

**RESOLUTION NO. 2019-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING MARIJUANA USE PERMIT MUP-10-18 (FILE NO. 2018-031), SUBJECT TO CONDITIONS, TO ESTABLISH AND OPERATE A MARIJUANA RETAIL OPERATION AT 450 OLD COUNTY ROAD (APN 023-027-130) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Thomas Rodriguez for Rockaway Enterprises, LLC (“Permittee”)

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

**WHEREAS**, an application has been submitted to establish a Marijuana Retail Operation for the sale of medical and non-medical (i.e., adult use) marijuana and marijuana related products at 450 Old County Road (APN 023-027-130) within the C-1 (Neighborhood Commercial) zoning district and CZ (Coastal Zone) and MO-RB (Marijuana Operation, Rockaway Beach Overlay District) overlay zoning districts; and

**WHEREAS**, the project requires approval of a Marijuana Use Permit (MUP) pursuant to Section 9-4.4803(b); and

**WHEREAS**, the Planning Commission of the City of Pacifica held a duly noticed public hearing on January 22, 2019, 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. Examples of this exemption include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

The proposed project fits into the scope of the Class 1 exemption in that the proposed use would be located in an existing mixed-use structure consisting of ground floor commercial uses and upper floor residential uses. The proposed marijuana business would locate within an existing commercial lease space and would involve only minor interior and exterior alterations that would not result in any physical construction outside the footprint of the existing structure.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, 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 marijuana retail 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 the first marijuana retail business in the area and is located within an existing commercial tenant space.
- 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 commercial use and is currently used for commercial purposes. As such, there are no identifiable unusual circumstances that would have significant effect on the environment.
- Sec. 15300.2(d), (e) and (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. 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 Marijuana Use Permit, MUP-10-18:

**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 marijuana operation will not be detrimental to the health, safety, and welfare of the greater public. The Permittee has submitted a security plan that has been reviewed and approved by the Police Chief which will ensure safe operation of the facility. The security plan includes physical security measures such as closed circuit video cameras which will deter crime and assist with investigating any incidents which may occur. Due to some minor changes made to the front façade for PMC compliance (minimum window requirements, PMC Section 4-16.03(c)(1)(ii)), the Permittee will submit a revised security plan for Police Chief review. The proposed MRO will not be allowed to operate until the revisions to the security plan

have been reviewed and approved. In addition, the unconventional location of the proposed operation on the side of a commercial building rather than a storefront directly abutting a public right-of-way limits line-of-site of public safety personnel who are approaching the business. To enhance line-of-site from Old County Road, a condition of approval requires replacement of the shrubs at the southeast corner of the site with low-growing landscaping which the Applicant shall maintain at a height not to exceed 36 inches.

The business operations would be located entirely inside an existing mixed-use commercial and residential building. The tenant space does not include any outdoor patio space where clients might congregate to generate noise or litter. However, there is the potential for business activity to occur in the rear yard of the property which is utilized by the second-story residential use. To minimize the opportunity for this to occur, conditions of approval explicitly prohibiting activity in the rear yard and also requiring removal of the exterior entry door which exits directly into the rear yard have been included in this approval.

Furthermore, the operation would be located in a commercially zoned neighborhood and any noise from the MRO, such as from customers entering and exiting the business, would be consistent with surrounding commercial retail operations.

In light of these circumstances, the proposed marijuana operation will 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 marijuana 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). It would be consistent with the following two General Plan policies:

- *Community Design Policy 2: Encourage the upgrading and maintenance of existing neighborhoods.*

The proposed marijuana business would occupy space in an existing mixed-use commercial and residential building, thereby improving commerce and activity along Old County Road. It would also be the first business of its kind to lawfully be established in the Rockaway Beach neighborhood, which would create a point-of-interest for qualified medical patients in the city and surrounding communities.

- *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.*

The proposed marijuana business would provide a lawful source of medical marijuana to Pacifica’s residents, 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 marijuana ordinances, many Pacifica residents rely on medical marijuana to treat various maladies.

The marijuana business would also be consistent with the City's LCP. The Plan Conclusions section of the LCP states that "neighborhood serving commercial uses to support local residents' needs shall be allowed ... but shall not predominate" (p. C-107). As noted above, a medical marijuana business would meet local residents' needs for lawful access to medical marijuana. Thus, commencement of the use would be consistent with the intended land use of this portion of the Rockaway Beach 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 the provisions of Ordinance Nos. 818-C.S. and 819-C.S. The Permittee has already obtained approval of Phases 1 and 2 of the application process and is seeking approval of Phase 3 of the process by Planning Commission action on the subject Marijuana Use Permit. By submitting application materials which demonstrate an intention to comply with the City's ordinances regulating marijuana business activity, the Permittee's operation will comply with all applicable laws of the City governing marijuana-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.*

Design Guidelines that would apply to the subject project would pertain to site planning, building design, and landscaping. The subject business does not propose to modify the site plan or the building's architecture or lighting. The existing stucco storefront with large glass windows is compatible within the neighboring storefronts and the surroundings.

The subject business location will not be directly visible from the street. The storefront will be improved by adding windows and a door that is primarily glazed. The storefront complies with the applicable glazing and openings standards according to the City's Ordinance and Building Code requirements.

#### **Supplemental Marijuana Use Permit Findings (Section 9-4.4805(a)(1))**

*(1) The marijuana operation applicant has been placed on the marijuana qualified registration list, as defined in Title 4, Chapter 16.*

The Police Chief placed Rockaway Enterprises, LLC on the Qualified Marijuana Registration List as Qualified Cannabis Registrant (QCR) #18-13 on May 1, 2018. Therefore, there is sufficient information to make this finding.

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

The MUP application contains all the required information as determined after a review by Planning Department staff. The Planning Department deemed the application complete on December 12, 2018. Therefore, there is sufficient information to make this finding.

- (3) *The proposed location of the marijuana operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the marijuana 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 located in the MO-RB overlay district which is intended for Marijuana Retail Operations. In an effort to verify the presence of any of the sensitive uses identified within the area, Planning Department staff performed a visual inspection of the nearby area on December 31, 2018 beginning at 10:35 a.m. The inspection confirmed the proposed site is not located within 600 feet of a school or youth center, nor is it within 200 feet from any daycare center; the proposed site and business is consistent and complies with the locational limitations set forth in PMC section 9-4.4803(c)(2). Therefore, the proposed marijuana business is not likely to have a potentially adverse effect on the health, peace, or safety of persons, including children, at this location. There will not be an impact because of the small size of the proposed marijuana business, as well as its location in the rear of the property.

Therefore, the proposed marijuana business is not anticipated to have any potentially adverse effect on health, peace, or safety due to its proximity to the enumerated sensitive uses.

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

The proximity of the business in relation to other marijuana operations is not likely to have an adverse effect on the community. The only permitted Marijuana Operations within the City of Pacifica are located within the Sharp Park neighborhood. Therefore, there is sufficient information to make this finding.

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

The design of the storefront is architecturally compatible with the surrounding storefronts and structures. The storefront, while not visible from the street, will be modified to conform to current Building and Planning regulations, including the addition of an entry door and large windows. Therefore, there is sufficient information to make this finding.

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

The size of the operation is relatively small, is not oversized to meet regional demand, and, thus, is appropriate to meet the needs of the local Pacifica community for access to marijuana. There is no applicable size limitation in the City's Zoning Regulations on general commercial spaces or MROs specifically. However, the project would meet applicable standards relative to its size based on off-street parking by payment of the parking in-lieu fee which is provided for in the Rockaway Beach commercial district. Therefore, the project would comply with the pertinent size requirements of the City's Zoning Regulations. Furthermore, the interior of the commercial

space meets all minimum dimensional requirements of the California Building Code including the minimum dimensions for an accessible restroom.

Because the 443-square foot size of the proposed marijuana business is relatively small, it is unlikely to be oversized for the needs of the Pacifica community. The proposed marijuana business would also offer delivery service in order to serve many customers elsewhere other than the subject location. By providing this responsive service, the proposed marijuana business would meet the needs of disabled, elderly, or other persons who may be unable to visit the site to obtain medical or recreational marijuana. Reducing the number of customers visiting the site would also reduce potential impacts from noise, parking, and traffic. For these reasons, the proposed size of the marijuana 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.*

Planning Department staff is unaware of any local or state laws, rules, or regulations which would be violated by operation of the subject marijuana business in the identified location after it obtains a Marijuana Use Permit, Marijuana Public Safety License, and applicable license(s) from the State of California. The location is within a Marijuana Operation Overlay District which authorizes Marijuana Retail Operations and is outside all buffer areas from sensitive uses which include K-12 schools, youth centers, and day cares. Based on the project's relatively small size and as discussed in Supplemental Marijuana Use 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 off-street parking standards contained in Article 28 of Chapter 4 of Title 9 of the Pacifica Municipal Code. As noted in the staff report, the mixed-use commercial and residential structure in which the marijuana business proposes to operate does not provide any off-street parking for its commercial use. Standard retail uses under the City's off-street parking standards in Section 9-4.2818(b) (2) require one parking space per 300 square feet of gross leasable area. As applied to the proposed marijuana operation, the City's parking standards would require one off-street parking space. However, evidence was received that the Rockaway Beach area has a growing business community and at times, especially during a Farmer's Market which occurs once a week (Wednesdays) for ten months out of the year, there can be a reduced number of on-street parking spaces which can have an impact on the surrounding businesses and residents. Although the trip count reported by Hexagon Transportation showed a small daily trip generation of 110 daily vehicle trips and visits by customers were typically for short durations, the Planning Commission has determined that based on the Permittee's submitted Operations Plan and Permittee's testimony at the public hearing, which indicated that up to four employees will be on-site at any time during operating hours, the proposed use constitutes a "high intensity use" as that term is used in Section 9-4.2818(b)(2) of the PMC; thus, additional parking shall be required as determined by the Commission. On the basis of the Permittee's submitted Operations Plan and testimony, the Commission has determined that the applicable parking requirement shall be increased to four off-street parking spaces. Although on-site parking cannot be provided due to constraints of the existing site, payment of the applicable parking in-lieu fee for the Rockaway Beach commercial district would render the proposed project compliant with Article 28 off-street parking standards. By virtue of

its compliance through the payment of the parking in-lieu fee for four off-street parking spaces there is sufficient information to make this finding.

- (8) *The marijuana 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, marijuana 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 adequacy of its internal layout to accommodate waiting customers; 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 marijuana on the premises; its revised hours of operation as suggested by staff; and, updated address identification of uses within the mixed-use building, should combine to suggest the proposed marijuana business will not have a detrimental effect on the surrounding area, and should serve to prevent excessive disturbances or illegal drug activity.

The Permittee has proposed operating hours of 7:00 am to 10:00 pm, which are the maximum operating hours allowed by section 9-4.4803(d)(2)(v) of the PMC. However, to be consistent with City Council's prior approval of another MRO with a residential unit immediately above its business space at 2270 Palmetto Avenue (Phog Center LLC, MUP-4-18), the Planning Commission determines that the operating hours of the proposed MRO shall be 10:00 am to 8:00 pm. This revision is necessary in order to prevent any potential noise impacts from affecting the upstairs residents at sensitive periods very early or very late in the day.

In addition to revised hours of operation, the Commission requires assignment of suite numbers to the various uses existing or with a potential to operate within the subject mixed-use building. The suite number assignments are necessary to distinguish between the locations in the building for the proposed MRO, existing commercial space (former John's Barber Shop), and existing second-floor residential unit. Currently, all uses in the building utilize the same address of "450 Old County Road" but without distinguishing between suite numbers. Absent ready identification of individual uses within the building, first responders could be delayed in locating persons requiring emergency assistance in the future.

Although on-site parking cannot be provided due to the limitations of the existing site, it is expected that customers to the marijuana business will make short visits and thus will not tie up on-street parking for long periods of time.

Therefore, as conditioned, there is sufficient information to make this finding.

- (9) *The marijuana 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 Permittee has invested significant time and resources developing application materials suitable for City review and approval. These applications materials include, but are not limited to, a security plan, operations plan, parking and trip generation analysis, and floor plan. On this

basis, the Permittee appears to be committed to operation of the proposed marijuana business in a manner consistent with the Pacifica Municipal Code, state law, and applicable terms of any permits issued. Therefore, there is sufficient information to make this finding.

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

The Police Department and Planning Department staff who have reviewed the submitted application materials and communicated with the Permittee have not identified any instances wherein the Permittee has made a false statement of material fact or omitted a material fact in the application. Therefore, there is sufficient information to support a finding that the information submitted and statements made by the Permittee have been truthful up to and until the time of determination on the subject application.

*(11) The marijuana 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 as most of the outside area is comprised of the walkway area. Additionally, the proposed tenant space would include large windows which will allow the Police Department to observe business activity from the walkway to ensure public safety. Existing site landscaping is nonexistent in front of the storefront and so will not obstruct views through the window or provide a hiding place for criminals. The Permittee will also install sufficient video recording equipment to monitor the premises in order to determine crime and support any Police Department investigations into isolated crimes which may occur. Therefore, there is sufficient information to make this finding.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica approves and issues Marijuana Use Permit MUP-10-18 to establish and operate a Marijuana Retail Operation at 450 Old County Road, subject to conditions of approval attached as Exhibit A.

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Resolution No. 2019-002  
450 Old County Road (APN 023-027-130)  
File No. 2018-031 – Marijuana Use Permit MUP-10-18 (Marijuana Retail Operation)  
January 22, 2019

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 22nd day of January, 2019.

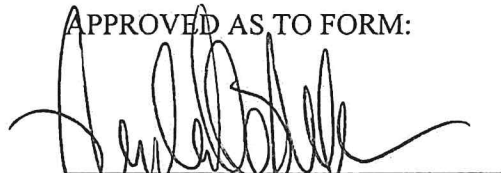
AYES, Commissioners:	CAMPBELL, CLIFFORD, GORDON, KRASKE, NIBBELIN, RUBINSTEIN
NOES, Commissioners:	N/A
ABSENT, Commissioners:	N/A
ABSTAIN, Commissioners:	N/A

  
Richard Campbell, Chair

ATTEST:

  
Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

  
Michelle Kenyon, City Attorney

## Exhibit A

### **Conditions of Approval: File No. 2018-031 - Marijuana Use Permit MUP-10-18 to Establish and Operate a Marijuana Retail Operation at 450 Old County Road (APN 023-027-130)**

#### **Planning Commission Meeting of January 22, 2019**

#### **Planning Division**

1. Development shall be substantially in accord with the plans stamped and received on January 9, 2019, 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 Permittee 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 Permittee shall at all times maintain a valid Marijuana Public Safety License and a valid license(s)/permit(s) from the State of California. If at any time the Marijuana Public Safety License or State of California license(s)/permit(s) issued to the Permittee for the subject facility is/are revoked, expires, or otherwise rendered inoperative for any reason, this Marijuana Use Permit shall immediately become null and void and it shall not be possible to reinstate the Marijuana Use Permit. A temporary suspension of the Marijuana Public Safety License or State of California license(s)/permit(s) shall render the Marijuana Use Permit inoperative during the term of the suspension but the Marijuana Use Permit shall not be considered null and void during the suspension.
4. The Marijuana Use Permit is non-transferrable to any other person or entity.
5. The Marijuana Retail Operation shall operate consistent with all provisions of Article 48 of Chapter 4 of Title 9 applicable to Marijuana Retail Operations, as currently codified or as may be amended from time to time.
6. The Permittee shall operate and maintain the Marijuana Retail Operation in a manner which does not constitute a public nuisance.
7. Prior to commencement of operations, Permittee shall submit for review and approval of the Police Chief a revised Security Plan which incorporates the façade modifications described in the staff report and which are required to comply with the requirements of section 4-16.03(c)(1)(ii) of the Pacifica Municipal Code. The Permittee shall implement

and operate the Marijuana Retail Operation in accordance with the approved Amended Security Plan.

8. The Marijuana Retail Operation shall be conducted entirely within the enclosed space of the business premises. Any use by Permittee of the rear yard of the subject site is prohibited until Permittee obtains authorization for such use from the Planning Commission.
9. Prior to building permit issuance, the Permittee shall provide or cause to be provided and show on the plans, a trash enclosure on the business premises such that all marijuana 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.
10. Prior to commencement of operations, the Permittee shall provide evidence that it has retained the services of a marijuana waste management service and an inventory control service in accordance with state law, to the satisfaction of the Planning Director.
11. Prior to commencement of operations, the Permittee shall ensure the property owner submits proposed suite numbers and locations of new suite address identification signs for all existing and proposed commercial and residential uses in the subject building, for review and approval by the Planning Director. All address identification signs approved by the Planning Director shall be installed prior to commencement of operations.
12. The Permittee 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 actions or omissions in any way connected to the Permittee's project, but excluding any approvals governed by California Government Code Section 66474.9. 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 fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, City, and/or parties initiating or bringing such Proceeding. If the Permittee 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.
13. The hours of operation of the proposed business, which includes those hours in which the site may be open to the public for retail sales and in which deliveries may be made, shall be as follows: 10:00 a.m. through 8:00 p.m. daily.

Staff of the Marijuana Retail Operation may occupy the subject site outside of those hours to perform administrative and maintenance functions customary for retail businesses, such as inventory management, cleaning, bookkeeping, etc.

14. All marijuana-related products shall be stored in air-tight containers which are completely sealed in order to minimize unpleasant odors.
15. Permittee shall remove the two existing shrubs located along the southern property line at the southeast corner (front left) of the site and replace the shrubs with landscaping of a species and type subject to review and approval of the Planning Director. Permittee shall ensure any landscaping installed in these locations shall be maintained at a height not to exceed 36 inches above the adjacent sidewalk.
16. Permittee shall remove the second entry door located on the west elevation of the subject building and replace it with stucco to match existing adjacent building surfaces, to the satisfaction of the Planning Director. This condition shall not apply if the Building Official determines the door is required for emergency egress in accordance with 2016 California Building Code provisions.
17. The Permittee shall not modify the colors, materials, or any other aspect of the building façade without written authorization from the City of Pacifica.
18. All outstanding and applicable fees associated with the processing of this project shall be paid within 30 days of the approval of Marijuana Use Permit MUP-10-18. The Marijuana Retail Operation shall not commence operations until such fees are paid.

#### **Building Division**

19. Prior to building permit issuance, the Permittee shall show on the plans all improvements for accessibility for persons with disabilities in accordance with the California Building Code and all other applicable laws.

#### **North County Fire Authority**

20. Fire Department approval is for retail only, and does not include approval for any hazardous or potentially volatile manufacturing processes.
21. Portable fire extinguishers(s) are required. Mount fire extinguishers three to five feet above the floor. The fire extinguishers shall be visible and accessible, and shall be field verified.
22. Clearly visible address identification is required to the satisfaction of the Fire Chief.
23. The doors shall be easily opened in one motion without special knowledge, key or effort per the California Building Code (CBC). The use of thumb operated deadbolts is prohibited unless integrated with latch.

#### **Engineering Division**

24. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices (BMPs) shall be implemented and the construction BMPs plan sheet from the countywide program shall be included in the project plans.

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File No. 2018-031 – Marijuana Use Permit MUP-10-18 (Marijuana Retail Operation)  
January 22, 2019

25. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Old County Road. Dust control and daily road cleanup will be strictly enforced.
26. No private structures, including but not limited to walls, curbs, and fences shall encroach into the public right-of-way.
27. Prior to building permit issuance, revise the plans to include a note that states: "Existing curb, sidewalk or other street improvements adjacent to 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."

**Added by Planning Commission at the Meeting of January 22, 2019**

28. Notwithstanding the authority granted to Planning Department staff to conduct annual reviews of marijuana operations in Section 9-4.4806(e) of the Pacifica Municipal Code, the Planning Commission shall conduct a single annual review of the subject Marijuana Retail Operation at a public hearing not less than one year but not more than two years after issuance of the Marijuana Public Safety License to the Permittee.
29. Prior to issuance of a building permit, the Permittee shall pay an in-lieu parking fee consistent with Redevelopment Agency Resolution No. 17-86. The in-lieu parking fee shall be calculated at the rate of \$3,000 per space for four spaces, equaling a total of \$12,000.

\*\*\* END OF CONDITIONS \*\*\*