

**MINUTES**

**CITY OF PACIFICA  
PLANNING COMMISSION  
COUNCIL CHAMBERS  
2212 BEACH BOULEVARD**

January 22, 2019

7:00 p.m.

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

**ROLL CALL:** Present: Commissioners Rubinstein, Clifford, Gordon,  
Nibbelin, Kraske and Chair Campbell  
Absent: None

**SALUTE TO FLAG:** Led by Commissioner Kraske

**STAFF PRESENT:** Planning Director Wehrmeister  
Sr. Planner Murdock  
Asst. Planner Gannon  
Police Chief Steidle  
Asst. City Attorney Bazzano

**APPROVAL OF ORDER OF AGENDA** Commissioner Kraske moved approval of the Order of Agenda; Commissioner Nibbelin seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Rubinstein, Clifford, Gordon,  
Nibbelin, Kraske and Chair Campbell  
Noes: None

**APPROVAL OF MINUTES: JANUARY 7, 2019** Vice Chair Clifford moved approval of minutes of January 7, 2019; Commissioner Gordon seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Rubinstein, Clifford, Gordon,  
Nibbelin, Kraske and Chair Campbell  
Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JANUARY 28, 2019:**

Chair Campbell stated that they would not need a liaison.

**ORAL COMMUNICATIONS:**

None

**CONSENT ITEMS:**

None

**NEW PUBLIC HEARINGS:**

- 1. MUP-10-18**                      **File No. 2018-031, Marijuana Use Permit MUP-10-18** to locate a Marijuana retail operation within an existing mixed-use commercial and residential building at 450 Old County Rd (APN 023-027-130). Recommended CEQA Action: Class 1 Categorical Exemption, Section 15301

Asst. Planner Gannon presented the staff report.

Vice Chair Clifford referred to the in lieu fee and asked how that money is used.

Sr. Planner Murdock stated that the money ends up in a fund set aside for collection of that fee. He understood that there were not sufficient funds to construct additional parking but, as with many fees, the money will continue to be collected and ultimately be utilized for the stated purpose of providing off street parking in Rockaway Beach.

Vice Chair Clifford asked when was the last time the fee was adjusted.

Sr. Planner Murdock stated that he was not aware of an adjustment since the fee was enacted.

Vice Chair Clifford stated that would be 1986.

Sr. Planner Murdock thought that was correct.

Commissioner Nibbelin stated that he understood from the report and the presentation that the second floor was residence.

Asst. Planner Gannon responded affirmatively.

Commissioner Nibbelin refers to mention that there was no comment from the public and he asked if that included for the resident to comment if they chose. He thought they would hear more about that.

Asst. Planner Gannon responded affirmatively.

Commissioner Nibbelin stated that he liked the idea of bringing a use into conformity with the zoning and the general plan. He thought that was a move in the right direction but he wanted to be they thought about the compatibility of this use with the residential use.

Sr. Planner Murdock understood and stated that the property owner was the occupant of that unit and for however long he chooses to occupy the site, they understood he was supportive of the application through the authorization granted when filing the marijuana use permit.

Commissioner Nibbelin understood that, adding that it may be someone else who occupies the space in the future, and they want to insure that what they have done will be okay with said tenant.

Sr. Planner Murdock agreed.

Chair Campbell asked for clarification on how in lieu parking worked in Rockaway. He understood that on-site parking can't be provided due to constraints of the existing site and 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. He asked if there was any discretion to the city or by right, if they pay the fee, they don't have to add more parking.

Sr. Planner Murdock understood that the entire intent of enacting the fee was so that sites were not chopped up to provide parking and was seen in the Rockaway Beach specific plan and redevelopment plan from the prior Redevelopment Agency as a hindrance to appropriate development of the area if it was sought to have each site provide its own off street parking on site. He thought staff has taken the position that it was an opportunity afforded by right and he thought it would be the strong preference of staff to interpret it in that fashion.

Chair Campbell stated that he would kick that to counsel as to whether she has anything to add on that.

Asst. City Attorney Bazzano thought Sr. Planner Murdock was correct in his assessment. She asked if there was a parking exception for this marijuana use permit or were they not doing the parking exception.

Sr. Planner Murdock stated that they have not prepared a parking exception for this item.

Asst. City Attorney Bazzano concluded that the parking exception was not accompanying this item.

Vice Chair Clifford stated that the in lieu parking fee was established in 1985 and has not been adjusted either for inflation or the building cost index while they have given out a lot of in lieu parking in the area. He also understood that when the Redevelopment Agency closed the money in the in lieu parking fee account was also transferred to the state along with any other money available from the Redevelopment Agency. He asked if this was the only money in the account. He stated that he has been unhappy that they have not adjusted the fee forever. He stated that he has talked to every City Manager about it and it keeps going around but no one ever does anything about it while the costs have gone up dramatically since 1986 in terms of providing parking.

