

RESOLUTION NO. 2018-003

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA
INITIATING A ZONING TEXT AMENDMENT TO ARTICLE 48 "MARIJUANA
REGULATIONS" OF CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE
TO AMEND SUBSECTIONS (a)(2)(ii) AND (a)(2)(vi) OF SECTION 9-4.4804, AND
RECOMMENDING CITY COUNCIL APPROVAL OF TEXT AMENDMENT TA-112-18
(FILE NO. 2018-044)**

Initiated by: Planning Commission

WHEREAS, the City Council and Planning Commission held a joint study session to solicit public input on proposed marijuana regulations and provided direction to staff on March 6, 2017; and

WHEREAS, the Planning Commission held a study session to solicit public input on proposed marijuana regulations and locational standards and provided direction to staff on May 1, 2017; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed zoning text and map amendments contained in Text Amendment TA-106-17 and Rezoning RZ-197-17 on June 5, 2017 and recommended that the City Council approve the zoning text amendment described in Text Amendment TA-106-17 and the zoning map amendment described in Rezoning RZ-197-17; and

WHEREAS, on July 10, 2017, the City Council adopted Ordinance No. 819-C.S. approving Text Amendment TA-106-17 and Rezoning RZ-197-17 and establishing the City's marijuana regulations; and

WHEREAS, the City's marijuana regulations require applicants for marijuana operations to provide all information and materials required to comply with the marijuana use permit application submittal requirements; and

WHEREAS, if a marijuana use permit application submittal is incomplete, a marijuana operation applicant shall be granted an extension of time to submit a complete application within ten (10) days; and

WHEREAS, the Planning Commission desires to recommend to the City Council an amendment to section 9-4.4804, subsections (a)(2)(ii) and (a)(2)(vi) of the Pacifica Municipal Code to clarify existing law regarding the procedures for processing marijuana use permit applications that remain incomplete in excess of a ten (10) working day period following notification that an application submittal is incomplete; and

WHEREAS, the intent of these amendments is not to alter existing law and these amendments therefore apply retroactively to any and all marijuana use permit applications submitted prior to the effective date of this ordinance and not yet deemed complete by the effective date of this ordinance.

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

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. The proposed amendments recommended by the Planning Commission are consistent with the City's General Plan and Local Coastal Land Use Plan.
4. The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15061(b)(3) because the ordinance will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby recommend approval to the City Council of the City of Pacifica the zoning text amendment described in Text Amendment TA-112-18, included as Exhibit A to this Resolution.

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PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 17th day of September, 2018.

AYES, Commissioners: CAMPBELL, CLIFFORD, GORDON, NIBBELIN, RUBINSTEIN, STEGINK

NOES, Commissioners: N/A

ABSENT, Commissioners: KRASKE

ABSTAIN, Commissioners: N/A


Richard Campbell, Chair

ATTEST:


Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:


For Michelle Kenyon, City Attorney

EXHIBIT A

TEXT AMENDMENT TA-112-18

Article 48 – Marijuana Regulations

Sec. 9-4.4804 – Marijuana use permit – General provisions

(a) Marijuana use permit application procedures – initial applications.

...

(2) Marijuana use permit.

...

(ii) It shall be the applicant's responsibility to provide all of the information and materials required to comply with the marijuana use permit application submittal requirements of Section 9-4.4804(c). The filing date of the marijuana use permit application shall be the date when the Director of Planning officially receives the last submission of information or materials required by Section 9-4.4804(c). If the Director of Planning determines an application submittal is incomplete, an applicant shall be granted an extension of time to submit all materials required to complete the application within ten (10) working days. If the application remains incomplete in excess of the ten (10) working days following notification that an application submittal is incomplete, the application shall be deemed incomplete and will no longer be processed. Once the application is deemed complete by the Planning Director, the application shall be placed at the end of the random independent ranking order of the qualified marijuana registration list, and may be considered by the Planning Commission at a future public hearing based on the order of ranking.

...

(vi) Where the Planning Commission denies a marijuana use permit or an application is withdrawn before consideration by the Planning Commission, all other applications on the qualified marijuana registration list shall be considered by the Planning Commission at a future public hearing in the order of ranking as established by the random independent ranking process. The Planning Commission shall continue to review applications until all applications have been reviewed or until the Planning Commission can issue no further marijuana use permits based on the criteria of this article and Article 17.5.