

CITY OF COTATI
MINUTES for the Regular Meeting of the DESIGN REVIEW COMMITTEE

DATE OF MEETING: October 16, 2008
TIME OF MEETING: 4:30 p.m.
PLACE OF MEETING: Cotati City Hall
201 W. Sierra Avenue

I. CALL TO ORDER

Meeting called to order by Vice Chair Merriss at 4:32 p.m.

II. ROLL CALL

Committee Members Present: Committee Member Hancock, Committee Member
Glendening, Vice Chair Merriss

Committee Members Absent: Chair LeDoux, Committee Member Hammond

Staff Present: Kavanaugh-Lynch, Pajon

III. CHANGES TO AGENDA

No changes to the agenda.

IV. APPROVAL OF MINUTES

A. For the Regular Meeting on October 2, 2008

The minutes for October 2, 2008 were continued until the next Design Review
Committee Meeting due to a lack of quorum members who attended that meeting.

IV. MATTERS AT HAND

A. Request for Final Design Review for a facade modification in conjunction
with a Use Permit for an animal hospital at 331 East Cotati Avenue. This
application is categorically exempt from CEQA in accordance with section
15301, Existing Facilities.

PA# 12/08 Applicant: Hinkle/Animal Hospital of Cotati
APNs 144-281-027, -028

Acting Community Development Director Kavanaugh-Lynch gave a brief overview of the project and explained the items before the Committee. The items included the color palette for the building exterior, landscaping, trash enclosure location, and tree removal. She stated that staff would like the trash enclosure put in the area where excess parking is located. Staff recommends approval for Final Design Review with Conditions of Approval.

**Design Review Committee
Minutes – October 16, 2008**

Applicant Carlton Hinkle said that he would like to leave the trash enclosure in the current location. He explained the issues with the sidewalk and the options that have been discussed and reviewed. He is requesting to replace the sidewalk in its current location. He said that he would have an arborist come out at the time the sidewalk is removed and make suggestions for root barriers if there is a possibility of saving the trees. He expressed concern over keeping the trees and having the sidewalk lift again creating the same situation.

In response to Mr. Hinkle's question on the quantity of five gallon containers being required, Acting Community Development Director Kavanaugh-Lynch explained that at the Design Review Committee's direction the landscape plan could be changed as part of the building permit process and reviewed at staff level.

Mr. Hinkle talked about the cost involved and the difficulty trying to find an arborist who would create a report in advance.

Acting Community Development Director Kavanaugh-Lynch stated that the report could be delivered to the City at completion of the new sidewalk. It must be prepared by an Arborist certified by the State of California. The report must include his/her observations and recommendations of the trees once the sidewalk is removed, and what measures were taken to protect the trees and mitigate adverse root impact.

In response to Vice Chair Merriss' inquiry on the square footage of the sidewalk area, Mr. Hinkle stated that it was 320 sq. ft.

Mr. Hinkle explained that he had someone from the waste company review the current location for the trash enclosure and advised that there was sufficient room to keep it in the current location.

In response to Acting Community Development Director Kavanaugh-Lynch, Mr. Hinkle stated that the plane tree was not being removed.

Discussion ensued about the how the waste company will access the trash container.

Committee Member Glendening asked if the tree in the corner of the back lot by the trash enclosure would be removed.

Mr. Hinkle introduced Architect Richard Burton, who stated that he thought it was necessary to remove that tree. He said that the trees roots were breaking up the concrete.

Acting Community Development Director Kavanaugh-Lynch explained that the intent of the regulations in Cotati is to leave vegetation whenever possible. Staff's first recommendation was to keep the trash enclosure in the original location where the applicant proposed it be maintained. If that option was found to be not possible without harming the trees, she stated that because there is a surplus of four parking spaces staff would request the trash enclosure be located in those excess spaces and the old location be closed off and returned to landscaping. If that option is absolutely not possible, then

**Design Review Committee
Minutes – October 16, 2008**

staff would need an Arborist's report and a tree removal permit application, which would be brought back to the Design Review Committee.

Mr. Hinkle said that he was not happy with the idea of giving up two parking spaces to save a tree that was planted inappropriately. He stated his preference to cut out the root and see if it is going to survive.

In response to Committee Member Glendening's question about the location of the three Crape Myrtle trees, Mr. Hinkle showed the Committee on the map where they were being located. He said that they were removing and replacing three trees and would still be required to pay for three additional trees to be planted somewhere else.

Acting Community Development Director Kavanaugh-Lynch explained that mitigation for tree removal is listed in the tree preservation ordinance and that she is unable to allow flexibility on this issue.

In response to Mr. Hinkle's inquiry about the appeal process if they were to find this unacceptable, Acting Community Development Director Kavanaugh-Lynch explained that he has been advised that the site has four extra parking spaces that he could use for the trash enclosure. She stated that if an argument could be made that there is no area in the parking lot where the trash enclosure could be installed, then a request could be made to remove a tree, which would then require an Arborist's report.

Mr. Hinkle asked if cutting the root out was an option.

Acting Community Development Director Kavanaugh-Lynch stated that before hiring an Arborist to make that determination, it would be necessary to show staff why the parking lot couldn't accommodate the trash enclosure.

In response to Mr. Hinkle's question, Acting Community Development Director Kavanaugh-Lynch agreed that they could leave the trash enclosure in the original location if the tree is not removed or harmed.

Mr. Hinkle stated his understanding that the Committee would approve putting the trash enclosure in the original location if the tree wasn't being removed or harmed or he could locate it in the excess parking spaces.

Acting Community Development Director Kavanaugh-Lynch stated that the regulations allow this, but the Committee is the one to give direction.

Discussion ensued about the damage the roots of that tree near the trash enclosure have caused.

Acting Community Development Director Kavanaugh-Lynch explained that staff tries to be observant with the requested project changes and the cost of these changes when administering the Conditions of Approval. That was the primary reason why staff had not requested a full resurfacing of the parking

**Design Review Committee
Minutes – October 16, 2008**

lot. She cautioned that reconstruction of a new parking lot would trigger compliance with all standard landscaping standards.

Mr. Burton asked if they could show a primary and alternative location and leave it up to the Arborist.

Acting Community Development Director Kavanaugh-Lynch explained that an Arborist is only necessary if staff received written proof that the trash enclosure could not be put in any of the parking spaces in the back parking lot. She stated that she is disappointed that this conversation is taking place at Design Review. She explained that she spoke with Ms. Harris today and she indicated that she had not received any comments from the applicant. She said that redesigning this project in front of the Committee is not the process and suggested continuing this discussion at a later date.

Mr. Hinkle said that he is willing to put the trash enclosure in the original location and if it were to cause serious damage, he would locate it in the extra parking spaces. He stated that he tried to meet with Community Development Director prior to considering the meandering sidewalk and she pointed out that her hourly rate would have to be paid and that the scheduling didn't work for either of them. He said that he didn't see the tree as a big issue because they were always concentrating on the other trees.

Acting Community Development Director Kavanaugh-Lynch stated that she will meet with anyone, but the applicant must first come to an impasse with the project planner. She explained that she didn't meet with him because he needed to meet with his project planner, not because of her hourly rate. She said that the standard conditions of approval explained the enclosure location and impacts to the tree, which were written in the staff report and sent to the applicant last week.

Mr. Hinkle explained that the process has been challenging and feels that they are very close and will agree to what is trying to be accomplished.

Vice Chair Merriss suggested that they see an Arborist's Report for that tree.

Acting Community Development Director Kavanaugh-Lynch said that if they can't relocate the trash enclosure anywhere else, the next step would be to get an Arborist Report for the tree.

Mr. Hinkle said that if they can't put the trash enclosure in its original location because of the tree, then they will provide an Arborist's Report. If possible, they would still try to put it there, but if not, they would relocate the trash enclosure in the extra parking spaces.

Acting Community Development Director Kavanaugh-Lynch clarified the tree preservation ordinance and explained that the applicant can't remove the tree unless he can't locate the enclosure somewhere else. The next step would be to look at another location for the trash enclosure to avoid tree removal. If he can't locate the trash enclosure anywhere else, then an Arborist's Report for removal of the tree would be required. She explained that she is open to discussing this further, but not at the Design Review Hearing.

**Design Review Committee
Minutes – October 16, 2008**

Mr. Hinkle asked that they be able to move forward with the plan to put the trash enclosure in its original location without any damage to the tree or move it to one of the other parking spots. If they are not able to do that, they will present an Arborist Report.

Committee Member Glendening stated that she liked the change in the ramp location.

Committee Member Hancock commented that he liked the site and the mature vegetation and would defer to the experts on the trees.

Mr. Hinkle said that if they can't put the trash enclosure in its original spot without causing minimal damage to the tree, they would put it in one of the extra parking spaces.

Committee Member Hancock agreed that it seemed like a solution.

Committee Member Glendening commented that she didn't mind that the three new trees proposed were a different species and were smaller.

MOTION: A motion was made by Committee Member Hancock and seconded by Committee Member Glendening to approve Final Design Review, subject to the modified Conditions of Approval:

- 1). **MODIFIED.** The applicant shall call out 5-gallon containers and ~~a total of between 14 and 28~~ shrubs in the planter strip in accordance with Land Use Code section 17.34.060.B.3.b prior to issuance of an Encroachment Permit to perform work in the City right-of-way. *The applicant shall submit a Landscaping and Irrigation Plan calling out the location, species, size, and quantity of plant materials for review and approval by the City Engineer prior to issuance of a building permit.*

- 4). **MODIFIED.** ~~The applicant shall provide a survey prepared by a licensed surveyor identifying the location of the property line and public right of way. If the sidewalk improvements are located outside of the public right of way, the applicant shall dedicate property rights to the City, in a form acceptable to the City Engineer, so that all public improvements are located in the public right of way. This condition shall be satisfied prior to issuance of an encroachment permit.~~ *The applicant shall replace the sidewalk in the same location meeting current City standards to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy. A licensed Arborist shall be on-site to require BMPs or mitigation measures for the plane trees prior to installation of the new sidewalk. The Arborist shall provide a written report documenting the work performed to the satisfaction of the Community Development Director prior to issuance of a Certificate of Occupancy.*

- 5). ~~The applicant shall propose a different location for the trash enclosure to avoid unnecessary tree removal. The applicant shall provide written confirmation from the waste hauler that it will be able to serve the new location and design. If it appears that tree removal may need to occur~~

**Design Review Committee
Minutes – October 16, 2008**

~~regardless of the location of the trash enclosure, the applicant shall obtain an Arborist's Report to evaluate the impacted tree, and recommend any treatment or design changes that could be utilized to preserve the tree, in compliance with Land Use Code section 17.54.060.3. The applicant shall install the new trash enclosure in the same location as the existing trash enclosure without harming the nearby plane tree. If this is not possible, the applicant shall stop work in that location and select an alternate location using up to 4 of the excess parking spaces, with written approval of that location from the waste hauler. If the applicant cannot find a location that is satisfactory to the waste hauler that will not harm existing trees, the applicant shall apply for a Tree Removal Permit. The impact to the trees shall be evaluated by a licensed Arborist to the satisfaction of the Community Development Director. This condition shall be met prior to installation of the trash enclosure to the satisfaction of the Community Development Director.~~

Yes: 3 Noes: 0 Abstain: 0 Absent: 2 (LeDoux, Hammond)

V. REPORTS BY STAFF

Removal of four liquidamber trees - Acting Community Development Director Kavanaugh-Lynch explained to the Committee that the trees were deteriorating and needed to be removed.

VI. REPORTS BY COMMITTEE

No reports by Committee

VII. ADJOURNMENT

Vice Chair Merriss adjourned the meeting at 5:30 p.m.

*Submitted by:
Keri L. Pajon, Secretary
Design Review Committee*