Sr. Planner Murdock understood and stated that he has touched on a few items. He thought he raised a very good policy question for City Council which was revisiting that fee at a time that the Council may deem appropriate. He agreed that it has not kept up with the cost of construction in 2019 as compared to 1985 or 1986. He stated that \$3,000 does not get you as far as it once did. He concluded that it was the fee they have and staff was not recommending that they discuss or litigate that point at this time as that was the policy that was adopted and staff felt they are bound to follow it. He referred to transfer of the fees that have been collected, and thought there was a fear that the money was inadvertently transferred to the state as part of the dissolution of the Redevelopment Agencies. He understood that further accounting work confirmed that the money was not transferred. He thought there were other funds in addition to what may be imposed at this time.

Vice Chair Clifford thought it might be if they choose to approve this item.

Sr. Planner Murdock responded affirmatively.

Vice Chair Clifford thought they had not given any thought to the fact that the whole street is blocked every Wednesday for the Farmers' Market for ten months of the year. He stated that they were asking for only one parking space but there will be no parking spaces every Wednesday.

Sr. Planner Murdock thought the parking lot remains open to the west of the Farmers' Market and he agreed that the on street area would be closed. He stated that exiting onto Old County Road was affected but he thought the parking that was lost was the on street parking on Old County Road and was not the parking related to the in lieu fees. He stated that staff's analysis was that the parking being provided will remain in place and available.

Chair Campbell invited the Applicant to present to the Planning Commission.

Anthony Sloss, stated he is Operations Manager of the Rockaway Enterprises cannabis club that is hopefully approved. He stated that he has known the owner for over eight years and has been in the cannabis industry for about the same time. He stated that Mr. Rodriguez explained to him that he was looking to open the cannabis company after he learned about the benefits of medical cannabis from a family member and he had a drive to help the community and patients seeking a safer alternative.

Thomas Rodriguez, owner, thanked staff for help with the process. He was present with Mr. Sloss and his architect/designer, Grant Lee. He stated that Mr. Anthony Blanco was representing the security firm he selected to oversee security for the project with licensed security officers. He mentioned that he and his wife were co-owners of a learning center called Play on Words in San Francisco and provide bilingual early intervention for children up to 5 years. He gave a brief description of his history including counseling children with developmental and emotional difficulties. He has been researching this industry and has seen the benefits of cannabis, including his family member. He stated that his attorney will assist him in insurance compliance for local and state cannabis laws. He stated that they plan to have a high class dispensary in appearances and day to day operations and while he is new to the industry, he was confident with his manager's experience with local and state laws and his experience of owning and managing a business will ensure a smooth running and compliant operation, while meeting all California safety standards and laws, giving specifics. He acknowledged the concerns of the City Council and Planning Commission on hours of operation and was open to changes as are deemed appropriate. He stated that the resident above their facility was the owner and he was present to support them and had no problems with the hours of operation proposed of 7 am to 10 pm.

Commissioner Nibbelin thanked him for addressing concerns about the resident above their facility. He was curious about some of the things they built into their plan to minimize impacts on current resident. He was acknowledged that the current resident is okay with the proposal but he was curious about what they added to deal with that.

Mr. Rodriguez stated that, unlike other dispensaries that he has seen through visits, he stated that this will not be a frat house type of facility but upscale. He stated that the music playing will be

soothing, elevator type music. He stated that, to take into consideration everyone involved, they will make sure everything is compliant.

Chair Campbell acknowledged that they will have six employees and two managers and he asked where he anticipates them parking in the neighborhood.

Mr. Sloss stated they were trying to find close off street parking but not immediately in front of the building so those coming in to access the dispensary can have more immediate parking in front.

Mr. Rodriguez agreed, adding that they don't want to hinder the flow of traffic for anyone or impede on the spaces available and they will make sure staff are aware that they should park as far away as the possible can to not impede in anything.

Commissioner Kraske mentioned that they were going to employ a delivery driver and asked when he is not in service whether they will be parking that vehicle in that one singular spot.

Mr. Rodriguez responded that they would. He stated that the vehicle will be incognito, non-labeled, friendly vehicle that will take up that space.

Vice Chair Clifford asked if he intends to have anyone parking in the driveway.

Mr. Rodriguez asked if it was the driveway for the residence.

