

RESOLUTION NO. 2020-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING CANNABIS ACTIVITY PERMIT CAP-13-19 AND PARKING EXCEPTION PE-789-20 (FILE NO. 2019-020), SUBJECT TO CONDITIONS, TO ESTABLISH AND OPERATE A CANNABIS MANUFACTURING OPERATION AT 901 PALMETTO AVE. UNIT B (APN 009-244-010), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Florinda Cardenas of West Manor LLC (“Applicant”)

WHEREAS, the City of Pacifica’s Zoning Regulations for Cannabis Operations are codified in Article 48 (Cannabis Regulations) of Chapter 4 of Title 9 of the Pacifica Municipal Code (PMC); and

WHEREAS, the Applicant has submitted an application to establish a Cannabis Manufacturing Operation for the manufacturing of medicinal and adult-use cannabis and cannabis-related products at 901 Palmetto Ave. Unit B (APN 009-244-010) within the C-3 (Service Commercial) zoning district and CZ (Coastal Zone) overlay zoning districts (“Project”); and

WHEREAS, the Project requires approval of a Cannabis Activity Permit (CAP) pursuant to PMC Section 9-4.4803(b); and

WHEREAS, the Planning Commission of the City of Pacifica continued the public hearing on May 18, 2020, to June 15, 2020; and

WHEREAS, the Planning Commission of the City of Pacifica held a duly noticed public hearing on June 15, 2020, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for Class 1 categorical exemption under California Environmental Quality Act (CEQA) Guidelines Sections 15301, as described below. Class 1 exemption provided in Section 15301 of the CEQA Guidelines states in part:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination... The key consideration is whether the Project involves negligible or no expansion of an existing use.

The subject location of the proposed use is an existing commercial structure within a commercial zoned district. Therefore, the proposed use would be consistent with a Class 1 exemption because it would involve only interior alterations except for minor alteration to a landscaping planter, would not result in any physical construction of new structures outside the footprint of the existing structure, and would not result in a use of greater intensity than the type of service commercial uses for which the area has been designated.

The Project also does not trigger any of the exceptions to the exemption outlined in CEQA Guidelines Section 15300.2, as described below:

- Sec. 15300.2(a): There is no evidence in the record that the Project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The proposed Project involves commencement of a cannabis manufacturing business within an existing structure.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. The Project involves the location of a cannabis manufacturing business within an existing commercial tenant space. No other cannabis manufacturing businesses exist in the City of Pacifica.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project would have a significant effect on the environment due to unusual circumstances. The Project site is zoned for service commercial use and the cannabis business use proposed does not have any unique characteristics which could cause potentially significant environmental impacts.
- Sec. 15300.2(d), (e) and (f): The Project is not visible from Highway 1, which is an eligible scenic highway but is not designated as such; does not involve a current or former hazardous waste site; and does not affect a historic resource. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

For the reasons set forth above, there is substantial evidence in the record to demonstrate the proposed Project qualifies as a Class 1 exemption and none of the exceptions to application of an exemption are applicable.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Cannabis Activity Permit CAP-13-19:

Standard Use Permit Findings (Section 9-4.3303)

- (1) *That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

As conditioned, the proposed CMO would not be detrimental to the health, safety, and welfare of the greater public. The Applicant has submitted a security plan that has been reviewed and approved by the Police Chief which would ensure safe operation of the facility. The security plan includes physical security measures such as security cameras which would deter crime and assist with investigating any incidents which may occur.

Furthermore, the operation would be located entirely inside an existing commercial building

located in a commercially zoned neighborhood and any noise from the CMO, such as from machinery or equipment, customers entering and exiting the business, would be consistent with surrounding commercial operations. The tenant space does not include any outdoor patio space where clients might congregate to generate noise or litter. In light of these circumstances, the proposed CMO would not result in any adverse impacts to the community.

(2) That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan.

The proposed cannabis business would be located entirely within an area designated “Commercial” in the neighborhood land use diagram of the General Plan and Local Coastal Plan (LCP). The General Plan neighborhood narrative for the area states that “in order to maximize its good highway access, reinforce its coastal views, promote service commercial activities, and meet an important community need, [the northern area] on the east side of Palmetto should be developed in service commercial uses” (p. 66). Therefore, because it is a service commercial use, the proposed cannabis manufacturing operation would be consistent with the intended uses for this area.

The use would be also consistent with the following General Plan policies:

- Community Facilities Policy 4: Meet basic social needs of City residents, such as transportation, housing, health, information and referral services, and safety, consistent with financial constraints.

Discussion: The proposed cannabis business would provide a lawful source of medicinal, as well as adult-use, cannabis products to Pacifica’s cannabis retail operations, thereby helping to meet their health needs without a commitment of public financial resources. As expressed at the public hearings held during development of the City’s Cannabis Ordinances, many Pacifica residents rely on medicinal cannabis to treat various maladies. This manufacturing operation has the potential to provide for and assist the six approved cannabis retail operations within the City.

The cannabis business would also be consistent with the City’s LCP. The Plan Conclusions section of the LCP states that “commercial development shall continue to provide for neighborhood and coastal needs, but expansion and intensification should be consistent in size, height, mass and area with the existing development” (p. C-106). As noted above, the proposed CMO would meet local residents’ needs for lawful access to medicinal and adult-use cannabis. Additionally, the proposal will not change the size, height, mass and area of the existing commercial structure. Thus, commencement of the use would be consistent with the intended land use of this portion of the West Sharp Park neighborhood.

The proposed use has also undergone a thorough review by City staff including the Police Chief and Planning Department staff to ensure consistency with Article 48 “Cannabis Regulations” of Pacifica’s Zoning Regulations (PMC Title 9, Chapter 4) and Chapter 16 “Cannabis Public Safety Licenses” of Pacifica’s public safety ordinances (PMC Title 4). The Applicant has already obtained approval of Phases 1 and 2 (See Attachment F) of the application process and is seeking approval of Phase 3 of the process by Planning Commission action on the subject Cannabis Activity Permit. By submitting application materials which demonstrate an intention to comply

with the City’s ordinances regulating cannabis business activity, the Applicant’s operation, as conditioned, would comply with all applicable laws of the City governing cannabis-related activities.

For the reasons stated above, the proposed use is consistent with the applicable provisions of the General Plan, Local Coastal Plan, and other applicable laws of the City.

(3) Where applicable, that the use or building applied for is consistent with the City’s adopted Design Guidelines.

The Applicant does not propose to modify the site plan or the building’s architecture. Therefore, the Design Guidelines are not applicable to the subject permit.

Supplemental Cannabis Activity Permit Findings (Section 9-4.4805(a)(1))

(1) For cannabis activity permit applications submitted pursuant to Section 9-4.4804(a), the cannabis operation applicant has been placed on the qualified cannabis registration list, as described in Section 9-4.4804(a)(1)(ii)(ad). For all other cannabis activity permit applications, that the Planning Department has received written notification from the Chief of Police that the applicant has complied with all requirements for satisfactory completion of the phase one and phase two cannabis public safety license requirements contained in Chapter 16 of Title 4 of this Code.

Pursuant to PMC Section 9-4.4804(a)(5), the subject cannabis activity permit does not require placement on the qualified cannabis registration list because it is an application for a cannabis manufacturing operation and not a cannabis retail operation. Planning Department staff received written notification from Police Chief Dan Steidle on March 10, 2020, indicating that the Applicant complied with all requirements of phase one and phase two of the cannabis public safety license requirements contained in Chapter 16 of Title 4 of the PMC (see Attachment F). Therefore, there is sufficient evidence to make this finding.

(2) The cannabis activity permit application is complete and the applicant has submitted all information and materials required by Section 9-4.4804(c) and (d).

The CAP application contains all the required information as determined after a review by Planning Department staff. Since the Applicant is proposing to perform their own distribution, the Applicant has included distribution operations in the Operation Plan and intends to seek a State Type 11 License for distribution. The Planning Department deemed the application complete on February 12, 2020. Therefore, there is sufficient information to make this finding.

(3) The proposed location of the cannabis operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the cannabis operation’s proposed proximity to a school, day care center, youth center, public park, playground, recreational center, school bus stop, premises frequented by children, religious establishment, or other similar uses.

The proposed location is within a commercial area and is therefore not an area frequented by children. The proposed site is not located within 600 feet of an identified school or youth center, nor is it within 200 feet from any daycare center; the proposed site and business is consistent with and complies with the locational limitations set forth in PMC Section 9-4.4803(c)(2). Therefore, the proposed cannabis business is not likely to have a potentially adverse effect on the health,

peace, or safety of persons, including children, due to its proximity to the enumerated sensitive uses.

- (4) *The proposed location of the cannabis operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the cannabis operation's proposed proximity to another existing or permitted cannabis operation.*

The proximity of the business in relation to other cannabis operations is not likely to have an adverse effect on the health, peace, or safety of the community. Three cannabis retail operations were approved in the West Sharp Park neighborhood, two of which are in operation at 2110 Palmetto Avenue and 2270 Palmetto Avenue (the third permitted but not yet operating location is at 1726 Palmetto Avenue). The nearest of these other cannabis operations is the location at 1726 Palmetto Avenue, approximately 2,830 feet to the south. There are currently no permitted or operating CMO businesses in Pacifica, and no other applications are pending.

The two approved cannabis retail operations which are now open in West Sharp Park have not caused law enforcement or code enforcement concerns since commencing operations. Therefore, there is information to support a finding that the location of the proposed cannabis operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the cannabis operation's proposed proximity to another existing or permitted cannabis operation.

- (5) *The design of the storefront or structure within which the cannabis operation will operate is architecturally compatible with surrounding storefronts and structures in terms of materials, color, windows, lighting, sound, and overall design.*

The Applicant proposes no changes to the storefront, with the exception of some added security cameras and signage. Therefore, the existing design of the storefront would be architecturally compatible with the surrounding storefronts and structures in terms of materials, color, lighting, and overall design.

- (6) *The proposed size of the cannabis operation is appropriate to meet the needs of the local Pacifica community for access to cannabis and that the size complies with all requirements of the City's Zoning Regulations.*

The size of the operation includes 770 sf of manufacturing space and 205 sf of garage space that will be used as the loading room. It is not oversized to meet regional demand, and, thus, is appropriate to meet the needs of the local Pacifica community for access to manufactured cannabis products. There is no applicable size limitation in the City's Zoning Regulations on general commercial spaces or CMOs specifically. For these reasons, the proposed size of the cannabis operation is appropriate under the criteria of this finding.

- (7) *The location is not prohibited under the provisions of this article or any local or state law, statute, rule, or regulation, and no significant nuisance issues or problems are likely or anticipated, and that compliance with other applicable requirements of the City's Zoning Regulations will be accomplished.*

The Planning Commission is unaware of any local or state laws, rules, or regulations which would be violated by operation of the subject cannabis business in the identified location after it

obtains a Cannabis Activity Permit, Cannabis Public Safety License, and applicable license(s) from the State of California. The location is within the C-3 zoning district, which is where a Cannabis Manufacturing Operation can be located, and is outside all buffer areas from sensitive uses which include K-12 schools, youth centers, and day care centers. Based on the Project’s relatively small size and as discussed in Supplemental Cannabis Activity Permit Finding No. 8 below, no significant nuisance issues or problems are likely or anticipated.

The Project as proposed also accomplishes compliance with other applicable requirements of the City’s Zoning Regulations, except for the parking standards. As noted in the staff report, the new manufacturing space will require a Parking Exception for only providing one parking space, when the proposed business would require two. PMC Section 9-4.2818(c)(4) establishes a parking requirement for “cannabis manufacturing and testing operations” of 2.7 parking space for each 1,000 square feet of gross leasable space, plus additional spaces as necessary based on the unique needs of the operation as determined by the Commission. However, Planning Commission believes that the proposal has provided as much parking as is reasonably possible, as discussed below. Therefore, there is sufficient information to make this finding.

- (8) *The cannabis operation is not likely to have an adverse effect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance, and will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises (especially late at night or early in the morning hours), lewd conduct, or police detentions or arrests.*

Its small size; the requirements of its security and operations plans; the PMC prohibition on possession, distribution, or consumption of alcohol on the premises, and the prohibition on smoking, ingesting, or consuming cannabis on the premises, combine to suggest the proposed cannabis business would not have a detrimental effect on the surrounding area, and should serve to prevent excessive disturbances or illegal drug activity. The proposed business would also be fairly inconspicuous due to lack of signage on the Project site and its location amongst other commercial spaces on the same site and adjacent sites. All proposed manufacturing methods would be non-volatile and any waste produced would be properly disposed of in a secured waste receptacle or secured area on the licensed premises. Therefore, as conditioned, there is sufficient information to make this finding.

- (9) *The cannabis operation is not likely to violate any provision of the Pacifica Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws.*

The Applicant has invested significant time and resources developing application materials suitable for City review and approval. These application materials include, but are not limited to, a security plan, operations plan, trip generation analysis, and floor plan. On this basis, the Applicant appears to be committed to operation of the proposed cannabis business in a manner consistent with the Pacifica Municipal Code, state law, and applicable terms of any permits issued.

- (10) *The applicant and/or the cannabis operation is not the subject of or a party to any of the following: pending litigation filed by the City against the applicant or any of its*

principals to enforce the Pacifica Municipal Code; a pending code enforcement case against the applicant or any of its principals relating to illegal cannabis activity; or an outstanding balance owed to the City by applicant or any of its principals for any unpaid taxes, fees, fines, or penalties.

The Applicant and/or the cannabis operation is not the subject of, or a party to, any pending litigation filed by the City against the Applicant or any of its principals to enforce the Pacifica Municipal Code; a pending code enforcement case against the Applicant or any of its principals relating to illegal cannabis activity; or an outstanding balance owed to the City by Applicant or any of its principals for any unpaid taxes, fees, fines, or penalties.

(11) The applicant has not made a false statement of material fact or omitted a material fact in the application for a cannabis activity permit, as known at the time of determination on the application.

The Police Department and Planning Department staffs, which have reviewed the submitted application materials and communicated with the Applicant, have not identified any instances wherein the Applicant has made a false statement of material fact or omitted a material fact since filing the subject application on August 21, 2019. Therefore, there is sufficient information to support a finding that the information submitted and statements made by the Applicant associated with their application have been truthful up to and until the time of determination on the subject application.

(12) The cannabis operation's site plan has incorporated features necessary to assist in reducing potential nuisance and crime-related problems. These features may include, but are not limited to, procedures for allowing entry; reduction of opportunities for congregating and obstructing public ways and neighboring property; and limiting furnishings and features that encourage loitering and nuisance behavior.

The location of the proposed business does not feature fixtures or furnishings which would encourage customers to congregate in the business vicinity, such as chairs and benches. As mentioned above, the tenant space is relatively small, and would most likely not be able to physically support a large group of people to congregate indoors. Further, the Project site does not include an outdoor space such as a patio which might encourage customers to congregate. The Applicant would also install sufficient video recording equipment to monitor the premises in order to deter crime and support any Police Department investigations into isolated crimes which may occur. Therefore, there is sufficient information to make this finding.

Supplemental Cannabis Activity Permit Findings for Cannabis Manufacturing Operations (Section 9-4.4805(a)(2))

(1) The manufacturing operation, as proposed, will operate in accordance with the activities allowed under the definition of a cannabis manufacturing operation as provided in Section 9-4.4801(d).

As proposed, the Applicant has not proposed in its Operations Plan any activities not allowed under the definition of a cannabis manufacturing operation and would be in accordance with the definition of a “cannabis manufacturing operation” provided in Section 9-4.4801(d). The

Applicant would package and repackage cannabis products, label or relabel cannabis products, refine already extracted cannabis compounds, and perform extraction of cannabis compounds using mechanical and thermal methods which do not require the use of volatile or nonvolatile solvents. Therefore, there is sufficient evidence to make this finding.

- (2) The manufacturing operation includes adequate quality control measures to ensure any cannabis product manufactured at the site meets industry standards.*

The Applicant has indicated that it would abide by all state quality control measures having all products lab tested to make sure each product sold would meet industry standards. The Applicant's Operations Plan states that it would contact a licensed laboratory testing facility to arrange for batch sample testing and would ensure the proper retrieval and documentation of the batch samples.

- (3) The manufacturing operation does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids, or substances.*

The Applicant has indicated that the building would be equipped with sprinkler systems and have alarm systems that connect directly to emergency dispatch if needed. The North County Fire Authority (NCFA) reviewed the proposed application and the Project as conditioned has satisfied all NCFA concerns. The operation will not involve the use of harmful gases, liquids, or substances, and therefore, does not present a heightened risk of explosion or release of harmful substances.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Parking Exception PE-789-20:

- (1) That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements as set forth in this article as are reasonably possible.*

The parking requirement for the proposed Project, per PMC Section 9-4.2818(c)(4), would be 2.7 parking spaces for each 1,000 square feet of gross leasable space, plus additional spaces as necessary based on the unique needs of the operation as determined by the Commission. The Planning Commission has not identified any unique needs of the proposed operation; therefore, the Project would require two parking spaces.

The Applicant would provide one off-street parking space and seeks a parking exception for one parking space. Per the California Building Code, the Project requires one van-accessible parking space. The existing width of the driveway is approximately 13'-8" and this width cannot be readily extended to create a second parking space due to the presence of a building wall on the left (north) side of the driveway and the location of the neighboring unit's driveway on the right (south) side of the driveway. There is an existing planter box that encroaches into the proposed path of travel for the accessible space, and the Applicant has proposed to remove this portion of the planter box to allow for the minimum five-foot accessible path of travel to be achieved. See Attachment G for site plan and proposed parking stall. The Applicant would require approval of an exception by the City's Building Official for other dimensions of the accessible parking stall beyond the path of travel.

Draft Resolution for Approval
901 Palmetto Ave. Unit B (APN 009-244-010)
File No. 2019-020– Cannabis Activity Permit, CAP-13-19 and Parking Exception PE-789-20
June 15, 2020

Since construction of an additional parking space to the side of the existing driveway space is infeasible, the Planning Commission also evaluated the potential for a tandem parking space. There is an existing one car garage space on site beyond the proposed van-accessible parking space (east of the space). However, the driveway cannot be utilized because it would be obstructed by the accessible parking space located between the garage and Palmetto Avenue. The space to the west of the existing driveway space is within the Palmetto Avenue public right-of-way. Therefore, a second parking space in a tandem configuration is not feasible on the site.

In the Planning Commission’s assessment, in light of the requirement to provide an accessible parking space combined with the existing physical constraints of the site, the proposed Project is as nearly in compliance with the off-street parking requirements as are reasonably possible. There are no other possible locations to add a parking space on the site. Therefore, there is sufficient information to support approval of a parking exception.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves and issues Cannabis Activity Permit CAP-13-19 and Parking Exception PE-789-20 to establish and operate a Cannabis Manufacturing Operation at 901 Palmetto Ave. Unit B, subject to conditions of approval attached as Exhibit A.

* * * * *

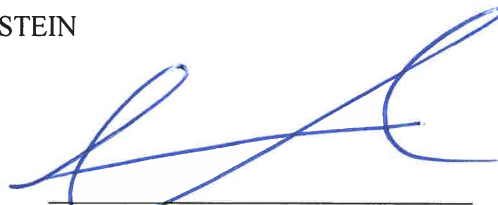
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 15th day of June, 2020.

AYES, Commissioners: BERMAN, BIGSTYCK, GODWIN, HAUSER, LEAL,
NIBBELIN

NOES, Commissioners: N/A

ABSENT, Commissioners: RUBENSTEIN

ABSTAIN, Commissioners: N/A




John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2019-020 - Cannabis Activity Permit CAP-13-19 and Parking Exception PE-789-20 to Establish and Operate a Cannabis Manufacturing Operation at 901 Palmetto Ave. Unit B (APN 009-244-010)

Planning Commission Meeting of June 15, 2020

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans stamped and received by the City of Pacifica on January 13, 2020, with the exception of a modified floor/site plan received by the City of Pacifica on April 20, 2020, and except as modified by the following conditions.
2. The approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, if in the Planning Director's sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.

In the event of litigation filed to overturn the City's determination on the approval(s), the Planning Director may toll expiration of the approval(s) during the pendency of such litigation.

3. The Cannabis Activity Permit and Cannabis Public Safety License shall be issued to West Manor LLC, a California limited liability company (LLC), with Florinda Cardenas as the single member-manager thereof. The transfer of the Cannabis Activity Permit and Cannabis Public Safety License shall hereafter be prohibited as described in Pacifica Municipal Code Sections 9-4.4804(e) and 4-16.03(e), respectively, as currently codified or as may be amended from time to time.
4. The Applicant shall at all times maintain a valid Cannabis Public Safety License and a valid license(s)/permit(s) from the State of California. If at any time the Cannabis Public Safety License or State of California license(s)/permit(s) issued to the Applicant for the subject facility is/are revoked, expires, or otherwise rendered inoperative for any reason, this Cannabis Activity Permit shall immediately become null and void and it shall not be possible to reinstate the Cannabis Activity Permit. A temporary suspension of the Cannabis Public Safety License or State of California license(s)/permit(s) shall render the Cannabis Activity Permit inoperative during the term of the suspension but the Cannabis Activity Permit shall not be considered null and void during the suspension.
5. The Cannabis Manufacturing Operation shall operate consistent with all provisions of Article 48 of Chapter 4 of Title 9 applicable to Cannabis Manufacturing Operations, as currently codified or as may be amended from time to time, including but not limited to those supplemental conditions identified in PMC 9-4.4803(d) applicable to manufacturing

6. All future operators and employees of the cannabis operation shall be required to submit to fingerprinting and a criminal background investigation pursuant to PMC Section 4-16.04(b)(3)(i).
7. Operation with more than two individuals on-premises at any time, except those individuals who are workers of a delivery or distribution service engaged in temporary pick-up or delivery activities at the Cannabis Manufacturing Operation, shall require review and approval by the Planning Commission, unless the applicant can demonstrate the availability of additional off-street parking for use of the subject business, to the satisfaction of the Planning Director.
8. The Applicant shall operate and maintain the Cannabis Manufacturing Operation in a manner which does not constitute a public nuisance.
9. The Cannabis Manufacturing Operation shall be conducted entirely within the enclosed space of the business premises.
10. The business's regular business hours, the cannabis activity permit and cannabis public safety license issued for such cannabis operation shall be posted in a conspicuous place so that the same may be readily seen by all persons entering the cannabis operation.
11. Manufacturing operations may occur 24 hours per day, 7 days per week except receiving and distribution shall be prohibited between the hours of 11 p.m. and 4 a.m.
12. Prior to commencement of operations, the Applicant shall obtain a building permit to make all interior renovations, to the satisfaction of the Planning Director.
13. Prior to building permit issuance, the Applicant shall provide or cause to be provided and show on the plans, a trash enclosure in the interior of the premises such that all cannabis waste is securely stored until it is removed from the premises by a vendor authorized under state law, to the satisfaction of the Planning Director.
14. Prior to commencement of operations, the Applicant shall provide evidence that it has retained the services of a cannabis waste management service and an inventory control service in accordance with state law, to the satisfaction of the Planning Director.
15. Prior to commencement of operations, the Applicant shall submit for Planning Director review and approval the required incidental signage to be posted at the entrance indicating that the premises are under camera/video surveillance and indicating age restrictions for entrance pursuant to PMC Section 4.16-03(c)(i)(ab) and PMC Section 9-4.4803(d).
16. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to

Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

17. All cannabis-related products shall be stored in air-tight containers which are completely sealed in order to minimize unpleasant odors.
18. All outstanding and applicable fees associated with the processing of this Project shall be paid within 30 days of the approval of Cannabis Use Permit CAP-13-18 and Parking Exception PE-789-20. The Cannabis Manufacturing Operation shall not commence operations until such fees are paid.
19. Notwithstanding the authority granted to Planning Department staff to conduct annual reviews of cannabis operations in Section 9-4.4806(e) of the PMC, the Planning Commission shall conduct the single annual review of the subject Cannabis Manufacturing Operation at a public hearing. The annual review shall occur not less than one year but not more than two years after issuance of the Cannabis Public Safety License to the Applicant.

Building Division of the Planning Department

20. Applicant shall obtain approval of a building permit by the Building Official prior to commencing any construction activity.

North County Fire Authority

21. Fire sprinkler system may be required. Submit plans to NCFA under separate fire permit.
22. Provide fire flow information per CFC, Appendix B.
23. Fire extinguishing/hood system may be required. Submit plans to NCFA under separate fire permit.
24. Fire alarm system may be required. Submit plans to NCFA under separate fire permit.
25. Fire alarm system shall be monitored, per CFC.
26. Key Box is required. Apply for approved hardware at NCFA Administration.
27. Portable fire extinguisher(s) are required. Mount fire extinguishers 3-5 feet above floor.
28. Illuminated address identification is required.

29. Utility identification is required.
30. Doors shall be easily openable in one motion without special knowledge, key or effort per California Building Code. Use of thumb operated deadbolts prohibited unless integrated with latch.
31. Exit signs and emergency egress illumination is required.
32. Hazardous material use, storage, or operations permit may be required.
33. A review of the proposed manufacturing process must be done through a third-party fire protection engineer (FPE) and results provided to the North County Fire Authority. Based upon the FPE's report, additional fire and life safety equipment or systems may be required.

Engineering Division of the Public Works Department

34. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the Project plans.
35. The following requirements must be clearly noted on the construction plans for the Project:
 - a. Palmetto Avenue shall be maintained clear of construction materials, equipment, storage, debris, and soil. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
 - b. Existing public improvements within the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this Project. Any damage to improvements within city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this Project, shall be repaired or replaced as directed by the City Engineer.

*** END OF CONDITIONS ***