

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

DATE OF MEETING: November 16, 2009  
TIME OF MEETING: 7:00 p.m.  
PLACE OF MEETING: Cotati City Hall, City Council Chambers  
201 West Sierra Avenue, Cotati, CA 94931

I. CALL TO ORDER

Chair Hardy called the meeting to order at 7:00 p.m.

II. ROLL CALL

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

III. APPROVAL OF MINUTES

No minutes to approve

IV. CHANGES TO THE AGENDA

No changes to the agenda

V. ORAL AND WRITTEN COMMUNICATIONS

None

VI. MATTERS AT HAND

- A. Request for approval of a Use Permit to allow an internet sales business to locate at 706 Portal Street, Suite A. The proposed business would be in addition to an existing construction contractor in this suite. This project is exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities.

PA# 17/09  
APN: 144-010-094

Applicant: David Baker  
B2 Enterprises

Assistant Planner Harris presented the item and commented on staff's concerns, including security as it relates to the firearms and walk in traffic. She reviewed the Conditions of Approval for the Use Permit. Staff is recommending adoption of PC Resolution No. 09-10 with the recommended Conditions of Approval.

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In response to Commissioner Hancock's question regarding federal requirements for selling firearms and ammunition, Assistant Planner Harris explained that the applicant is required to have a Federal Firearms License (FFL) as well as register with the State. She recommended the applicant could respond in more detail to this question.

David Baker, applicant, stated that there is a requirement to get a license on the federal level as well as the state level. The license is required to sell firearms, but no license is required to sell ammunition. He explained the firearms purchase procedure and said that the sales of firearms are very minimal, mostly for law enforcement. He said that he does not advertise the sales of firearms.

In response to Commissioner Hancock's question about the process to get a license to sell firearms, Mr. Baker explained the process and stated that he has met all of the requirements.

In response to Commission Hancock, Mr. Baker explained he does not set the standards for someone to purchase a firearm; they must comply with Federal and State regulations. He said that it is his responsibility to make sure that the paperwork is processed correctly.

Commissioner Hancock asked about the relationship between B2 Enterprises and BCC Contractors, which are at the same site. He also asked who would have access to the guns.

Mr. Baker stated that he owns both businesses and that the guns will be in a safe that only he can access.

In response to Commissioner Ritter's question about online purchases, Mr. Baker stated that firearms and ammunition are not advertised on the business website.

In response to Commissioner Ritter, Mr. Baker stated that he has been in business 6-8 months.

Chair Hardy asked staff about condition number 1, and how the City would monitor the number of walk-ins.

Assistant Planner Harris explained that, like any other condition, it is up to the applicant to adhere to the conditions. If staff receives a complaint then they would follow-up accordingly.

Commissioner Ritter stated condition number 4 should be revised to read "business hours shall not exceed..."

Motion: Commissioner Ritter made a motion and Commissioner Harvey seconded the motion to approve PC 09-10, with the amendment to condition number 4.

Yes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

**PC RESOLUTION 09-10**  
**EXHIBIT "A"**  
CONDITIONS OF APPROVAL  
B2 ENTERPRISES USE PERMIT, PA# 17/09  
706 PORTAL STREET, SUITE A

Planning Division

1. Pursuant to the City of Cotati Land Use Code Section 17.62.050, this Use Permit is issued to allow "wholesaling and distribution" with "accessory retail" at 706 Portal Street, Suite A. This use will occupy a total of 255 square feet, all of which is devoted to product storage and shipping/receiving. For the purposes of this Use Permit, "accessory retail" shall be limited to no more than 12 walk-in customers per week.
2. The applicant shall remove all items stored outdoors in the rear parking and landscaping area within 14 days of Use Permit approval to the satisfaction of the Acting Community Development Director.
3. Outdoor storage is prohibited.
4. **AMENDED.** Business hours shall ~~be~~ *not exceed* Monday through Friday, 7:00 am – 5:00 pm.
5. The applicant shall comply with the sign ordinance within 30 days of Use Permit approval.

Police Department

6. The applicant shall comply with the City of Cotati Building Security Ordinance, CMC Section 14.08. At a minimum, these requirements include:
  - a. Installation of a burglary alarm system that is monitored by a licensed alarm company. The system coverage shall be approved by the Police Department.
  - b. Installation of a surveillance camera system of the interior of the building. The system shall be digital quality and the recorder will be activated 24/7 so that a burglary during non-business hours would be recorded. The recorder shall be housed in a tamper-proof housing in a location that is not accessible to the public. The entire system shall be approved by the Police Department.
  - c. The firearms shall be stored in a high security safe approved by the Police Department. A maximum of ten (10) firearms are permitted.

- d. There may be a need to have security bars installed on the doors and windows.
7. Firearms shall not be on display.
8. The applicant shall schedule a site inspection by the Police Department within 30 days of Use Permit approval to evaluate any other additional measures that may be required. The applicant shall implement all requirements to the satisfaction of the Chief of Police.
9. The applicant shall allow any Cotati Police Department staff to perform unannounced site visits.

Rancho Adobe Fire Protection District

10. The applicant shall comply with all fire codes and ordinances.
11. The applicant shall ensure that a fire/life safety inspection is completed by the Fire District within 30 days of Use Permit approval.
12. The applicant shall ensure that the business name and suite number are located on the front door within 30 days of Use Permit approval.
13. The applicant shall submit an emergency contact form to the Fire District within 30 days of Use Permit approval.
14. The applicant shall ensure the proper key is placed inside the Knox box within 30 days of Use Permit approval.
15. If any alteration to the building is proposed, the applicant shall submit a minimum of four (4) sets of plans and any required fees to RAFPD prior to construction.

Administrative Services Department

16. The applicant shall obtain an updated City of Cotati Business License within 30 days of Use Permit approval.

**B. Design Review Process Discussion**

Assistant to the City Manager Lustig discussed the current process in which projects go through Design Review and Planning Commission. She suggested the possibility of having preliminary and final Design Review in one meeting and then Planning Commission as the final meeting. She explained that for some smaller projects this might be a possibility.

Discussion ensued on means to expedite the process.

Chair Hardy and Commissioner Harvey agreed with Assistant to the City Manager Lustig in finding a way to expedite the process for smaller projects.

Commissioner Hancock commented on education about stormwater clean up. He stated that this subject should come up at the beginning of the project instead of the end of the project.

Assistant to the City Manager Lustig explained that a revised review process would affect mostly retrofit projects and not larger projects.

Discussion ensued on this issue.

Commissioner Pagnusat requested the cost savings information be brought back to the Commission.

#### VII. REPORTS BY STAFF

There were no reports from staff.

#### VIII. REPORTS BY COMMISSION

Commissioner Ritter mentioned to staff that there were three parking spots filled with generators where Powerfit used to be located.

Assistant to the City Manager Lustig explained that this would be a code enforcement issue.

Commissioner Pagnusat was pleased with the progress on the Shell station and the removal of the canopy.

Commissioner Hancock said that he attended a conference in San Diego regarding storm water and he shared information that was discussed at the conference.

#### IX. ADJOURNMENT

MEETING AJOURNED at 7:40 p.m.

*Submitted Respectfully by:*  
*Keri L. Pajon*