Grant Lee, architect, stated that, as part of the project, they enlisted traffic engineers and Hexagon Engineering. He stated that one requirement was to have a chain link preventing parking within the driveway. He referred to the question of sound, and as part of the building rule, there will be a two-hour separation between the retail space and above and they will stuff the cavity with a lot of sound insulation to protect any type of sound transfers from above and below.

Chair Campbell asked if the parking analysis took into account that the delivery truck was going to take up the parking spot.

Mr. Lee stated that it did not account for that. He stated that they are taking analyses of the general area and the need of the business. They are aware of the business plan. He stated that the requirement was two spots and they would be paying for two in lieu fees.

Chair Campbell asked if that was reflected in the fees.

Sr. Planner Murdock stated that Mr. Lee is correct that the parking analysis provided with the application indicated two spaces and staff believes that was a misapplication of the City's parking standard based on the floor area of the use. He stated that, when you apply the one per 300 sq. foot retail standard which they applied to the two prior marijuana use permit applications, you round down the fraction that results to one space. He stated that they rounded up which is practice in other cities but not in Pacifica. He stated that the zoning indicates to round down fractions of less than one-half and that was an error in the parking analysis submitted. Regarding the recommendation to place a chain across the driveway so people didn't park in it, staff did not agree with that recommendation and did not include any language to require such a chain. He stated that staff acknowledged that the driveway is used and it was their understanding that the

property owner will often park in that space. He stated that staff did not get involved in whether the property owner authorized another entity or individual to park in it.

Chair Campbell asked how much discretion the city has in determining whether there is sufficient parking, even though there is a floor area ratio that they determine only requires one and a delivery truck that will take the prime spot.

Sr. Planner Murdock stated that the zoning does provide, if there is a specific finding necessary for health safety and general welfare of the area, for the Commission to require a higher standard, referring to PMC section 9-4.2818(g), mixed uses. He stated that they applied the same standard and rate of parking to the two prior marijuana use permits and did not identify additional health, safety and welfare concerns in their analysis. He added that they will be happy to hear more from the Commission on that point if that is a concern.

Vice Chair Clifford stated that, when he visited the site, he saw what he assumed was the owner's pickup truck parked in the driveway. His concern was the fact that his truck was longer than the driveway and enough to be blocking the sidewalk as well. He would prefer that he didn't park in the driveway. He referred to having security questions. He stated that he has some concerns about where the actual entrance will be located, referring to down the side of the building at the back with a fence beyond that and a large building on one side of it and the building itself which he thought was a little pocket where people will be gathering with their money or money and drugs and he thought it looked like an unsafe place, explaining that he was old and can't run anymore. He stated that, if someone corners there and the building's locked, he would be in trouble. He asked how they propose to handle such a scenario.

Mr. Anthony Blanco who was in charge of security, stated that with their uniform guards they will also be having surveillance which they are monitoring on the inside as well and will see all the exterior of the building as well as inside. He stated that, when they see individuals in the area, they will radio the other guard or let them know and approach the individuals. He stated that they don't have to station themselves there and could be mobile to check what is going on in those areas.

Vice Chair Clifford asked if any consideration has been given to a panic button for a client who can't do anything else but deal with the person waiting the security person to show up.

Mr. Blanco stated that within all the security plans they have done, at least 20 for other counties, there is always a panic button in place for the businesses.

Sr. Planner Murdock referred to the parking demand and section 9-4.2818(b)(2) where the standard for retail stores is provided, stating that it indicates one parking space for each 300 sq. feet of gross leasable spaces as mentioned and adds that additional parking may be required in instances involving shopping centers, high intensity issues and/or where the approval of site development plans is required. He stated that it seems that the Commission has some discretion in terms of the parking ratio if they have specific evidence to suggest it is a high intensity use in this case.

Chair Campbell stated that he didn't know but the traffic analysis mentioned 110 trips daily and he asked if 110 daily trips would be considered high intensity use.

Sr. Planner Murdock stated that he did not have a frame of reference to which to compare that.

Commissioner Gordon referred to the parking requirements and asked staff if he was correct that if Council exercised their discretion and find that two spaces were required the applicant would be required to pay an extra \$3000.

Sr. Planner Murdock responded affirmatively.

Commissioner Gordon asked if there was anything else.

Asst. Planner Gannon stated he was correct.

Commissioner Gordon referred to Vice Chair Clifford commenting on the size of the in lieu parking fee as being \$3000 and he concluded that it would be doubled.

Commissioner Rubinstein asked what percentage of their business will be deliveries and whether they will also be a distributor for third party websites like Eaze.

Mr. Rodriguez stated that all of their deliveries will be in house and they will not be contracting to Eaze or any other delivery services. He would estimate that they have 10-12 percent of their sales would be from deliveries as most people like to come in as opposed to waiting but it depends on how things work.

