

MINUTES

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

June 5, 2017

7:00 p.m.

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

ROLL CALL: Present: Commissioners Baringer, Campbell, Gordon, Clifford and Chair Nibbelin
Absent: Commissioner Cooper

SALUTE TO FLAG: Led by Commissioner Campbell

STAFF PRESENT: Planning Director Wehrmeister
Assoc. Planner Murdock
Police Chief Steidle
Asst. City Attorney Doherty

Chair Nibbelin asked staff to weigh in on rearranging the agenda.

Planning Director Wehrmeister stated that, in regard to Item #4, there was an issue with tenant notification. Staff made every effort to get the notifications delivered by the first, but several tenants felt they didn't have enough time to get their thoughts together on this and staff has recommended that they continue the item to July 19 in order to renotify to ensure that everyone has enough time to participate. She added that the point of her statement was to recommend the Commission move it up in the order of agenda so continuation can be done and those present for that item can go home and enjoy their evening.

Chair Nibbelin agreed, concluding that the proposal was to move it ahead of Item 1 and be the first thing they consider.

Commissioner Clifford said that was what he was going to do if it was okay with everyone.

Chair Nibbelin clarified that the proposal was to move Item 4 to Item 1 on the agenda and he asked if he could get a motion to approve the order of Agenda.

APPROVAL OF ORDER OF AGENDA

Commissioner Gordon moved approval of the Order of Agenda as amended; Commissioner Baringer seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Baringer, Campbell, Clifford,
and Chair Nibbelin

Noes: None

**APPROVAL OF
MINUTES:**

None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 12,
2017:**

Planning Director Wehrmeister stated that they would not need a liaison.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None.

PUBLIC HEARING:

4. RIA-1-16

RENT INCREASE APPLICATION RIA-1-16, filed by Applicant, Law Offices of Mark Haesloop Pursuant to Pacifica Municipal Code Section 9-4.2455(E), to Increase the Rent by 25 Percent or to Market Rate, Whichever is Lower, Upon the Expiration of Each Tenant's Term at 435 Gateway Drive (APN 009-540-110, 009-540-120, 009-540-130, 009-540-150, 009-540-160 and 009-540-170) in Pacifica, the Site is a Multi-Family Apartment Complex Approved for a Condominium Conversion. Recommended CEQA Status: Class 1 Categorical Exemption, CEQA Guidelines Section 15301 and Section 15061(B)(3). Recommended Action: Determine that the Minimum Requirements of Pacifica Municipal Code Section 9-4.2455(E) for Rent Increase Have Been Met.

Planning Director Wehrmeister clarified that it will be continued to June 19.

Chair Nibbelin asked if the applicant had anything to say.

Planning Director Wehrmeister stated that they were disappointed but nothing further than that.

Commissioner Gordon moved that the Planning Commission continue Item RIA-1-16 to the June 19, 2017 Planning Commission meeting.

Commissioner Clifford thought they were required to open the public hearing because people have come to speak on the item and they have the right to do that.

Chair Nibbelin wasn't sure they were required to open the public hearing if they continue.

Asst. City Attorney Doherty stated they were not if they continue it.

Commissioner Clifford seconded the motion.

The motion carried **5-0**.

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

**1. TA-106-17
RZ-197-17**

TEXT AMENDMENT TA-106-17 AND REZONING RZ-197-17, initiated by the City of Pacifica to Enact New Zoning Regulations, Amend Existing Zoning Regulations and Establish New Overlay Zoning Districts in the Zoning Map, Related to the Operation and Location of Marijuana Businesses and Related Activities. The Text Amendment to be Discussed Would Affect Property Citywide; the Rezoning to be Considered Would Affect Specified Properties.
Recommended CEQA Status: Exempt, CEQA Guidelines Section 15061(B)(3)

Assoc. Planner Murdock presented the staff report.

Commissioner Gordon asked if the maximum number of licenses would be six.

Assoc. Planner Murdock stated that, for the retail establishments, which include medical dispensaries and non-medical retailers, they have not proposed to change the overall limit from six as in the draft ordinance, but there are potential locations sufficient for ten retailers. They responded to the Commission's direction to increase flexibility but not the overall number.

Commissioner Gordon stated that he wasn't going in that direction. He stated that he had thoughts, but would not do it in the context of the question period.

Chair Nibbelin reported that Commissioner Cooper joined the Commission meeting at 7:08 p.m.

Chair Nibbelin opened the Public Hearing.

Cheryl King, Pacifica, stated that she was a licensed daycare provider in Pacifica for 14 years and now she was doing clinical outreach with the mentally ill throughout San Mateo County, many of whom are heavy cannabis users. She stated that, in four big cities, Philadelphia, Boston, Seattle and Long Beach, they had so much trouble having enough places for the dispensaries that they either dropped the day care provision or limited the buffer zone to 100 feet. She stated that she can buy cannabis at any pet food store, adding that she does pet rescue and there was luxury dog food that has cannabis in it. She stated that cities are having trouble with the family home daycare facilities, as they can't know which daycare providers are growing, smoking or using pot. She mentioned that these businesses were very responsible, and she mentioned her confidence that all children will be safe as we make medical marijuana available to those citizens who need it.

Tygarjas Bigstyk, Pacifica, stated that he was in favor of almost everything except edibles getting in the hands of a child. He stated that edibles are a good idea for some people and if retailers can be limited in selling edibles, it behooves people to regulate themselves and their children. He thought it would be wise to limit candy like edibles. He suggested a business model for on-site consumption with a shuttle service included.

Derek St. Pierre, Pacifica, thanked Planning for the thorough, well-researched report. He stated that concerns raised at the last hearing and commented on in the report weren't necessarily addressed by the change of the buffer zone from 600 to 200 regarding daycare centers. He mentioned one example, such as opening up the Fairmont area, stressing that the landlord will not be open to renting to them. He suggested that a reduction of the buffer zone to 50-100 feet was more appropriate. He stated that the primary concern with a daycare center was a dispensary adjacent to it and a distance of 50 feet will address that concern. He also thought it would be appropriate to open the C1 district to increase potential medical cannabis dispensary locations rather than limit it to the C2 district. He didn't think they will all be sites as you are dealing with landlords who are not friendly to renting to a dispensary.

Tony, Pacifica, mentioned that the new map included Park Pacifica Mall and he stated that was quite close to Terra Nova High School. He brought it up because he has not heard one comment from the school district and he thought the common denominator was concern for our youth. He referred to the Denver article regarding the impact to the high schools when marijuana was made legal was enormous and was the top concern in schools. He stated that they had to put a conference together to help teachers identify edibles and it made a huge shift in the culture as they see it everywhere and they think it is normal and okay for them. He stated that this is a big cultural change and a lot of education needs to go along with it and more data needs to be gathered on the impact to our youth. He stated that the funding was taking place but the price was being paid by

the children in schools. He thought opening up in Park Pacifica was very close to a high school. He concluded that he would like to hear outreach from the schools and local businesses. He referred to the police going to the Crespi Community Center when there is a criminal issue, and he felt the neighborhoods being directly impacted should be heard. He felt there was going to be a cultural change and we need to be prepared for it.

Karena Cardenas, Pacifica, stated that she has a lot to say. She stated she is operating at 35 West Manor, outside of the blue zone. She was a co-founder of Rockaway's most popular dispensary and she has become an independent entrepreneur. She has the knowledge and experience to be part of the change, and is outside of the buffer zones. She stated that kids should be protected and she would be adding to the community. She stated that the neighbors were excited about it. She stated that she saw Rockaway's community grow when she was part of the change in the community. She didn't want to be overlooked, adding that she has a lot to offer and wants to be part of the community. She was aware they were concerned with the edibles, and with her experience, she can put a blueprint together on what edibles are. She works closely with manufacturers. She stated that she carries a lot of the products, dosed and tested, that benefit her community. She stated that one of the first articles she read after coming to Pacifica was about a young girl who overdosed on pharmaceuticals. It broke her heart as she came from a background where her parent abused substances and she felt it sucked. She stated that she has a lot to offer the community, adding that she has talked to the City Council.

Rick Ziplan, Pacifica, stated he endorsed medical marijuana and recreational marijuana. He stated that he lives near Park Mall and he felt that would be the wrong location for marijuana businesses. After he read the Planning Commission agenda for June 5, 2017 concerning the marijuana businesses and related activities, he was confused and concerned about it. He stated that they may create too much unwanted traffic congestion and activity to the quiet residential area and they could be tempting to people leading to crime and vandalism. He pointed out that there have been too many break-ins and illegal activities in Pacifica. He thought that, while it could start out as medical marijuana, it could turn into recreational use, and they ultimately could smoke or eat marijuana on the premises and leave the store stoned and could create worse problems. He felt the cultivation of marijuana could lead to crime, etc. He gave his youth experience in smoking grass, and felt there were too many red flags and things that could go wrong even with the best of intentions, and he would hate to see this happen. He stated that the Park Mall and surrounding areas are quiet, peaceful and safe, and he felt there were too many threats to the community if this activity was placed in the Park Mall area and he asked that they reject this location for these activities. He wasn't objecting to what but to where it is placed.

Richard Kochevar, Pacifica, stated that the previous speaker mentioned things he was going to talk about, but he mentioned that the back of the Valley was once a cul-de-sac with Safeway and two gas stations. He felt that, being a residential area with a library next door, and including both a grammar school and a high school and pulling them back from the Coast Highway where Kimco does a nice job of renting spaces, Park Mall was inappropriate other than gaining the city more tax revenue. He stated that there was one

fire engine in the area, doing mostly medical calls, and they rely on Daly City and the north fire engine to assist. He wasn't saying medical issues would increase, but he felt that was a possibility, and he thought the Park Mall was not the appropriate place.

Holly Smallie, Pacifica, stated that she looked on Craig's List and all other real estate sites for rental property. She pointed out several places that were out. She mentioned that Park Mall had a tutor center there, and they talked to the realtor there, but there was no place to rent. She looked up information on what cities have done regarding buffer zones and lotteries, and she stated that they offered a lottery to 20 people but only one or two dispensaries opened because, even with approval from the city, you can't rent anywhere. She stated that they have some dispensaries in town, mentioning that her fiance has a place. She stated that San Diego allowed current dispensary operators a period of time to meet the standards. She stated that the state licensing allows those operating now and in good standing to continue. She felt it was a complicated issue and they were working hard on it, but she felt that, in a small city, looking at the buffer zones, etc., it was a push to get the extra money, but the present dispensaries weren't trying to be defiant, and would meet everything and follow every rule. She stated that the present businesses want to do their best and she didn't know where the businesses would go if they open up the lottery.

Ben Patty, Moss Beach, stated that he recently moved to the area from Florida. He stated that it was a great area but, instead of a marijuana problem, there was a lot of alcoholism and opioid addiction. He stated that he wasn't part of that, but it was what he noticed when he moved here. He stated that daycare centers and schools should be monitored by the teachers. He stated that they shouldn't be skipping. He stated that there was a highway divide, and they need to show their cards and get through things, etc. He stated that people die from alcohol poisoning or car crashes, but he has not heard of anyone who has been killed by cannabis. He stated that it was going to be hard to get your hands on edibles because of regulations, but he knows plenty of kids who will get alcohol from people who are 21 or go to Safeway and steal it. He has seen a lot of bad things with alcohol but you can get it anywhere. Kids will steal it if they want it that badly. He stated that is the same thing with opiates and that was made by the government and he has known people who have died from that but has never seen deaths from marijuana.

Chair Nibbelin closed Public Hearing.

Commissioner Campbell thought they weren't opposed to medical marijuana and it was coming down to discrete issues of location and the edibles issue. He would have stayed with the 1000-foot buffer and he acknowledged that there were towns that have gone with 1000-foot buffers and it would clean up some areas of concern. He stated that they have to remember that people have spoken in favor of recreational marijuana but a part of the law was to allow local municipalities to reasonably regulate the location of facilities or not allow them. He thought it was reasonable to allow the medical side and have reasonable regulations on the recreational, specifically location. He felt it was crazy to put the facilities closer to the high schools and grade schools than necessary. He felt it boggled his mind that they would do that especially in the back of Linda Mar and he was

against that. He stated that you can get marijuana easily and he didn't see a reason to make it easier than it is. He then referred to edibles, stating that it is new to society and there were studies on how it was impacting society. He stated that they don't know what the impact will be. He stated that they have four pieces of legislation in the Senate that are going to attempt to further regulate edibles as it was already being seen as an issue, specifically those marketed as children's candy, which he thought was amazing. He thought a slow approach was necessary on allowing them until we fully understand what was going on. He stressed that it was not from the medical side, but the recreational side. He was unconvinced that it can't be enforced. He stated that he has been hearing from parents who are not thrilled at having the facilities closer to their schools than necessary.

Commissioner Gordon thanked the commentators, stating that they listen carefully and it often has an impact on how they are thinking. He thanked Commissioner Campbell for his impassioned speech on the recreational issue. He was okay with having the edibles only on the medical side but not permissible on the recreational side. He agreed with the speakers and Commissioner Campbell that the Park Mall was a problem. He thought Terra Nova administrators would be pulling their hair out. He thought the Park Mall was not the right place for a dispensary. He mentioned some discussion of certain shopping center owners not being friendly or open to renting to a medical dispensary. He didn't think it made sense to make regulations in response to what private owners may be considering. He stated that Kimco could sell their ownership to another operator or change their policies so he didn't think they should be persuaded by the current policies of private shopping center owners. He stated that there was something bothering him about the lottery process. He stated that the current operators bring to the table a lot of experience and know-how and, by not weighing that factor in the decision about who gets to be considered for a license and who doesn't, they seem to be flushing that down the toilet. He stated that they weren't taking advantage of all their experience in running a successful dispensary. He felt some of the arguments with the speakers resonated with him. He stated that, currently, the process proposed for determining who gets a license or not was a lottery process and just picking it out of a hat.

Assoc. Planner Murdock stated that he was correct, and they are struggling with the fact that they don't know what the demand will be in the initial phase of applications, and they have a numerical limit of six dispensaries as written currently in the draft ordinance. He stated that, if they have 10-20 applications, they didn't know how they could reasonably analyze and prepare them for a hearing. He stated that the amount of work for a use permit application for outdoor seating was a lot and when you double, triple or quadruple the number of findings and the detailed level of analysis, as for a marijuana use permit and replicate it a dozen times, he thought it would not be reasonable that they could do that in an organized fashion.

Commissioner Gordon concluded that they contemplated that the Commission would be sifting through the 17-18 submissions and staff would not make the first cut.

Assoc. Planner Murdock stated that the process would be the lottery and the applicants would pass their initial screening for a background check, and once they become a

qualified applicant, they would assess the number of potential licenses. Assuming that the number stayed at six and they would have 20 applicants, the lottery would be used to identify the first six to come to public hearing. He stated that assuming not all would be granted a marijuana use permit, they would go to the next on the list. He stated that they establish the ranking priority order through the lottery and work through them at the public hearing based on the number of licenses or permits they could issue at that time.

Commissioner Gordon questioned, if they get 8 or 9 applications, and the six selected are not any of the existing operators, whether they could have the lottery kick in if the number of applicants exceed a certain number, like 10.

Assoc. Planner Murdock stated that it was possible, adding that he would like to hear from the Planning Director if she would be comfortable with that approach and, if so, at what level. He stated that, with reference to the existing dispensaries, it was not clear that all of them would be eligible anyway even with the reduced 200-foot childcare buffer. He stated that there were a number of existing dispensaries that are within that reduced buffer. He stated that it was unclear how many would be eligible to even make an application.

Chair Nibbelin asked if other staff wanted to contribute.

Police Chief Steidle stated that he has no doubt that the places open in town now could be successful, responsible business owners that would never give the City or the Police Department a day of trouble, or some of them at least. He stated that, in his position, for the past couple of years, all the calls from people who want to open marijuana businesses in Pacifica come to him, especially after they passed the medical cannabis regulation and safety act and Prop. 64. He stated that he will be talking to them on the phone and they tell him that they want to do things legally and it is illegal to operate a marijuana business in Pacifica at this time. He stated that they want to operate legally and will watch what they are doing and wait and see what happens in Pacifica. He stated that those that open now may be very good ones, but when putting this together and they consider the existing businesses as having some sort of preference, he questions what that says to the 15 or 20 people who have already spoken to him that they want to operate legally and be above board and follow the law.

Commissioner Gordon asked what his response was.

Police Chief Steidle stated that they haven't gotten that far because there have been decisions to be made by the Commission or Council.

Commissioner Gordon asked if, when he talked to them on the phone, his response was he can't do it now because it was not legal.

Police Chief Steidle stated that they want to know how they apply. He stated that he has heard many from existing businesses saying they tried to apply, but he stated that there was no mechanism for applying because it was illegal in Pacifica. He stated that he was

sure there were some very responsible people operating in Pacifica now, but he questioned what they tell the other 15 or 20 who have been patiently waiting. He stated that they were trying to be fair to everyone.

Commissioner Gordon stated that he got it loud and clear and has a question for him if that was okay.

Chair Nibbelin stated that he could ask the question.

Commissioner Gordon referred to looking at the different locations possible for putting the dispensaries in, and asked if he thought the limit of 6 was too big, too small or just right.

Police Chief Steidle agreed with the staff report that six was a reasonable number. He mentioned that they talked about three when they initially brought this to Council. He stated that, if they put six, his department will be able to assist.

Commissioner Gordon thought six was a high number.

Police Chief Steidle stated that, from a law enforcement perspective, they have six responsible business owners and he felt they could make that work. He stated that, if they have six and five are irresponsible, that could be a police problem. He hoped that, with the vetting process and background process, they would have the right people in the businesses and they wouldn't have to worry about that.

Commissioner Gordon asked if he thought the Park Mall area raised any special considerations.

Police Chief Steidle stated that his concern with the Park Mall was that it had heavy foot traffic by kids from Ortega and Terra Nova, but he didn't think it was any more than any other areas where they may go.

Chair Nibbelin asked if anyone had any questions for the Chief before he let him go.

Commissioner Baringer stated that he didn't have the benefit of the last meeting. He stated that this was a brand new use in how this works. He stated that there wasn't a lot of data or track record in terms of the impact the use will be on our community. He thought it was totally appropriate to go slowly in terms of regulating where they put them, how far they are located from vulnerable areas. He stated that three years from now, they will have more information, more experience in whether certain things were a good idea or went wrong with unintended consequences. He was initially a bigger fan of the 1000-foot radius and he thought the radius could be made smaller if the operational capabilities of the owners demonstrated that there wasn't an extraordinary adverse impact. They know there could be, comparing it to a liquor store in some areas and they might prefer not to have it. He would like to see a buffer between units, questioning if they want to cluster these in one area. He stated that there is some land use theory that

some uses perceived as undesirable should be clustered together so they don't impact the entire community. He didn't know if recreational marijuana dispensaries fell in that category, and he thought they should have a distance between the ones they allow to go forward and not have them be clustered in one location.

Assoc. Planner Murdock stated that the zoning system proposed by staff for medical and non-medical retail uses relies on an overlay concept with designated overlay zones at Fairmont, Linda Mar, Park Mall, Rockaway Beach, and Sharp Park. He stated that the way the zoning is crafted is such that no more than two could locate within any of those contiguous zones. Unless they increase the number beyond two, it would seem that the small area of each zone would be adversely impacted by a buffer requirement between uses. With the small size and configuration of most proposed overlay zones, in most cases, a minimum distance between locations would probably result in only one per zone.

Commissioner Baringer acknowledged that they were the land use professionals, but he understood there were two schools of thought, wanting them far apart or all together for there is only one "hurt" in one area. He stated that his other concern was that, because it was new and they don't want to have a permanence attached to any decisions they make, the licensing or land use have a short duration so they can rethink it after a two or three year period. He deferred to staff's judgment as to how they get to that point, through the licensing side or land use side, but he thought it was important that they limit the duration if they want to change course if necessary, so that whatever downside they experience they can rectify without causing a lot of problems for the community. He stated that, other than that, the voters have spoken with Prop. 64, and they need to be prudent in how they implement it in their community so people have access to it but it doesn't create an adverse impact on the community in general.

Commissioner Cooper stated that he didn't have a problem with the recreational or medical edibles, as he thought the state will regulate that with labeling. He acknowledged that it was evolving but as a Commissioner he didn't have any say in the edible and was for edibles in both areas. He stated that they had asked the Planning Department to do an overlay that was less restrictive and he thought they did it and he felt it was reasonable. He acknowledged that it didn't open enough for some and too much for others, but he felt it was a reasonable set of restrictions with the way it was presented. He referred to mention of Kimco not renting to them, but they should look into the future of what they might rent to. He thought that was a logical approach, and if you take it as far as the existing dispensaries in town, and you look at the long term approach, he questioned whether the regulations are set up appropriately to analyze those new businesses coming into town. He felt they had the regulations set to evaluate that. He didn't think they should parse out the existing businesses versus new businesses. He felt, if they have demonstrated that they have a plan and the experience and location, he thought there was nothing preventing them from doing anything else an outside party would do. He agreed with the Police Chief that, in general, the plan has to do as much as they can to evaluate whether a new dispensary that comes into town can operate and is appropriately operating within the ordinance. He felt that there was enough restriction in there and he was comfortable with the existing restrictions. He mentioned that there was

a restriction on the overlay map and he thought it was appropriate. He questioned whether there would be two dispensaries in a particular location specified, as it sounded like certain real estate people didn't want to rent to dispensaries. He thought it would evolve as it goes on, but he felt the regulations need to be there and they have established that. He didn't have much of an issue with how this was presented in the staff report, and he thought they have done what they asked them to do. He understood some had issues with other parts of it, but he was for what was presented to them.

Commissioner Clifford stated that Commissioner Cooper said what he wanted to say much more eloquently than he probably would have managed. He was happy with the overlay as is, and in terms of renting to the various dispensaries, he didn't feel that was up to them to decide and was a personal decision by the property owners as to whether they want to rent to this particular type of operation. He stated that he still had his overriding concern about the recreational in terms of what the Federal government will do. He stated that they have heard that before, and he hasn't heard support for his position. He would vote for what was presented to them.

Chair Nibbelin asked Commissioner Baringer about his interest in durational concerns. He was trying to understand if he was looking at a limited term on the permits that would be subject to another discretionary hearing. He wanted to make sure he understood what he was asking.

Commissioner Baringer stated that, if he was a similar mindset to his opinion, there was a lot they don't know and he didn't think they should be attaching any long term implications to this ordinance now in terms of the decisions they are making. He thought the business people would not be happy to hear that, but he felt their job was to look out for the best interest of the community and he felt they needed to have the flexibility if some of this turns out to be a bad idea or has some unintended consequences that they need to rectify. He stated that they need a mechanism to stop it and change direction or, if going well, they move on. He stated that it could be the land use permit, etc., and it could have a shorter duration or the Planning Director and staff were recommending that the license to operate the facility would have a shorter duration. He stated that there could be a shortened time period so they can reevaluate it if they want to.

Chair Nibbelin would be curious about the vesting rights.

Planning Director Wehrmeister stated that it was staff's concern and they heard Commissioner Baringer's concerns and they thought the way to approach it was to make sure that the land use permit and the license were linked, and the license through the Police Department was the one that receives an annual review. She stated that, if that was ever not valid for any reason or revoked, the use permit by conditions, etc., would no longer be effective.

Chair Nibbelin thought the license wouldn't be controlled or driven by concerns the community might be having, such as they don't like it. He stated that, if you have an operator doing everything by the book, but there are some concerns that might be that

they don't like that use in the specific area. He stated he wasn't clear if that would be an adequate basis for rescinding a license.

Asst. City Attorney Doherty stated that the public safety license ordinance has not been drafted yet, but the intention is to have a ministerial annual review process that would include review of whether or not the initial operation plan, security plan and site plan were being adhered to. She thought, in those plans, some of the community concerns regarding impact on the neighborhood, nuisances, etc. would be considered and be grounds for revocation of the license.

Chair Nibbelin referred to page 12 of the packet which he thought he should have noticed earlier, but they were supplemental findings for manufacturers and he just focused on them. He thought they were supplemental findings the Commission would be expected to make in the context of manufacturers, and the second bullet point refers to the manufacturing operation of adequate quality control measures to insure any marijuana product manufactured at the site meets industry standards. He was concerned about his personal competence on weighing in on that and he asked if that was fairly standard that a Planning Commission would be passing on that, as he thought it seemed more health and safety oriented and he would expect a Health Department to weigh in on it.

Asst. City Attorney Doherty thought it was a point well taken, but the draft regulations that the state just circulated included, specifically for manufacturing, a number of quality control measures that must be complied with in order to maintain the state license. Staff was attempting to mirror that license in the process. She stated that, while the state license was not a land use license, it is a required condition to maintain the land use license.

Chair Nibbelin thought staff would do the best they could to get them what they needed to pass on something like that. He understood they have gone back and forth regarding buffers, distances, edibles, etc., and he thought staff has implemented the will of the majority of the Commissioners as articulated over the past few meetings and have done a good job of bringing them to this point by incorporating all the various pieces. He has had concerns, including his concerns about outdoor cultivation which he was personally opposed to but he was prepared to support the ordinance as currently presented.

Commissioner Cooper thought he had a good point. He asked if the annual review for licensing was made public so the public can have access to them.

Asst. City Attorney Doherty stated that those were public records.

Commissioner Cooper thought the education dispensaries provide to the community in outreach programs with schools were things they could do themselves as good neighbors to the community. He thought it would come to the awareness, and he didn't see Walgreen's or CVS doing outreach to the community in that form, so he didn't want to put too many restrictions. He thought, to be a good neighbor, dispensaries have a

philosophy of doing well for the community and patients, etc., and he thought they might promote the service they are trying to do.

Commissioner Gordon referred to response to Commissioner Baringer's comments on limited duration or a renewable license, and asked, if this goes into effect as drafted, whether the retail operators would need to apply to renew their license once a year.

Asst. City Attorney Doherty stated that the public safety license, which hasn't been drafted, will be going to the City Council along with this ordinance. She stated that the intention of the public safety license was that there was an annual renewal required, but the license expires 365 days after its issuance. She stated that it is specific to the licensee and the holder, and is not related to the land.

Commissioner Gordon stated that, if it is enacted, he assumes an application comes before the Planning Commission to receive a license and the operator has identified a location. He asked if that was correct.

Assoc. Planner Murdock stated that one of the elements of the initial application to the police chief was that the applicant has identified a location where the property owner has indicated support for the application. They were trying to screen out those difficult circumstances where they may not have identified a location, to increase the likelihood they will make it through the process.

Commissioner Gordon assumes the application comes to the Commission and he doesn't like the location, even though the operator is great and they have a great business plan and lots of expertise, but it is at Park Mall and he thinks it is too close to the high school and not a great idea. He asked if he could vote against the application solely on that basis.

Assoc. Planner Murdock thought he would have to articulate specific reasons why the proximity to the high school was a concern in making the required findings. He stated that, when looking at the locations in the buffers, it would be best to make sure the buffer fits the general desire as it requires some specific reasons why it would be of concern to deny the permit.

Commissioner Gordon concluded that the concerns would have to be tied into public health and safety.

Assoc. Planner Murdock stated that any of the findings that are required, many relate to public health and safety but not all.

Asst. City Attorney Doherty explained that one of the required findings the Commission has to make to issue a marijuana use permit is that the proposed location is not likely to have a potentially adverse effect on the health, peace or safety of persons due to its operation. She stated that it was a finding that has to be made in addition to the finding that they are not within one of the buffers of schools, daycares, etc.

Commissioner Gordon thought that sounded like there was some discretion. He was in favor of the plan as drafted.

Commissioner Campbell asked about the burden for making that finding, as far as data or public health and safety concerns.

Asst. City Attorney Doherty stated that it falls on the Commission.

Commissioner Campbell thought so, but not as much discretion as they think they have.

Assoc. Planner Murdock asked if he thought he would feel that way should any application come forth from Park Mall, because of its location. He stated that the center was not very large so, if one spot was concerning, they would likely all be concerning and that may be an indication that, from the legislative standpoint in identifying the location of the zone, it was not the right place. He added that they went through and found more places as that was the direction they got. He didn't say Park Mall was the best location and should be there, but it was there because it can be there. He stated that this was the opportunity to say they would like to scratch it from the list because of too many reasons why it was not the right place for marijuana uses and it was entirely unacceptable. He stated that now was the time to do that if they felt that way.

Commissioner Gordon stated that he was confused.

Chair Nibbelin thought it was whether they would look to amend the materials in front of them to delete from the overlay zones that particular shopping center.

Commissioner Gordon would be in favor of that and it would be his only change.

Commissioner Campbell stated that he will take what he can get and would be in favor of that also.

Commissioner Cooper stated that he wasn't stuck on Park Pacifica. He thought the Planning Department applied the rules they provided and he would like to make a motion and he was willing to listen.

Commissioner Baringer hoped he was going to make a motion so he could second it.

Commissioner Cooper thought the point of the overlay zones and the point of the dispensaries was to serve the community of Pacifica, and he wasn't concerned about people coming in from out of town. He wasn't interested in facilitating that market. He thought having an overlay zone back there for that particular portion of the community was not troubling to him and he thought they should distribute them around. He was disinclined to support a change to delete it.

Commissioner Clifford was also disinclined to support that particular change. He knew they had talked about the schools but there were a lot of senior facilities in that neighborhood who might get great benefit from having a dispensary in the Park Mall.

Commissioner Cooper moved that the Planning Commission Adopt Attached Resolution Initiating the Amendments and Recommending Approval to City Council, Attachment A with no changes; Commissioner Baringer seconded the motion.

The motion carried 5-1.

Ayes: Commissioners Baringer, Gordon, Clifford, Cooper and Chair Nibbelin

Noes: Commissioner Campbell

**2. UP-82-17
SP-162-17**

USE PERMIT UP-82-17 AND SPECIFIC PLAN

SP-162-17, Filed by Tracy Lum on Behalf of T-Mobile, for Relocation of Six (6) Pole Mounted Antennas, Within an Alternate Freestanding Sign; And, Installation of Three (3) Additional Pole Mounted Panel Antennas, Within an Alternate Freestanding Sign; And Installation of Rooftop Equipment in Two Areas, Each Measuring 16'-10" in Length by 10'-6" in Width by 8'-8" in Height, Atop an Existing Shopping Center Building at 709 Hickey Boulevard (APN 009-440-120).

Chair Nibbelin asked if there was anything that needs to be said other than acting on the recommendation of continuing this item to June 19.

Assoc. Planner Murdock responded that there was not.

Commissioner Baringer asked if they have a shot clock issue on that.

Assoc. Planner Murdock stated that they verified the shot clock and because they had some flexibility remaining, they were able to continue the item.

Commissioner Cooper moved that the Planning Commission continue Use Permit UP-82-17 and Specific Plan SP-162-17 to the June 19, 2017 agenda; Commissioner Clifford seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Gordon, Clifford, Cooper and Chair Nibbelin

Noes: None

**3. PSD-809-16
UP-72-16
PE-166-16
S-118-16**

SITE DEVELOPMENT PERMIT PSD-809-16, USE PERMIT UP-72-16, PARKING EXCEPTION PE-166-16 AND SIGN PERMIT S-118-16, Submitted by Todd Dewell of Kimco Realty, for Demolition of a Former Denny's Restaurant Building and Construction of a New 4,500 Square-Foot Multi-Tenant Commercial Building with Two Restaurants, Outdoor Seating, Wall Signs, and a Freestanding Sign; a Reduction in Required Parking; And an Amended Master Sign Program at 500 Linda Mar Boulevard (APN 023-041-270) in Pacifica. Recommended CEQA Status: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Assoc. Planner Murdock presented the staff report.

Commissioner Gordon stated that it looked like Panda was going to be the proposed new tenant, and asked if it was just one possibility.

Assoc. Planner Murdock believed there was a specific interest, as indicated by the applicant, for Panda Express to open and they believe the second space would be occupied by Starbucks, relocating from the current location to this location, if approved.

Commissioner Gordon stated that his only concern was parking. He asked if they were looking at the fact that Denny's didn't have any special parking areas and it worked out fine.

Assoc. Planner Murdock stated that they acknowledged that the center has high demand for parking in the central parking area. He stated that, if you look overall at the center as they should with the zoning analysis, two-thirds of the parking was available in the center and a third in peripheral areas. He stated that the peripheral parking was rarely used and they have tried to encourage and find ways to push more parking to that location.

Commissioner Gordon asked if the peripheral parking he was talking about was the parking to the east of Safeway.

Assoc. Planner Murdock responded that it was behind the main in line building. He stated that, for a parking exception, the Commission needs to identify that there is a hardship with providing the required parking. He stated that it was an infill site and there was not a lot of opportunity for the applicant to provide more parking. He thought it was a practical hardship. He stated that the applicant has taken measures with the design to increase non-automobile trips by including bicycle parking racks which were not a feature of the previous site and making a pedestrian connection at the rear outdoor seating for the intersection of Linda Mar and Coast Highway to capture more of those trips where people may be parked in the area and making use of the beach. They felt they were taking measures that they think are reasonable to offset the difference. He stated that their analysis started from the baseline of Denny's and the net change, but not the overall

center. They didn't think it was realistic for them to make up for all the spaces that may be deficient for the aggregate center.

Commissioner Cooper asked the existing height of the current Denny's Restaurant.

Assoc. Planner Murdock stated that he didn't have that figure handy, but he didn't think it was as tall as the proposed building.

Commissioner Cooper asked what the applicable square footage was of the area in the sign taken down.

Assoc. Planner Murdock didn't know, adding that the trouble with that was that the sign there did not match the sign approved in the sign program and the details of that sign area was not readily available, and with the sign having been removed, they didn't have the opportunity to recalculate that.

Commissioner Cooper referred to the employee parking for this expansion that was going to move to the back side and he asked if they were doing anything with the current employees of Safeway and other tenants, such as moving them to the back as well.

Assoc. Planner Murdock stated that he wasn't aware of what they can do currently, adding that one condition of approval that staff proposed was when future leases are amended or signed with new tenants that they would insert a provision to require employee parking in that rear area. He was not aware of a mechanism to require that of current tenants under their current leases.

Commissioner Cooper stated that, the front of the building and the back of the building were two different worlds as the back was the industrial area and he would worry about employee safety, lighting, etc. He thought that Kimco, as the retail agent would want to do the best for their business as they can and that would be to transfer the employees to the back but without proper safety, he wasn't sure how useable that parking lot was. He stated that there was an electric station which was a nice feature but getting there at night time might be a challenge. He questioned if they had plans to upgrade that area.

Assoc. Planner Murdock stated that they could hear from the applicant at the appropriate time if additional pedestrian lighting for safety may be appropriate and if they are willing to incorporate it. He stated that the Commission could omit that condition of approval. He stated that staff tried whatever means they could find to offset the deficiency of on-site parking.

Chair Nibbelin opened the Public Hearing.

Todd Dewell, Director of Construction for Kimco, stated that they were the property owners of 500 Linda Mar, the Linda Mar Shopping Center. They have been waiting a long time. They were pleased to be presenting the new project to replace an old Denny's with a new modern designed building. They have a multi-tenant structure set up and will

bring in some exciting new tenants to the center. They were looking forward to getting it going. He stated that they did speak about the parking issue. They were fully behind the additional directional signage to direct people to the east of the center when overflow parking is required. They also share Commissioner Cooper's concerns about overall safety. He stated that there are Kimco centers where these types of things are part of the leases. He stated that they have four vacancies at Linda Mar Center. He stated that everything is currently under lease and they don't have the ability to go back and amend the leases. As the leases expire, they can insert the language, but they also share some concerns with the overall safety of employees leaving late at night. He stated that they would be open to continue the discussion and look at an appropriate time for the Commission, but would like to get around this one.

Chair Nibbelin asked if they can give them some information on the time horizons of the existing leases and options.

Mr. Dewell stated that he can't as Director of Construction, but he had the Director of Real Estate present.

Ranfie Ancelovici, Kimco Director of Real Estate, stated that it was a tough question to answer because Linda Mar was an anomaly that they have so many shop spaces and they have leases rolling through next year to 2030.

Chair Nibbelin stated that he was looking at what time horizon they would be looking at for making these kinds of amendments going forward that might impact the parking practices, as they look at the totality of the center.

Mr. Ancelovici stated that they have done a good job of renewing tenants for the most part, and they would probably roll into early 2025. He stated that the other challenges they have is that some leases have options that are fixed and it doesn't allow them to implement changes like the parking issue.

Commissioner Baringer stated that Safeway probably has a prohibition on employee parking and they have protected parking in front of their buildings. He was sure that was the case here.

Mr. Ancelovici stated that most anchor leases have a protected area in general, whether parking, changes to the common area, etc.

Commissioner Baringer thought it makes sense as they are an anchor tenant. He stated that they are talking about the area immediately east of the proposed building and it will be more intensely used now than it has been since Denny's closure. He felt that, whatever they can do to ensure there is parking available to the tenants, and it brings to mind the beach parking. He stated that they have people parking there and walking to the beach all the time. He didn't know if they could incorporate that into the approval at this time, but he thought they should talk to their people as that will help to make sure the

parking for the tenants can be successful. He stated that would involve security paying attention to it.

Mr. Ancelovici stated that the hard part was implementing in the leases and then enforcing it. He stated that they have on site security, but at that point, they question whether it will be a ticketing system or a towing system which adds another challenge, but he agrees they should address it.

Chair Nibbelin acknowledged that they were cutting into their presentation time but they will give them some consideration at the back end.

Commissioner Gordon stated he was focused on the area not immediately to the east of the proposed construction site but the area behind Safeway. He stated that he has never been in that area at night, and he asked if there was lighting at night.

Mr. Dewell stated that there was currently site lighting in the back area. He stated that it is the back so there aren't as many store front lights, and it is darker than what is in the front of the center.

Commissioner Gordon asked, as it stands now, whether it poses a security risk. He asked if Kimco would consider plans to upgrade the lighting back there.

Mr. Dewell stated that, as part of their corporate policy nationally, they are installing LED lighting throughout all their sites which will greatly increase the downward illumination to the parking areas. He stated that he should have a date when that will be implemented at Linda Mar. He stated that the program was scheduled to be completed by 2020, adding that they have close to 800 centers across the nation and it is a five-year implementation.

Commissioner Gordon stated that it was good to hear that there was a plan.

Chair Nibbelin asked them to finish their presentation before there are any more questions.

Mr. Dewell stated that, other than looking forward to getting the project moving, they have invested a great deal of time, as city staff has, to create a building that they both feel very comfortable about moving forward and it will be a strong anchor at the Coast Highway and Linda Mar. They look forward to seeing people enjoying the patio and enjoy the weather and the center.

Commissioner Cooper stated that one of his big concerns was the visual portion of it and where it stands. He stated that the rendering for Panda Express and elevated roof level where the Panda Express sign is was a lot different than what was currently there. He stated that the visual you get when you go to that light was to see towards the shopping center and see what was behind it. He thought this would obstruct the view. He asked if

there was any reason the roof was so high other than strictly an architectural feature. He stated that Panda Express were pretty low.

Mr. Dewell stated that it was an architectural feature as it is at a prominent corner and they want to make a statement. He stated that there has been changes over the years from when Denny's was constructed and what current restaurant needs are for minimum heights to get the equipment in. There were mechanical, technical reasons why it is higher, but it was also an esthetic feature as well.

Commissioner Cooper asked if it exceeds the roof line of the adjacent existing building, such as where Radio Shack was.

Mr. Dewell stated that he wasn't sure what the existing height of the Radio Shack parapet is and he would have to check on that.

Commissioner Cooper asked if Kimco would be willing to move up their LED upgrades if they get approval for this project.

Mr. Dewell stated that he can't speak to that because it comes from an operational group which has set those. He could say that they have met with the Commission and have approvals and can ask if they could move things around to get it moved up, but he didn't have the ability to say that.

Commissioner Cooper stated that, if he looks at the standardized signage plan on page 5 from the existing sign that was there to this new sign, the sign he was proposing exceeds the limits in the sign program, and he was conscious of how large those signs are, adding that they were very distracting. He wants people to go to the tenants there, as it was great for business. He thought keeping that at a minimum was a concern of his. He noted that the outskirts of the signage program was 10 feet for the outside limits and the canopy extends 12 feet out from that. He would like to see it within the parameters of the signage program and scale it back a little bit. He stated that it was higher than the previous sign which showed a maximum of 18 feet and they were currently showing 20 feet. He would like to see those within the parameters. He stated that it was for the visual effect. He didn't want to see a huge sign as the main attraction to the center but obviously the businesses were there and he asked if they were willing to do that.

Mr. Dewell thought they could work within those parameters.

Commissioner Baringer referred to the architectural unique aspects of the pad billing compared to the rest of the center from a slightly different perspective. He stated that the center is dated, and he didn't know how Kimco approaches renovation of their centers, but he asked, if there was a possibility that the architectural style could be incorporated into a renovation of the center, if and when it would happen. He thought it would make a huge difference in how the center was perceived in our community and other parts of the coast.

Mr. Dewell stated that he couldn't agree more. He asked if he could speak to the timing of something like that happening.

Commissioner Baringer would like him to talk about the possibility and he was willing to hear about the timing also.

Mr. Dewell stated that it was certainly a possibility. He stated that they were always looking at existing centers and he stated that this was a Kimco core site as they have 100% ownership in this. He stated that there was news a couple of years ago that Kimco was selling the property. He stated that they were buying their partners out. He stated that they are going to be around Linda Mar for a long time with no intent to sell their portfolio. He stated that they were on the coast and there are many elements, such as wind, salt water, etc. that will affect the buildings over time and it will be renovated at some point, but he didn't have the opportunity to say when that will happen.

Commissioner Baringer stated that he wasn't trying to put him on the spot, but he was curious about it. He stated that this was substantially different architecturally than anything else in the center. He stated that, even though it could be considered a pad, it was still a multi-tenant building and he was thinking this was a precursor to a planned renovation of the center which was long overdue in his opinion. He thought it would benefit justifying the rents they are charging with a renovated center that was more consistent with current shopping center approach. He stated that he noticed in the sign program that they don't allow logos on the parapet signs, just a channel letter program which was fairly pedestrian. He stated that he did notice Panda has its logo and he hoped that the second tenant would have an opportunity to have its logo on the west side. He stated that they were concerned about people coming down the hill from Half Moon Bay and it was an important intersection for our community. He stated that, when they come in, they see it, and he thought they did a really good job making it attractive and inviting. He thought it would be awesome. He thought, if they could have an illuminated letter, that would go a long way toward an upscale appeal to it.

Mr. Dewell stated that they will be able to have a logo.

Commissioner Campbell stated he was supportive of the project. He saw the letter from Ervin Fields where they contemplated rooftop use but it looked like the ADA requirements would not allow for the spacing. He asked if that was vigorously discussed as he thought it was a missed opportunity.

Mr. Dewell stated that it was vigorously discussed, not only at staff level but internally at Kimco. He stated that the regional president who used to be here is now the CEO of the company. He stated that he was an active surfer at Linda Mar and the first thing he wanted was a rooftop area that could be used. He stated that it was extremely difficult to get him off that idea because of all the access issues required and associated with bringing an elevator into the project in order to get barrier free access.

Commissioner Campbell thought, if this plan would carry forward at some point through the rest of the facility, there would be a lot of support for putting rooftop on some part of that. He thought Pacifica was funny because getting an ocean view from a restaurant was difficult.

Tygarjas Bigstyck, Pacifica, stated he was an employee in one of the businesses in that Kimco shopping center. He stated that, as he heard the idea of requiring employees to park behind Safeway, his mind started lighting up. He stated that the issue of beach parking was raised and he wondered about the cost benefit analysis of free beach parking versus the traffic visiting those businesses, and he thought the CEO had insight into whether the surfers parking in the lot might be spending money at the businesses while using the parking. He stated that, regarding employees parking behind Safeway, his gut impulse was that it seems insulting to ask someone who has been working an eight-hour day, especially if they are on the side as far away from Safeway as possible, to walk behind Safeway when they have been serving us. He stated that he works with people who have physical disabilities. He stated that many employees at Safeway park on the northern side of the lot and out of the way of the main space but not all the way behind and people with disabilities have an easier access. He stated that, late at night, if lighting is good, that is better but the longer the walk, more susceptible they become. He stated that, if the space behind was underutilized, it was an opportunity to figure out a way to utilize it and to bring attention to traditionally empty spaces around the BofA area where, if some innovation can come to pass where that was inviting, that would be a great opportunity to get those spaces filled that otherwise might not have the traffic because they weren't visible that far back. He stated that he knew there was a security guard patrolling the area but if there were two guards, one could patrol the back area.

Chair Nibbelin closed the Public Hearing.

Commissioner Gordon was in favor of the design and application as is. He thought Commissioner Baringer's comments were well taken about it being an upgrade to the shopping center and a shape of things to come there.

Commissioner Baringer stated that he was in support of the project. He also thought there was a real need for a pedestrian crosswalk between the parking magazine due east of the project. He stated that you are taking your life in your own hands walking from that parking area to Starbuck's area and he felt there needs to be a pedestrian crosswalk. He stated that you can't put it too close to Linda Mar as traffic would back up, but maybe where the driveway to the back area was so people can cross from the parking to the shops without getting run over.

Mr. Dewell stated that he would be happy to continue to work with staff in order to find that. He stated that they have some constraints but he would be happy to work on that.

Commissioner Campbell was in support of the project. He thought it was a nice staff report and he appreciated the applicant's discussion.

Commissioner Clifford stated that he was in favor of this project and he appreciated the applicant's willingness to make the changes to the signage.

Commissioner Cooper stated that he wanted to hear from his fellow commissioners about modifying the dimensions of the overall sign to be in compliance with the signage plan.

Commissioner Cooper stated he would support that.

Commissioner Gordon questioned which sign they were specifically referring to.

Chair Nibbelin asked the page.

Commissioner Cooper thought it was page 117, Exhibit 3F, which shows 12 foot wide at the top parapet and shows a 20-foot height overall. He would like it to be within the 10 x 18 foot range.

Commissioner Campbell stated he supported that as consistency with the existing signage was important.

Commissioner Baringer came from a background where bigger signs were better but he would defer to his fellow commissioners.

Commissioner Cooper moved that the Planning Commission find the project is exempt from the California Environmental Quality Act, approve Site Development Permit PSD-809-16, Use Permit UP-72-16, Parking Exception PE-166-16, and Sign Permit S-118-16 by adopting the attached resolution, including conditions of approval in Exhibit A, as modified to limit the exterior sign within the signage guidelines of no higher than 18 feet x 10 feet wide in all instances, including overhangs and lighting, and incorporate all maps and testimony into the record by reference; Commissioner Baringer seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Gordon,
Clifford, Cooper and Chair Nibbelin

Noes: None

CONSIDERATION:

5. APPOINTMENT OF ONE PLANNING COMMISSIONER TO THE LIBRARY ADVISORY COMMITTEE.

Chair Nibbelin asked if staff had anything to add to the mix.

Planning Director Wehrmeister stated that she had nothing to add and was just looking for an appointment.

Commissioner Cooper stated that he was not going to volunteer as he has issues with the library and he didn't think he would be impartial but he would be willing to report.

Commissioner Gordon didn't follow what he said.

Commissioner Cooper stated that he did not want to volunteer.

Commissioner Gordon asked what the meeting obligations were.

Planning Director Wehrmeister stated that the Library Advisory Committee meets once a month on the second Wednesday. She stated that they are also doing a lot of public outreach and they ask that the commissioner come to community meetings, but he was not obligated. She asked if they should try again when they have another commissioner.

Chair Nibbelin suggested they table it as it doesn't look like they are able to take action on this item. He noted that anyone aggrieved by the action of the Planning Commission today has ten (10) calendar days to appeal the decision in writing to the City Council.

COMMISSION COMMUNICATIONS:

Commissioner Clifford reported that the City Council denied the appeal of the Planning Commission's decision to deny the extension of approval of the Beach Boulevard nine condo project.

Commissioner Gordon didn't follow that.

Commissioner Clifford stated that they backed them up.

Chair Nibbelin thanked him for attending the meeting and communicating the Commission's perspective on the matter.

Commissioner Cooper asked about the storage basin. He thought they were getting underway on that.

Planning Director Wehrmeister thought the contract has been awarded but she did not know the construction schedule but it was getting underway.

Commissioner Cooper thought it was pretty imminent when he did his presentation and he was curious about when it was getting started.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that the Council was tentatively scheduled to discuss short term rentals and provide some direction to staff the following Monday and, if they were interested in it, they might tune in. It was tentatively on the schedule. She

then referred to the first meeting in July, which was July 3 and between the weekend and the July 4 holiday and she was considering cancelling that meeting. She asked for concurrence from the Chair and Commission on that.

Chair Nibbelin stated that he planned to be out of town on July 4.

Commissioner Cooper stated he will be out of town also.

Chair Nibbelin thought it might be difficult to muster a quorum and he thought the inclination would be to cancel it unless there was an urgent issue and they might have to adjust plans. He thought cancellation will be the preference of the group.

ADJOURNMENT:

There being no further business for discussion, Commissioner Gordon moved to adjourn the meeting at 8:57 p.m.; Commissioner Clifford seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Gordon,
Clifford, Cooper and Chair Nibbelin
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister