080-015

Community Development Director Parker presented the staff report. Staff recommends adoption of Resolution No. PC 11-10, approving an amendment to the Peet's Coffee and Tea Use Permit to temporarily allow expanded construction activities to occur on the weekends.

In response to Commissioner Ritter, Community Development Director Parker explained that it would be atypical for an applicant to request with end construction hours with their original approvals. Typical workdays for projects are Monday – Friday.

In response to Commissioner Ford, Community Development Director Parker explained that the applicant could begin the new requested immediately following the 10 day appeal period.

In response to Commissioner Ford, Community Development Director Parker said that noticing was done for this request.

PUBLIC HEARING opened at 7:26 pm

PUBLIC HEARING closed at 7:26 pm

Motion:	Commissioner Ford made a motion and Chair Moore seconded the motion to approve the Resolution No. PC 11-10 with Conditions of Approval.
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Yes: 4 Noes: 0 Abstain: 0 Absent: 1

CONDITIONS OF APPROVAL

**Peet's Coffee & Tea Use Permit Amendment (PA# 08/10)
Planning Commission Resolution No. 11-10**

1. Hours of construction shall be expanded to allow work on Saturday's and Sunday's from 9:00 am to 5:00 pm, beginning October 1, 2011 through December 31, 2011.
2. Applicant shall designate both an on-site and corporate project manager to receive and respond to all complaints regarding noise or other nuisances during weekend hours and post those individual's name and contact information in at least two locations on the construction site which are safely and easily accessible to the general public.
3. The above information shall also be provided to the Chief of Police, Cotati Police Department.

City Attorney

4. The Applicant shall defend, indemnify and hold harmless the City and its agents, officers, attorneys or employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Planning Commission's and/or City Council's decision to approve the amendment to this conditional use permit. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the Applicant, including its partners, the City, and/or the parties initiating or bringing such action.
5. The Applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revisiting, or amending any document, if made necessary by said legal action and if the Applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditions on the approval of such documents, in a form and under conditions approved by the City Attorney.
6. In the event that a claim, action or proceeding is brought, the City shall promptly notify the Applicant, of the existence of the claim, action or proceeding, and the City would cooperate

fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that the Applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to 1) approve the counsel to so defend the City, 2) approve all significant decisions concerning the manner in which the defense is conducted, and 3) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where the Applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City. Notwithstanding the immediate proceeding sentence, if the City Attorney's office participates in the defense, all City Attorney fees and costs shall be reimbursed by the Applicant.

7. The Applicant shall indemnify the City for all the city's costs, fees, and damages, which the City incurs in enforcing the above indemnification provisions.
8. Unless a shorter period applies, the time within which judicial review of this Resolution must be sought is governed by California Code of Civil Procedure Section 1094.6.

VII. REPORTS BY STAFF

Community Development Director Parker advised the Commission that both meetings in October would be General Plan Update meetings and that a possible special meeting will be needed in order to accommodate projects.

VIII. REPORTS BY COMMISSION

In response to Commissioner Ford, Community Development Director Parker said that the October meetings will begin at 7:00 pm.

Chair Moore commented on foreclosure homes in the community that aren't being taken care of. She recommended an ordinance be developed to support City efforts to maintain structures and yards of these foreclosed homes.

Community Development Director Parked responded to Chair Moore, stating that she would research the issue and return to the Commission with a recommendation.

MEETING ADJOURNED by Chair Moore 7:32 pm

Keri L. Pajon
Planning Commission Secretary