Mr. Sloss thought deliveries will serve more of the public who cannot get out of their home and come to the dispensary, i.e., elderly or disabled, which helps that population. That is what he has been told.

Commissioner Nibbelin referred to serving community need with this dispensary and he thought it was located in an area that does get some amount of visitors because of the proximity of hotels, and he asked staff if that was a significant part of the clientele and whether it makes any difference in the analysis.

Sr. Planner Murdock thought that was a great observation that it could be that tourists from outside California or from a part of the state where the local government does not authorize these uses and it could be an item of interest. He stated that other states have observed the cannabis tourism affect but he was not sure, in the absence of pot clubs or on site consumption, if that was a significant draw in this case. Because of the small size, that was relevant to staff's analysis as to the amount of traffic or demand it may generate. They thought any visitors from a hotel perspective staying in the area were likely to walk rather than drive and generate additional parking demand or trip generation.

Commissioner Nibbelin thought that made sense.

Chair Campbell opened the Public Hearing.

John Leonardini, Pacifica, stated he is owner of the Alex House, his place on 450 Old County Road in Rockaway Beach. He thanked staff for their work and giving him the opportunity to speak on the subject. He thought the potential cannabis business has the potential to greatly impact Pacifica for the better. He stated that Rockaway Beach was the perfect place to bring in

revenue from over the hill. He stated that Rockaway is San Francisco's playland and adding retail cannabis to the beach aligns perfectly with the demographics that he observes day to day living in his building. He stated that he has worked in various industries, but not in the cannabis industry, but he thought this fits demographically. He stated that there was another dispensary located immediately adjacent in the clock tower and has since closed. He mentioned a lot of the concerns around parking and everything else and he thought they will still be at the status quo and won't see any difference, better or worse. He stated that with the Farmer's Market, they will be parking further away to get there but they don't run out of parking, just have to walk further. He stated that the wonderful thing about Rockaway is the incredible diversity of people you meet and he felt this dispensary will bring a lot of tourist dollars in and they were the best dollars for the city. He thought that the occupancy tax and excise tax on cannabis was the best tax revenue as they don't come from locals. He stated that he didn't expect complaints from neighbors as they never saw any problems when the previous dispensary was functioning. He stated that he has put a lot of work into his building over the years and he understood that they will keep the building in character as it was in the best interest of the city as well as for him. He encouraged the Commission to approve the license and get on with revenue generation for the city.

Renee Boulan, Pacifica, stated that he is a tenant in the building adjacent to the proposed marijuana business. He brought a petition letter from the neighbors on Old County Road, individuals and businesses. He asked if he could submit it to the Commission. He stated that their concern was the parking, and they have observed that this business was high density business in terms of the customers it draws and employee parking. He stated that they would like to request that they defer action on the project until the parking situation could be more thoroughly investigated. He stated that if at the end the Commission decides to approve the project, they would like to make sure that the proper fees are collected. He heard that it will happen.

Chair Campbell stated that he can submit the petition to staff and they will introduce it into the record.

Mr. Rodriguez responded to the last speaker and acknowledged that there will be an increase in traffic but their business will be such that the average stay of a customer will be between 5-10 minutes, coming into the shop, selecting their product and going home. He stated that no one will be sticking around and shopping unless they decide to shop at the other stores in Rockaway which was a benefit to their community and that economy.

Mr. Sloss stated that, regarding the average purchase time, it was usually less than 2-3 minutes and if they are there longer they open an express lane so, if they know exactly what they would like and come up with a separate budtender can help them so they don't have to wait and it will help with parking.

Chair Campbell closed the Public Hearing.

Commissioner Nibbelin heard a comment that there was an unlicensed cannabis dispensary operating in the immediate vicinity to the location for this project and he was curious what the traffic or parking experience was anecdotally to that operation and whether there was anything relevant that might inform their thinking on this project.



Sr. Planner Murdock stated that there was an unpermitted dispensary operating, known as the 150 Collective, and located in a suite on the ground floor immediately behind the UPS Store in the building next door to this proposed use. He stated that they had observations that it was a high frequency type use with many people coming and going and it was busy. He stated that he was not aware that there were specific complaints that it threw off the character of the neighborhood or created parking problems. He stated that, as Mr. Leonardini mentioned, for better or worse, it was part of the baseline and the community operated with that use ongoing for some time. He stated that specific parking issues related to that use were not brought to staff's attention.

Chair Campbell stated that there was another, Seaweed, operating nearby and he asked if that was still open or any experience with it.

Sr. Planner Murdock stated that he was mentioning Seaweed Holistics which is operating on the west side off Dondee Way and west of the two uses described, i.e., the unpermitted dispensary and proposed dispensary. He stated that use is ongoing as a lawful business at this point and it was selling cannabis containing products in violation of the city's ordinances. The city worked with the business owners to stop selling those products and the business remains open selling products that do not contain cannabis. He stated that they may contain other types of derivatives that are not prohibited under the city's ordinances and they also sell other non-cannabis products as well that are lawful under the city's ordinances. He stated that they were not aware of any traffic or parking issues attributable to that use either.

Chair Campbell referred to parking, stating that it was difficult to vote for no more parking. He stated that he sees the in lieu parking fee of \$3000 but he thought there was a tenfold increase in that in other municipalities and he thought it was well below market rate. He stated that he and several other commissioners have expressed concern about the adequacy of the in lieu parking fees to create any new parking at all. He stated that in the time he has been on the Commission he has not seen any new parking developed as a result of these in lieu fees. He thought that, by relying on the in lieu fees to allow this to go forward without any parking, he was skirting into arbitrary and capricious decision making land. He thought it was not real but a phantom parking spot as there were no facts to suggest that the in lieu fee will create any parking anytime soon.

Asst. City Attorney Bazzano stated that, as Sr. Planner Murdock mentioned, this was a policy issue and if Council were to take the policy decision to reconsider the parking in lieu fee, it would be within their discretion to determine whether or not the parking in lieu fee is appropriate. She stated that, as Sr. Planner Murdock mentions, a parking in lieu fee was to offset impacts related to parking and that fee could be aggregated so eventually the city could do something to purchase land and develop parking in the area. She understood that the intent of the parking in lieu fee was to offset impacts related to parking in the Rockaway Beach area.

Sr. Planner Murdock added to her comment, stating that the important consideration was that the city not over charge for the cost of provision of parking. He stated that Council has set the rate of \$3000 which is within the Council's discretion to do and Planning cannot charge more than the cost of providing the space. He stated that the Council has the discretion to charge less. He stated that often the analysis to support a fee concludes that the cost for some improvement is significantly higher than the fee that is charged but other mitigating considerations like the strength of the market, the ability of businesses in that business climate to be able to pay the fee and remain a going concern and allow their revenues to meet their expenses and all that can be weighed into creation of a fee. He stated that staff's opinion was that it was not appropriate for

them to revisit the wisdom the fee as the Council has enacted the fee and it has been determined by the Council to be appropriate. He stated that staff thought the fee was not more than may lawfully be charged and Council and the city has continued to accrue the fees that have been authorized and paid until such time as they are used for a lawful purpose.

Vice Chair Clifford stated that the chief has looked over their security plan and he asked if he was comfortable that someone would be safe in that little alley way.

Police Chief Steidle stated that submission of the plans for the marijuana use permit as it stands now are different than what he reviewed for the security plan. He stated that any concerns that the Commission has will be taken into consideration as this will be coming back to him as a revised security plan. When they are before him, he can comment better. He stated that he was satisfied with the original plan.

Commissioner Gordon thought it was a fair point that the amount charged for in lieu fees was farcical. He stated that they would have to aggregate a great many parking fees for that \$3000 to amount to anything that was practical. He stated that, while it was an illusion and farcical, it was the City Council's decision about what whether they want to do anything about that. He added that it was not necessarily fair to the applicant to have him pay the price for a policy that is outdated. He agreed that they have a good point that it was not relevant to their discussion in terms of whether to approve the application or not. He was in favor of the application as presented. He thought, unless there is a compelling reason to vary, he would like to be consistent with operating hours that they approved for the other two licenses so far, 10 am to 8 pm.

Sr. Planner Murdock clarified that the operating hours have not been uniformly imposed on the two prior applications. He stated that the application most similar to this application with the resident immediately above the space had the 10 am to 8 pm hours imposed. The application at 2110 Palmetto was authorized to operate from 9 am to 9 pm daily. He stated that it had a unit above but off to the side and entirely separate from the vertical air space above the unit.

Commissioner Gordon stated that with this one, the owner occupant above is in favor of the project and there really is no precedent. He mentioned that the applicant was raising his hand to speak but at this point it is Commission deliberations and, if compelling, they can make a motion to reopen the hearing but otherwise they will continue. He stated that he didn't have strong feelings on operating hours. He felt 9 am to 9 pm is okay, 10 am to 8 pm is okay and he will defer to what the rest of the commissioners think.

Chair Campbell agrees with Sr. Planner Murdock and Commissioner Gordon that now is not the time to revisit the \$3000 in lieu fee. He stated that he would urge City Council to revisit that. He heard that they could ask for additional in lieu parking fees based on the evidence before them. He thought, with six employees and two managers daily, and a present constrained parking scenario and petition from neighboring business owners that parking is becoming an issue, they were encountering a situation like what they talked about at the last meeting in Pedro Point where they are reaching a saturation point with parking where it will get difficult for people to come in, especially on Farmer's Market day with those six employees and two managers parking somewhere. He stated that eight spots in Rockaway were a lot of spots. He was in favor two more in lieu fee parking requirements.

Sr. Planner Murdock clarified that the Commission has discretion to determine, based on the evidence, is that the number of spaces is different than what the zoning calls for, which indirectly translates to an increased fee but expressly the Commission would not be determining that a greater fee is required. Rather the Commission would be determining a greater number of spaces is required and then, by extension, payment of the fee would increase as a result.

Chair Campbell agreed, based on the fact that it was necessary to assist in reducing potential nuisance.

Sr. Planner Murdock stated that public health, safety and welfare considerations or determining that it is a high intensity parking use. He stated that either of those would seem to be supported by the language of the parking standards.

Chair Campbell asked confirmation from Asst. City Attorney Bazzano.

Asst. City Attorney Bazzano agreed with Sr. Planner Murdock on that assessment.

Chair Campbell stated that he would be interested in that.

Commissioner Kraske agreed with Chair Campbell in light of the delivery vehicle being parked there the majority of the time and only used for 10-15% of their business. He thought it would be a good idea to increase the fee.

Commissioner Nibbelin stated he was not necessarily in opposition to the direction they are going, but he wanted to make sure they have a strong administrative record in making a decision like this. He referred to six staff and two managers on site and he didn't think it was clear to him that all of them will be present at the same time. He stated that, if that was the plan, it sounded like a lot of people in a small space. He was also trying to understand what the expected foot and vehicle traffic was like relative to other uses in the area. He stated that the traffic report made reference to 110 daily trips and certain trips during peak hours. He didn't know if 110 was a huge number relative to some of the other uses in Rockaway and he would not want to be arbitrary or capricious with respect to identifying this as a high intensity use if 110 is, in the context of things, typical or less than typical. He felt it needs to be contextualized before they decide that this is a high intensity use.

Asst. Planner Gannon referred to the Hexagon Transportation consultant's report they have for the project, and quoted that such a small number of new trips would not create a noticeable change in traffic operations in the area. She concluded that Hexagon Transportation does consider this a small number for this project.

Chair Campbell asked if that was regard to circulation or parking.

Asst. Planner Gannon stated that it was in terms of daily trip generation, and the 110 number would be considered small to this consulting firm.

Commissioner Nibbelin stated that he would extrapolate that 110 daily vehicle daily trips likely translates to 110 needs for parking over a given day for 2, 3, 10 or 20 minutes. He didn't think it sounded like an especially high intensity use.

Planning Director Wehrmeister stated that, regarding the second part of the question, the project description states that there would be three staff members on site at all times during operational hours and one staff member performing deliveries so it was unclear if that was one of the three or if there are four.

Sr. Planner Murdock added that the traffic analysis indicates 5 am peak hour trips and 9 pm peak hour trips and, as Commissioner Nibbelin indicated, those more than 100 trips are spread throughout the day and not all occurring in a compressed period.

Vice Chair Clifford understood that all six employees would not all be there at the same time, but he asked if two budtenders and a security guard were the three people plus the manager and the driver. He stated that the numbers were not making sense to him.

Planning Director Wehrmeister stated that the applicant will need to answer that level of specificity as she was reading from their project description which states that a minimum of three staff members will be on site at all times during operation hours and one staff member performing deliveries.

Vice Chair Clifford stated that he would like the applicant to come up.

Chair Campbell asked if they should vote to reopen.

Asst. City Attorney Bazzano stated that it was within the Chair's discretion to reopen public comment.

Chair Campbell reopened Public Hearing.

Messrs. Rodriguez, Blanco and Sloss stepped up to answer questions.

Mr. Rodriguez stated that the staff on site are two budtenders and manager in a shirt, and he referred to the hours of operation, stating that he will comply with what they decide on operating hours, but in terms of business to create a rotation and a shift change and overlap, they would like to see the 9 am to 9 pm as that was more business time to rotate the staff. He stated that the security personnel will be dropped off and will not be impacting the parking as the company will be delivering that person to the site by his supervisor. He asked Mr. Blanco if that was correct.

Mr. Blanco responded affirmatively. He stated that they have patrol services in San Francisco and they do apartment complexes and they have a driver who drops off and picks up the unit that will be working there.

Chair Campbell closed the Public Hearing.

Vice Chair Clifford thanked them for helping to clarify the impacts of the employees.

Commissioner Nibbelin wondered if it would be possible for the Commission to include a condition of approval that describes the mechanism of the security person being dropped off as he thought it would have a direct impact on parking.

Chair Campbell questioned the enforce ability of that.

Commissioner Nibbelin thought enforceability was another issue but he asked if it could be included.

Planning Director Wehrmeister referred to the condition regarding drop off.

Commissioner Nibbelin thought it would have a significant impact in eliminating the need for one space in the vicinity.

Planning Director Wehrmeister thought the Commission would have more deliberation on the significance of the impact of such a condition.

Commissioner Nibbelin agreed with the suggestion. He stated that in spite of his many comments, he was in favor of the project and was ready to make a motion. He liked the 10 am - 8 pm operating hours better but if 9 am -9 pm was what other commissioners were in favor of, he would live with that. He did not think they were looking at a high intensity use and his motion would not be premised on increasing the in lieu fees for parking. He was prepared to make a motion if there are no other comments or deliberation on it.

Commissioner Rubinstein stated he would want to include the annual review.

Commissioner Nibbelin agreed that the annual review would be part and he would want to hear what that annual review language was.

Asst. Planner Gannon stated that, if they are ready to make a motion to approve, she was happy to read that into the record.

Commissioner Nibbelin said he was subject to any other comments.

Chair Campbell stated that he was in favor of the increased parking fee requirements to address the public nuisance issues and he would not be voting in favor of it, but that was his thinking at the moment.

Commissioner Gordon stated that, because there were a couple of issues floating around, they might want to take a survey. He stated he was fine with the hours of 9 am – 9 pm and he didn't have strong feelings about the parking. He thought \$3000 a "pop" wasn't important either way. He stated that, during the Farmer's Market, it was high intensity in that area but he didn't know if that justifies it. He was fine with whatever the majority wants on parking given the amount of money.

Vice Chair Clifford stated that, despite all his hard questions, he was in favor of the project. He would like to see the parking number rounded up instead of rounded down on this particular project as it would help alleviate just a little of the impact he is seeing, so two parking in lieu fees as opposed to one is where he would be sitting.

Sr. Planner Murdock stated, for the benefit of their deliberation, he thought staff's opinion was that the most defensible quantitative measure of parking would be as the applicant has indicated would be on site which was three employees and one delivery driver so four spaces required for the use and by the applicant's own admission on the intensity of the parking would be four times

what the zoning would suggest on its own and would be an appropriate rate of parking, and by the evidence the applicant submitted about the operation, that could justify a different parking rate if that was the will of the Commission.

Vice Chair Clifford stated he would be happy with that.

Chair Campbell saw nodding heads.

Asst. City Attorney Bazzano clarified that it would be based on the intensity of the use rather than rounding up the mathematical calculation because, as Sr. Planner Murdock mentioned, it was the city's practice to round down.

Sr. Planner Murdock agreed, adding that the zoning provides the method of rounding and he would be concerned about being arbitrary in determining a different method of calculation. He stated that, as the Asst. City Attorney indicated, the parking intensity is clearly stated in the applicant's submitted materials as being more intensive than the zoning would call for in terms of a parking standard.

Vice Chair Clifford would be comfortable with that particular line of logic.

Commissioner Gordon stated he would be also, and that would be four spaces based on the number of employees.

Sr. Planner Murdock stated also the delivery driver who, by the applicant's information, would need to be on the site at the same time.

Chair Campbell stated that he had concerns about the hours of operation but he feels that he is on the losing end of that one.

Commissioner Rubinstein concurred with the hours of 10 am – 8 pm.

Vice Chair Clifford would go with any hours to get this done.

Commissioner Kraske was in favor of 10 am – 8 pm and the greater in lieu parking fee.

Commissioner Gordon asked if they lost the maker of the motion with the in lieu fee.

Commissioner Nibbelin stated that he will let someone else make the motion.

Commissioner Gordon stated that his motion will be based on four parking spaces, 10 am – 8 pm operating hours, annual review as an additional condition of approval.

Sr. Planner Murdock thought they should have Asst. Planner Gannon read the language of the annual review condition.

Asst. Planner Gannon then read the language of the annual review condition.

Commissioner Gordon moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; APPROVES Marijuana Use Permit MJP-10-18 by

adopting the resolution included as Attachment A to the staff report including conditions of approval in Exhibit A to the resolution; and INCORPORATES all maps, the Applicant's MJP application and all attachments and testimony into the record by reference.

Asst. City Attorney added "and the amendments to the conditions of approval discussed herein."

Commissioner Gordon stated and the amendments to the conditions of approval discussed herein; Vice Chair Clifford seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Rubinstein, Clifford, Gordon,  
Nibbelin, Kraske and Chair Campbell  
Noes: None

Chair Campbell declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

**2. S-128-18  
SE-31-18**

**File No. 2018-037 – Sign Permit S-128-18 and Sign Exception SE-31-18** for a master sign program to establish tenant signage criteria at the Fairmont Shopping Center, located at the northern corner of Hickey Boulevard and Gateway Drive (APN 009-440-070 to APN 009-004-120).  
Recommended CEQA Action: Class 11 Categorical Exemption, CEQA Guidelines, Section 15311(a).

Sr. Planner Murdock presented the staff report.

Vice Chair Clifford remembers participating on several sign things for this particular shopping center, none of which have come to fruition, as he recalls. He stated that this 24 month time period was a new curve and he wasn't comfortable with them having such a long time to get it done this time around.

Sr. Planner Murdock thought it sounded as though he was referring to the situation with respect to the two pylon signs, the one damaged and the one partially constructed with respect to the follow through. He didn't know if any representative of the property owner was present, but he stated that there were factors that affected the timeline with respect to the two pylon signs. He stated that, with respect to the change in the timeline mentioned in the staff report, it wasn't clear to him how any shorter timeline could reasonably be achieved, given the amount of work required to modify that sign, and he stated that a representative of the property owner expressed to him that they would be budgeting for that work later this year in the fall of 2019 for work to be performed in calendar year 2020. He was concerned about imposing an unreasonable condition that they would not be able to reasonably comply with.

Mark Folsom stated that he was representing Adart and Kimco on the project. He stated that the team will approve any conditions stipulated and they were fine so far with the project and nothing else to add.

Chair Campbell didn't see any questions.

Mr. Folsom stated that it was a tough road bringing electrical to that pylon sign with a lot of digging.

Chair Campbell opened the Public Hearing and seeing no one, closed Public Hearing.

Commissioner Gordon moved that the Planning Commission find the project is exempt from the California Environmental Quality Act; APPROVE Sign Permit S-128-18 and Sign Exception SE-31-18, by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference.

Sr. Planner Murdock asked if the maker of the motion would entertain the modifications to condition of approval No. 2d and No. 5 to increase the timeline to 24 months.

Commissioner Gordon agreed to approve the modifications as stated by Sr. Planner Murdock; Commissioner Nibbelin seconded the motion.

The motion carried **6-0**.



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Ayes: Commissioners Rubinstein, Clifford, Gordon,  
Nibbelin, Kraske and Chair Campbell

Noes: None

Chair Campbell declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

**COMMISSION COMMUNICATIONS:**

Commissioner Gordon referred to their discussion about in lieu parking fees and asked if there was a procedure that would allow them to bring this to the attention of City Council.

Planning Director Wehrmeister stated that she can bring this to the attention of the City Manager as he is starting the process of goal setting with the Council for the next fiscal year and make sure that it is put on the list of things to consider.

Commissioner Gordon asked whether she did or did not need the Commission to collectively agendize the item and let her know to what extent the unanimously think this is an important.

Planning Director Wehrmeister didn't think she needed that.

Commissioner Gordon referred to an article in the Pacifica Tribune that quoted him and talked about some of the things he said at the last meeting. He thought the article badly mischaracterized his views and he wanted to clarify that he was not in favor of managed retreat but was in favor of developing parcels along the coast such as the one discussed at that meeting.

Chair Campbell stated that they had talked at their previous meeting about getting the City Manager's attention to a specific plan regarding parking at the Pedro Point Shopping Center, and he wondered if there had been any movement or consideration.

Planning Director Wehrmeister stated that she can bring it to his attention, but there has been no movement on that.

Chair Campbell stated that he had questions from the public about follow up. He thanked Police Chief for showing up, adding that he left before he could thank him but appreciated his presence considering his busy schedule.

**STAFF COMMUNICATIONS:**

None

Commissioner Kraske referred to the Linda Mar pedestrian bike project and asked if the city had selected a vendor.

Planning Director Wehrmeister stated it was ongoing and she would have to confirm the exact date but she thought the PB&R Commission was having a workshop for the community.

**ADJOURNMENT:**

There being no further business for discussion, Vice Chair Clifford moved to adjourn the meeting at 8:22 p.m.; Commissioner Nibbelin seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Rubinstein, Clifford, Gordon,  
Nibbelin, Kraske and Chair Campbell  
Noes: None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister