

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

DATE OF MEETING: Monday, December 12, 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 7:02 pm

II. ROLL CALL

Commissioners Present: Brady, Ford (arrived at 7:07 pm), Vice Chair Ritter and Chair Moore
Commissioners Absent: Hancock
Staff Present: Parker, Harris, Parish, Pajon, City Attorney Nancy Thorington, Sgt. Parker, Officer Fernandez, and Officer Murphy

III. APPROVAL OF MINUTES

None

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. Hearing to consider revocation of the zoning clearance for an existing massage therapy business known as 4 Seasons Spa, located at 7588 Commerce Boulevard.

APN: 144-070-026 Applicants: Michael Alexander and Insamont Gray

Assistant Planner Harris presented the staff report and summarized the violations. She explained that revocation of zoning clearance is recommended due to the egregious nature of the violations. Staff recommends adoption of PC Resolution No.11-13 for revocation of the zoning clearance.

Police Chief Parish spoke about the inspections performed and violations that were discovered. He stated that the police department conducted a prostitution sting operation due to the extent of the violations.

Investigating Officer Fernandez spoke about his role in the sting operation conducted on October 3, 2011. The operation ended with Ms. Gray's arrest for prostitution.

Sergeant Parker spoke about his conversation with Ms. Gray after she was arrested for prostitution in which Ms. Gray stated that she charges \$10-\$60 for specific sexual acts.

Assistant Planner Harris advised the Commission of items on page 7 and 8 of the staff report that were inadvertently omitted from the draft resolution and would be added to the final resolution if adopted by the Planning Commission.

In response to Commissioner Ford, Assistant Planner Harris explained that the police report is confidential at this time and is not available for public release. She said that statements were provided by the officers in order to provide complete information to the Commission.

Sgt. Parker explained that his conversation with Ms. Gray does not appear in the police reports or statements because it was a conversation he had with her after she was arrested, and was for purposes of information gathering, and would not be used to prosecute her.

In response to Commissioner Ford, City Attorney Thorington said that Sgt. Parker's information can be used as evidence in this hearing because it is not a criminal hearing.

PUBLIC COMMENT opened at 7:23 pm

Anton Sincada, Ms. Gray's boyfriend responded to several of the violations:

- the doors lock for the therapists' protection
- each room has one massage table, the 3rd room has a traditional Thai massage floor mattress
- they were never told about a regulation requiring massage tables
- there were never two beds in the break room, only 1 couch and 1 cot – this has been changed to 2 couches
- the business is not being used as a residence
- State certificates were hung at the business in 2010
- Ms. Gray never offered the officer anything other than a massage

Mr. Sincada requested fairness and honesty for 4 Seasons.

PUBLIC COMMENT closed at 7:28 pm

Chair Moore said that she is satisfied with the documentation provided by staff and the operation performed by the Police Department. She agrees with staff's recommendation for revocation.

Commissioner Brady, Commissioner Ford and Vice Chair Ritter agreed with Chair Moore.

Vice Chair Ritter said that the online advertisements, which list the business on an erotic services webpage, confirms that it is out of compliance.

Motion:	Chair Moore made a motion and Commissioner Brady seconded the motion to approve the adoption of PC Resolution No. 11-13 with changes to the resolution as recommended.
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Yes: 4 Noes: 0 Abstain: 0 Absent: 1

- B. Request for a Use Permit Modification to allow light manufacturing and retail at a wholesaling/distribution business located at 364 Blodgett Street, Suite A. This application is exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities.

PA# 21/11 Applicant: Kryolan Corporation/Claudia Longo
APN: 144-111-045

Assistant Planner Harris presented the staff report, reviewed the request to modify the Use Permit and noted a typo in the resolution that should be corrected. Staff recommends adoption of PC Resolution No. 11-14, approving the Use Permit Modification with Conditions of Approval.

PUBLIC COMMENT opened at 7:35 pm

Claudia Longo, owner of Kryolan spoke about her company and commented on the vacuum system. She explained that the system has filters and a silencer. It is rated at 69 decibels and is designed for outdoor use. She identified a location on the side of the building.

In response to Commissioner Ford’s comment on the available retail square footage, Ms. Longo said they would not use that much square footage for retail. She explained that the location isn’t within walking distance and a retail place in the downtown might be something they would look at in the future.

Assistant Planner Harris responded to Ms. Longo’s comments, stating that the Zoning Code limits the decibels to 65, however, that limit is at the property line so staff will work with the applicant to find a suitable location which meets all requirements of the code.

Commissioner Ford said and the Commission agreed, that they are happy to have the business move to Cotati and hope that they can resolve the vacuum issue with staff.

Motion:	Vice Chair Ritter made a motion and Commission Brady seconded the motion to approve the adoption of PC Resolution No. 11-14 with changes to the resolution as recommended and Conditions of Approval.
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Yes: 4 Noes: 0 Abstain: 0 Absent: 1

CONDITIONS OF APPROVAL

Planning Division

1. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit Modification is issued to allow light cosmetics manufacturing, defined as “processing/manufacturing – light,” and retail at a proposed cosmetics wholesaling business located at 364 Blodgett Street, Suite A. The 11,024 square foot tenant space is proposed to consist of approximately 771 square feet of office, a maximum of 4,750 square feet of retail, and 5,503 square feet of other manufacturing and processing uses. This Use Permit shall not be valid until all Conditions of Approval are completed. The original Conditions of Approval from 2001, attached as “Exhibit

B,” shall remain in full force and effect in addition to the Conditions approved with this application.

2. The applicant shall not exceed typical business hours as defined in the Land Use Code (6:00 a.m. – 11:00 p.m.).
3. No outdoor storage, display, or sales are permitted.
4. The applicant shall maintain a valid City business license.
5. The maximum allowable office area from the previous Use Permit is 4,200 square feet for the building. At the time of issuance of this Use Permit, the maximum allowable office area for the applicant’s suite is 2,013 square feet because the tenant is Suite B has 2,187 square feet of office area.
6. All proposed mechanical equipment, including the central vacuum system and air compressors, shall be located indoors. Alternatively, the applicant may be granted Administrative Design Review approval to locate the vacuum outdoors if she can demonstrate that there will be no noise, air quality, or aesthetic impacts.
7. The applicant shall replace the missing plant material and irrigation in the front landscaping area prior to occupancy.

Engineering Department

8. The applicant shall change out all fixtures to low water use (0.5 gpm faucets, high efficiency [1.28 gallons per flush] toilets) prior to occupancy.

Building Division

9. The applicant shall comply with applicable Building and Fire Codes. If a building permit is required for any work, the applicant shall submit plans prepared by a licensed professional.

Santa Rosa Utilities Department

10. The applicant shall submit a Wastewater Discharge Permit Application and receive an on-site inspection and approval prior to occupancy.

Rancho Adobe Fire Protection District

11. The applicant shall comply with all local and State fire codes and ordinances.
12. The applicant shall contact the Fire District to obtain a fire/life safety inspection prior to occupancy.
13. For any interior or exterior building modifications, the applicant shall submit at least three (3) sets of plans to the City Building Division and the required fees to the Fire District for review and approval prior to issuance of building permit and construction.

- C. Request for a Use Permit to allow an insurance agent's office at 8492 Gravenstein Highway, Suite I. This application is exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities.

PA# 24/11
APN: 144-130-024

Applicant: Jared Soukup/State Farm Insurance

Assistant Planner Harris presented the staff report, reviewing the request for a Use Permit. Staff recommends adoption of PC Resolution No. 11-15, approving the Use Permit.

Commissioner Brady advised the Commission that the applicant is her insurance agent and if her participation seems to be a conflict of interest, she will recuse herself.

Community Development Director Parker stated that she didn't feel there was a conflict of interest because Commissioner Brady has no financial interest in the proposal, but that if the Commission was uncomfortable, Commissioner Brady could recuse herself.

The Commission did not believe there was a conflict of interest, so Commissioner Brady participated in the hearing and vote.

PUBLIC COMMENT opened at 7:45 pm

Applicant Jared Soukup introduced himself and spoke about his business. He thanked staff and the Commission for their time.

In response to Commissioner Ford, Applicant Soukup said that this would be his only office.

PUBLIC COMMENT closed at 7:47 pm

Chair Moore feels that the project is a good fit for the area.

Commissioner Ford agreed and said that he is happy to see that tenant space being filled.

Commissioner Brady commented on possibly making changes during the General Plan process, which would allow streamlining projects like Mr. Soukup's. This would also help reduce costs for new businesses.

Community Development Director Parker agreed with Commissioner Brady, stating that this application was a good example of a project that could be streamlined.

Vice Chair Ritter agreed with Commissioner Brady.

Motion:	Commissioner Ford made a motion and Vice Chair Ritter seconded the motion to approve the adoption of PC Resolution No. 11-15 with Conditions of Approval.
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Yes: 4 Noes: 0 Abstain: 0 Absent: 1

CONDITIONS OF APPROVAL

Planning Division

14. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow an insurance agent's office, defined as "office – business/service," in an existing approximately 1,620 square foot tenant space in the Apple Valley shopping center at 8492 Gravenstein Highway, Suite I. This Use Permit shall not be valid until all Conditions of Approval are completed.
15. The applicant shall not exceed typical business hours as defined in the Land Use Code (6:00 a.m. – 11:00 p.m.).
16. No outdoor storage, display, or sales are permitted.
17. The applicant shall maintain a valid City business license.

Engineering Department

18. The applicant shall change out all plumbing fixtures to low water use (0.5 gpm faucets, high efficiency [1.28 gallons per flush] toilets) prior to occupancy.

Building Division

19. The applicant shall obtain a building permit and receive a final inspection prior to occupancy due to the change in occupancy from M (Mercantile) to B (Office).

Rancho Adobe Fire Protection District

20. The applicant shall comply with all local California Fire and Building Codes.

21. A Fire/Life Safety Inspection shall be completed prior to the opening of business.

22. The applicant shall ensure that the business name and suite number are located on the front door.

23. If any alteration to the building is proposed, the applicant shall submit at least four (4) sets of plans for review prior to construction. The applicant shall submit the plans to the Building Division and pay any required fees directly to the Fire District.

24. The applicant shall maintain 18" clearance from the ceiling to not impede the fire sprinkler system.

VII. REPORTS BY STAFF

Community Development Director Parker wished the Planning Commission happy holidays and thanked them for their work. She said the next Planning Commission meeting will be January 16, 2011.

VIII. REPORTS BY COMMISSION

In response to Vice Chair Ritter, Community Development Director Parker gave the Commission an update on Peet's Coffee and Tea.

MEETING ADJOURNED by Chair Moore at 7:53 pm

Keri L. Pajon
Planning Commission Secretary