

**MINUTES**

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

October 7, 2019

7:00 p.m.

Vice Chair Rubinstein called the meeting to order at 7:01 p.m.

**ROLL CALL:**

Present: Commissioners Berman, Campbell, Nibbelin, Bigstycyk and Vice Chair Rubinstein

Absent: Chair Clifford and Commissioner Kraske

**SALUTE TO FLAG:**

Led by Commissioner Campbell

**STAFF PRESENT:**

Planning Director Wehrmeister  
Sr. Planner Murdock  
Asst. City Attorney Sharma  
Police Chief Steidle  
Asst. Planner Gannon

**APPROVAL OF ORDER  
OF AGENDA**

Commissioner Nibbelin moved approval of the Order of Agenda; Commissioner Berman seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Berman, Campbell, Nibbelin, Bigstycyk and Vice Chair Rubinstein

Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF OCTOBER 14, 2019:**

Planning Director Wehrmeister stated that they would need a liaison for the Marymount appeal, adding that Chair Clifford had offered to be the liaison but she stated that it would be at the will of the Commission.

Commissioner Berman stated that she was the other commissioner who had done the site walk of the facility and was in support of his being the liaison.

Commissioner Nibbelin stated that he would echo that.

Vice Chair Rubinstein didn't think they needed a vote and would designate him at the liaison.

Sr. Planner Murdock stated that they needed to approve the minutes.

**APPROVAL OF  
MINUTES:  
AUGUST 19, 2019**

Commissioner Nibbelin moved approval of minutes of August 19, 2019; Commissioner Berman seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Berman, Campbell, Nibbelin,

Noes: Bigstycck and Vice Chair Rubinstein  
None

**ORAL COMMUNICATIONS:**

None

**CONSENT ITEMS:**

**1. CDP-411-19**

**File No. 2019-027 – Emergency Coastal Development Permit CDP-411-19**, filed by Applicant Dinesh Perera, for demolition of an existing single-family residence located at 2205 Palmetto Avenue, Pacifica (APN 016-211-210). Recommended CEQA Action: N/A.

Commissioner Nibbelin moved approval of Consent Agenda; Commissioner Campbell seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Berman, Campbell, Nibbelin,  
Bigstycck and Vice Chair Rubinstein  
Noes: None

**PUBLIC HEARINGS:**

- 2, PSD-818-17**                    **File No. 2017-021 – Construction of a 1,398 square foot (sf)**  
**CDP-387-17**                    **two-story single-family residence on an existing 2,250 sf**  
**UP-116-19**                    **nonconforming lot, and exception from the two-car garage**  
**PE-174-17**                    **off-street parking standard for single-family residences by**  
**providing one or two uncovered off-street parking spaces on a**  
**vacant lot known as Lot 37 of Block 1, Revised Map Salada Beach**  
**Subdivision (RSM 5/20) located on the south side of Salada Avenue**  
**(APN 016-050-400) . Recommended CEQA Action: Class 3**  
**Categorical Exemption, CEQA Guidelines Section 15303.**

Sr. Planner Murdock presented the staff report.

Commissioner Bigstyk asked if, under normal conditions, there would need to be a two-car garage for the residence.

Sr. Planner Murdock responded affirmatively.

Commissioner Bigstyk asked if a two-car garage was just that or a two-car garage with driveway spaces they would normally see leading up to a garage.

Sr. Planner Murdock stated that, if they are talking about the applicable zoning standards, it would be a two-car side by side garage plus a 20-foot front setback from the front property line to the face of the garage.

Commissioner Bigstyk concluded that, under normal circumstances, they were talking about a driveway along with a garage.

Sr. Planner Murdock responded affirmatively.

Commissioner Bigstyk referred to letters they got which mentioned a historic district, and he wondered what it means to have a residence within the context of a historic district and if that pertains to this particular lot.

Sr. Planner Murdock stated that they tried to figure out more information on what those references have been to a historic district. He stated that they are not aware of any adopted historic district which would change the city's land use regulations, zoning standards or require some other process for review of projects. He stated that they understood there was a neighborhood group that studies some of the issues and may have made recommendations in the past, but staff was not aware of any regulatory effect of those recommendations which may have been adopted by the city.

Commissioner Berman acknowledged that they had received public comment about the new parking space. She stated that, on looking at the plans, it appeared to be 18 feet from

the edge of the patio to the property line and there was 2-3 feet between the property line and the back of the sidewalk. She asked if that was correct.

Sr. Planner Murdock thought that was correct. While he wasn't sure about the specific dimensions, he did agree that there was some distance between the front property line and the sidewalk.

Commissioner Berman asked if they assumed that, if a car was parked in the middle of the parking spot and slightly overhanged the property line but not impede on the public sidewalk, it was acceptable by the city.

Sr. Planner Murdock understood her question and was trying to think of any applicable zoning standard which might be directly violated by that. He stated that they didn't want to allow obstructions of the sidewalk which she indicated in her example would not be the case. He thought they would hope that the parking would occur entirely within the driveway because the city's public right of way was not intended for parking in this fashion, but he was not aware of an immediate enforcement activity undertaken.

Commissioner Berman thought that, with no city requirement or code that didn't allow that, a concern of a driveway that wasn't necessarily 18-feet deep but wasn't blocking the sidewalk was typically acceptable.

Sr. Planner Murdock thought, from a practical standpoint, she was correct that it would look and feel like the driveway but no line on the ground would be present to delineate between the private property and public right-of-way. He reiterated that he was not aware of any zoning violations that would be implicated, adding that any occupancy in the public right-of-way outside of the normal course of transportation would require an encroachment permit. He stated that was one example that some provision of the municipal code could be violated. He also wanted to draw their attention to the design of the home and he stated that it was the covered front porch in the front that has another four feet of depth between the end of the driveway as currently designed and the Commission could consider ensuring that the design of that porch would allow the overhang of a longer than ordinary vehicle and consider pushing the parking more into the private property rather than the tail into the public right-of-way.

Commissioner Campbell asked an explanation of the rationale behind a non-conforming lot having smaller setbacks than a conforming standard sized lot as he thought it was counter intuitive.

Sr. Planner Murdock stated that, as a general matter, there was only one setback which would be different in this case, i.e., the side setback. He stated that the zoning says that for lots of less than 50 feet in width the side setback shall be 10% of the lot width or three feet, whichever is greater, and in this case, the side setback would be a minimum of 3 feet. He stated that, beyond that, there was no additional allowance for setbacks to be different. He thought he was asking if it was drawing attention to the front setback, and the front setback in this case would be 15 feet to the front of the structure and 20 feet to the front of the garage. He explained that, because there is no

garage, the applicable setback is 15 feet and, if that was he was referring to, it was not because the property is non-conforming but because the structure proposed does not have a garage.

Commissioner Campbell explained that he was asking because, with talking to people in Rockaway and Vallemar, they have a lot of non-conforming lots and they were surprised with the small setbacks with very large homes being built.

Sr. Planner Murdock stated that, in that context, there may be different applicable setbacks as they are R1 zoned sites in Rockaway where this is a site approved for R3 zoning with the analysis predicated on that. He stated that there is a separate set of non-conforming zoning regulations applicable to the R1 zone only and does provide for different setbacks. He stated that he would not generally characterize them as less restrictive as in some cases they are more restrictive as they are intended to arrive at a design that does not require discretionary review, and in some cases they have to push second stories further back from the front property line. He acknowledged that there was a different set of regulations in those other cases.

Vice Chair Rubinstein opened the Public Hearing.

Brian Brinkman, applicant, stated that they went to the appeal to City Council and they adopted the General Plan and zoning amendments. He stated that they discussed their potential for a second driveway spot at the meeting and based on public concern, City Council sent them back to the Commission. He stated that there was no change in the house, and setbacks were the same. They have the 18 foot driveway with 3 feet to the property line to the sidewalk which is more than the standard 20 feet for parking.

Zach Vickers, Pacifica, stated that he lives on Salada and was made aware of this proposal from his neighbors. He stated that he is new to the neighborhood and has already encountered parking issues on the street, and he thought this new proposal sounds okay if they are able to park two cars on the lot. He thought they needed to pay attention to what spaces are allotted for street parking as it is a high impact area and he thought the proposal should take that into account.

Mike McCarthy, Pacifica, stated that his concern was with the parking on the street, and he thought the new proposal appears to accommodate that. He stated that one of their concerns when they got the new proposal with 18 feet was thinking that only small cars could park in such a spot. He was now encouraged to hear that there was extra 3 feet that can be used, adding that they haven't seen the details to know if it was really accessible. He stated that his general concerns were the quality of building. He was pleased with the structures the applicant has built, but he thought it would be in the historic spot which staff said has not been adopted by the City Council. He was concerned about that, but also about the sheer walls going up in the neighborhood and he thought they should look at it from an architectural standpoint. He encouraged the Planning Commission to look at that, as they don't have an architectural review board and the Commission is what the city has to look at that. He stated that proposals with four stories were very concerning for their densely populated neighborhood as it doesn't fit with the character of the neighborhood. He would like to explore the historic designation of Sharp Park. He stated that ,as a resident, he has seen all the signage that was given up by the city, and he thought there had to be some type of official recognition of Sharp Park being a historic neighborhood. He thought they need to look further and, if there is no designation, with the Sharp Park Specific Plan being proposed, they look at it and make sure they are having some

verbiage there regarding how the look and shape of the community should be, from a commercial as well as a residential standpoint.

Kevin O'Rourke, Pacifica, stated that he lives across the street from the project and he stated that the parking was already a nightmare and there was the potential for four houses going in as there are four separate lots. He thought the other developers were just waiting to see what is happening with this one. He stated that, with the current setup, the curb cut isn't very wide and if someone on either side is parked as far as they can on the curb cut, you can't put two cars in that spot as designed. He stated that the reason for not putting a garage in was supposedly aesthetics but now they have two cars in the front yard which isn't appealing to him. He felt the most logical setup would be at least a single car garage. He reiterated that the parking situation is bad and the residents have to live with it, not the Commission, and he hopes they listen to the residents who will be living with it.

Cindy Abbott, Pacifica, stated that, at the July 15 Planning Commission meeting, the neighborhood spoke out about the concerns with the proposed development. She stated that the concerns were regarding how the application of zoning was being manipulated to accommodate development on a small 2,250 sf lot and about inadequate parking. She stated that City Council recognized both of those concerns. She acknowledged that they recently approved the zoning change, but they also requested that Planning consider a new zoning designation to come up during the General Plan process for small lot residential. She stated that they granted the appeal in part for further analysis of the revised parking plan. She acknowledged that the parking plan is appreciated to incorporate two on-site parking spaces as well as managing the curb cuts with the adjacent vacant lots, but she thought it would still create a significant impact on the neighborhood. She stated that the parking requirement for this lot was two garage spaces per unit and a guest space where adequate driveway length for a parked car doesn't exist or street parking isn't available. She mentioned that the staff report states that it provides two driveway spaces and street parking is available, but she stated that it was not true today as they can't park there now when there are no curb cuts at all. She stated that parking in West Sharp Park has been a problem for a long time. She stated that the 1980 Local Coastal Plan noted that and stated that they should insure that there was adequate parking in the neighborhood and the 1990 design guidelines state that more off street parking than required by zoning ordinance should be provided to allow ample space for guest parking. She stated that the revised plan provides a second uncovered spot, but it is unknown if that unusual configuration is actually going to accommodate two cars and allow access for passengers to get in and out. She stated that the initial plan for the property in 2017 had a garage, covered parking space and an additional onsite guest parking spot. She felt that was the best plan for the neighborhood. She stated that seven vehicles currently park in front of the undeveloped four lots. She stated that the development of the lots has the potential of adding 8-12 new vehicles to the neighborhood while displacing at minimum of four. She questioned where all the extra cars will go. She concluded that they were pushing cars onto Palmetto and Palmetto is pushing cars into their neighborhood. She asked that they consider holding on the project or adding an appropriate three spaces to the project.

Mr. Brinkman stated that he didn't have much to say on points brought up on the housing regarding the possible additional cars if all four lots are developed. He stated that the numbers didn't factor in that there will be parking on the sites to offset at least some of that. He stated that, with any development, you are putting a driveway and taking away a spot on the street, and is not applicable to just this project but a common item through any development.

Commissioner Campbell referred to a comment made that the previous plan had more parking than this plan, and he asked the reason for the change.

Mr. Brinkman stated that they talked about it at the last hearing. He stated that there were issues with the lot density and why they went through the General Plan and zoning amendments. He stated that they worked with Planning extensively to come up with the best concept for lots of that size which was how they came to the driving, parking and eliminating the garage as well as the storage structure in the back to provide storage space typically found in the garage.

Commissioner Bigstyk thought it looked like the plan, in theory, was coordinating with the other lots to maintain three on street parking spaces.

Mr. Brinkman explained that they looked at the other lots and they thought they should explore if their driveway to be on the other side to best coordinate it, but they laid it out as presently to push it up to one side and have one curb cut for two lots which seemed like the optimal plan.

Commissioner Bigstyk appreciated their effort and asked if there has been coordination with the other lot owners or whether they have set it up so, if they want to align with them, it would work out for all.

Mr. Brinkman stated that they have shown it to them, and they were grateful, but they haven't come up with a design for their projects yet. He thought they were in agreement with the way their driveway was laid out.

Commissioner Bigstyk concluded that they were looking at coordination but it was not concrete yet.

Mr. Brinkman stated that they have not gotten to the point where they have designed their development yet. He stated that they were shown that, if they were in agreement, that was the best spot to coordinate with what they might do and Planning staff agreed.

Commissioner Bigstyk concluded that he has gotten an oral agreement from the other landowners.

Mr. Brinkman responded affirmatively.

Vice Chair Rubinstein closed the Public Hearing.

Commissioner Campbell asked staff if the adjoining landowners were in any preliminary planning for the other three lots.

Sr. Planner Murdock thought preliminary planning was a fair way to describe it. They have approached staff for feedback on general development themes or key considerations that they can take into account as they lay out a design for some or all of the three remaining lots that would be most palatable to the neighborhood and supported by the city, but they have not submitted an application for any of the lots at this time.

Commissioner Campbell didn't remember the parking being as front and center in the last meeting, and he was thankful to the public for bringing it up. He thought there may be too much

going on for that small lot. He stated that he has friends and neighbors who remodeled who would have loved to get rid their garage for aesthetic reasons but could not do that, and he thought that was unfair to the rest of those who had to keep their garages.

Commissioner Bigstyk asked if staff could flesh out the original three spots that were in the plan for 2017 so he could fully understand what the problem was with that plan.

Sr. Planner Murdock stated that there was a prior proposal submitted based on an incorrect misunderstanding by the applicant that those non-conforming zoning provisions which he described to Commissioner Campbell earlier applied to this site, but they do not. On learning that, they explored alternatives which staff thought would better balance design guideline consistency with parking requirements and a variety of zoning requirements that they have to attempt to apply to sites but which are designed for sites with 50 feet in width and 5,000 sf in site area. He stated that some of those are difficult, if not impossible, to apply. Staff believed the two-car garage requirement was one of those, which why the applicant sought a parking exception. He stated that the prior proposal had a one-car garage and one-car carport which essentially had half of the frontage with the garage and the other half carved out to allow the depth for a carport to project in. He stated that essentially the second story of the residence served as the carport. He stated that it was staff's assessment that it was not a desirable architectural design and, since the zoning did not require it to be constructed, they pursued alternatives with the applicant, evaluated a redesign they thought better reflected the cottage aesthetic of the historical single family residences in the Sharp Park neighborhood. He stated that historical was meant as in the older, more original form but not necessarily "historical" but those that existed for many decades preceding the proposed development.

Commissioner Bigstyk asked if the applicant changed the architecture of the house itself once the original parking configuration was deemed not desirable.

Sr. Planner Murdock thought it was a drastic redesign of the project, orienting it down to street level to the pedestrian scale rather than chopping up the frontage of the house for a carport underneath the second story of the home and the remainder of the frontage being a garage. He stated that the entry to the home in the other configuration was at the back of the carport which de-emphasizes the entrance from the street, hides it and makes it an awkward architectural design in his assessment. He stated that they were relieved to be able to consider an alternative design to the one that would have been required if this was an R1 zoned site.

Commissioner Bigstyk stated that, at the last meeting, with just one spot on the site and off street parking, his main concern was that, if you have a three-bedroom house, that might mean you are going to need three cars and with just a driveway, it was a hard sell for him as he could see that congesting the parking situation and he did not want to vote for it. He now looked at the reconfiguration with two spots on the site and one on street parking and that satisfied his initial concern. He stated that when he walked in the area, the entire lot was filled with cars parked in front of it and one was an RV and that connects with a conversation they were having that doesn't pertain to this proposal, but he could see how doing this will take away street parking for a visitor. He stated that it concerns him, but he was happy that a compromise was made so that his initial concern of three spots for three bedrooms was taken into account and he was heartened that a couple of the residents in the neighborhood were glad that the extra spot was brought in to ease the congestion that he couldn't vote for the first time. He stated that he was caught in a middle space but was leaning toward voting yes, although he felt Commissioner Campbell made a



persuasive argument why it could be pushed over the edge. He stated that it would be nice to see it fleshed out in a proper neighborhood plan. He was leaning toward voting in favor of it because of the accommodation has been met.

Commissioner Nibbelin appreciated the comments raised and the attempt made by the developer and others who have brought the parking issue forward. He thought staff's recommendation was a reasonable way of balancing a challenging situation. He acknowledged that it was a small lot and was being treated differently from other lots that are bigger, but that is discretionary things they do to allow property to be feasibly developed. He recognizes that parking is challenging even in areas where it wasn't a challenge previously such as Lorry Lane. He was conscious of the issue, but he didn't know if it was a burden borne by a particular property owner to account for street parking in trying to develop their lot. He recognized that they need to assure adequate parking, but considering the size of the house, he thought two vehicles were acceptable and he was comfortable with it.

Vice Chair Rubinstein stated that he was also comfortable with the project while understanding that there are impacts in the neighborhood when a new property is developed, such as parking, traffic, etc., and he thought they have to accommodate those concerns when possible. He felt that, in this case, it was a sensible development for the site.

Commissioner Berman agreed with the Commission and she was in favor of approving the project and was ready to make a motion.

Commissioner Campbell thought there could have been a smaller house, as he did in a smaller house in the back of Vallemar, and it can be done. He was sensitive to making sure they have a right to develop the property with a home, but he thought there were some nice cottages that have been built on small lots in Pacifica. He concluded that they would not be stripping anyone of their property rights, and he was concerned about the precedent regarding parking as he thought it was a livability issue for people living in town these days. He stated that he will be voting against it.

Commissioner Berman moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; ADOPTS the resolution included as Attachment A to the staff report to APPROVE Site Development Permit PSD-818-17; Coastal Development Permit CDP-387-17; Use Permit UP-116-19; and Parking Exception PE-174-17, subject to conditions of approval in Exhibit A of the resolution; and INCORPORATES all maps and testimony into the record by reference; Commissioner Rubenstein seconded the motion.

The motion carried **4-1**.

Ayes: Commissioners Berman, Campbell, Nibbelin, and  
Vice Chair Rubinstein

Noes: Commissioner Bigstycck

**3. CAP-11-18**

**File No. 2018-032 – Cannabis Activity Permit CAP-11-18 to Establish a medicinal and adult-use Cannabis Retail Operation at 1726 Palmetto Avenue, Pacifica (APN 016-031-260).**  
Recommended CEQA Action: Class 1 Categorical Exemption, CEQA Guidelines Section 15301.

Asst. Planner Gannon presented staff report.

Crystal Matter, representative, stated that she was representing Adam Zollinger, the applicant, and stating that in addition, Tim Fitzpatrick was present to answer any questions on the construction of the project and will be helping with the management of the business with Adam Zollinger. She went over the operations and security, specifically that they were seeking to obtain a medical and adult use permit and plan to hire a local and diverse group of 10-16 employees. She stated that the type of products offered will be flower, pre-roll, edibles, tinctures and topicals. They were looking to provide safe access to quality products. They intend to be operational 9:00 am to 9:00 pm, with auditing throughout the day, most specifically at the beginning and close of operations. They have a system whereby the products will be taken out of the vault at the rear of the property, brought to the front every morning. She stated that allowed them to store the products safely but allow for at least two periods during the day in which the product will be audited. They will also have, at the beginning of each shift, the tills counted out with the specific amount and at the end of each shift it will also be counted. She stated that customers enter the front, wait in the lobby. They plan to intend to have various customer service associates with two customers per each customer service associate to help customers find what they are looking for but to make sure they don't have too many people on the sales floor at one time. They will only be purchasing products from licensed distributors, and they will come through the rear of the gaited property, do a thorough check and then the product taken in through the rear. She stated that they will also be offering delivery to residents. They would like residents to come in to the dispensary the first time and start a profile, which allow them to look at their license and get payment information. They understand some people have limited mobility and they will take that into consideration, but their main focus was security to make sure cash does not exchange hands. When people call or place internet orders, they take payment at that time and no cash exchanging hands with the driver and the driver will be making deliveries only during the operational hours approved by staff, specifically 9:00 am to 9:00 pm which she thought has been approved for the other dispensaries. They would also like to be an eco-conscious business and they plan to have drought resistant plants. They will order reusable supplies rather than single use supplies, LED lights, digital displays, and they would like to do composting. She mentioned how they will address any concerns by neighbors and stated that there have not been any concerns since Mr. Barba took over ownership of the property. She assured them that they will not be utilizing the garage. They will also make sure there are no concerns regarding access by minors.

Commissioner Campbell asked if the dispensary will be selling vaping products.

Ms. Matter stated that, at this time, it would, but they understood that there are some local concerns that are being looked into by other states. She assured them that they will comply with any regulations regarding vaping products, but she stressed that they are providing safe access to products, adding that there are other products that they will providing under safe circumstances.

Commissioner Berman referred to their delivery service and asked if they plan to have a requirement of handing the package to someone of adequate age. She stated that, similar to alcohol delivery, it will not be left on the doorstep for teenagers to grab.

Ms. Matter agreed, adding that they hope people will come in and create that profile so they can take a look at the license and create the payment method. She stated that regardless of whether they create that initial profile, every delivery will require looking at that ID and verifying that the person receiving the product is of age and the person on that license.

Vice Chair Rubinstein opened the public hearing.

Mike McCarthy, Pacifica, complimented Pacifica for being the first city in San Mateo County to sell cannabis. He stated that Linda Mar residents didn't want dispensaries in Pedro Point or in the valley for concerns of the community and they were now faced with having three in Sharp Park. He thought it was close for all three of them, mentioning being in industrial areas in other cities. He stated that it was residential and there was a lot of foot traffic with a lot of children and he was concerned about that. He was also concerned about the security in the neighborhood. He stated that Salada used to have a cannabis dispensary at the end of the street, and people were always driving down the street the wrong way and double parking, parking in people's driveways and they had one instance where he saw guys defecating in the driveway across the street from the dispensary. He had concerns about the security of the neighborhood and he encouraged them to think deeply about it and shift it further up Palmetto.

Colleen Golden, Pacifica, stated that she was probably the closest homeowners to the dispensary and her concerns include parking, proximity to middle school and high schools, change in the architecture such as the ramp they are installing. She also referred to the red house that was home to known drug dealers in the past so they hope the city will consider that now. She stated that, if it goes in, to listen to the neighborhood. She stated that she wanted to confirm that the garage is not being used. She stated that there is a vacant lot next door and asked if a fence could be put up as the fence has gone up in flames twice when the meth lab blew up. She thought a gate to prevent people from going into that lot would be great.

Zach Vickers, Pacifica, stated that he was concerned about it becoming a cannabis corridor as there are already two dispensaries and he sees kids up and down the street every day. He thought this will create a strong precedent that they should start their lives with pot as they are seeing adults using it while they are waiting for a bus. He thought they needed to think what that shows for the neighborhood. He didn't know what the benefit was to the city to have three in a neighborhood and he mentioned Eureka Square where there are some empty lots. He mentioned working in the city and goes by dispensaries and he didn't think it created a good impression on the neighborhood if they are up and down a street.

Ms. Matter acknowledged that there were a few concerns mentioned, i.e., architecture, security and kids. She stated that the number of CAPs is consistent with the approval in May 2019 from the City Council. She stated that they looked at the surroundings buildings and they picked paint colors consistent with the other buildings. She stated that there was no major change to the front of the building and the intention was for it to blend in as much as possible with the existing architecture. She stated that, regarding security, they understood that the property does have a history and she stated that it was an incredibly regulated market in terms of cannabis and they were confident that they can turn a blighted home and an eyesore into a prosperous cannabis

business. She stated that, regarding the issue related to kids, she was sensitive to the fact that there may be kids in the neighborhood and they may walk by, but they have a security plan to make sure that there will be no loitering and specifically why they have a waiting area inside to make sure no one makes it from the outside to inside that shouldn't be there and is of age. They also have a secondary check to make sure there is no one gaining access to the building or any product. If the community has any concerns regarding security or access to children, they invited the community to reach out to them so they can ameliorate any of their concerns. She thought, as far as the cannabis culture from the past where they think it will be a blight on the community, it is changing rapidly when they look at the dispensaries that have popped up in California. She stated that they are nice establishments where people can go and they are inviting people to contact them if they have any concerns so they can remedy them as soon as possible.

Commissioner Campbell stated that he has a concern, referring to the news regarding the vaping of cannabis. He stated that San Francisco has its health department on it, and they were finding if aerosol is mixed with the CBD it is causing deaths and injuries and he was curious if they continue to sell those types of vaping products in the store.

Ms. Matter stated that she knew this question would come up. She stated that vaping and cannabis has been around for 8-10 years, and what they have seen recently is a very small concentration of illnesses and injuries, and that doesn't make it less worse, but the agencies are trying to figure out what is causing that. She thought they have to make sure they are doing as much as they can to regulate the industry and make sure there is no black market intrusion into the industry. She stated that, in terms of vaping products, if they find out that vaping products are causing this or there needs to be a ban on vaping products temporarily, they would comply with that, but right now, in terms of the history of cannabis and vaping being 9-10 years and seeing a small fraction, she thought it was more likely than not that they have a bad batch rather than a serious problem. She reiterated that they will be happy to comply with any ban the state or local government feels necessary.

Commissioner Nibbelin stated that sometimes runs up and down Palmetto and he looks at the way some of the dispensaries are set up. He stated that one is signage, as he was concerned about the aesthetics. He stated that it looked like what is proposed is a wooden sign that identifies CB1 Coastside. He asked if that was what it will be saying.

Ms. Matter responded affirmatively.

Commissioner Nibbelin thought it doesn't say dispensary or get your pot here.

Ms. Matter responded affirmatively.

Commissioner Nibbelin asked how big the sign was.

Mr. Fitzpatrick stated that it will be roughly 6' by 1'.

Commissioner Nibbelin asked what can be seen from the street as you are walking past of what is going on inside.

Ms. Matter stated that, given the proximity from the street to the windows, you will not be able to see a great deal from the street. She stated that the idea behind taking the inventory at the end of

the day and putting it in the back is kind of like when you have a jewelry store. People can't actually see that there are any products, and there won't be any products up against the front window.

Commissioner Nibbelin stated that, if he is walking past, he isn't interested in the business or he would assume not be exposed to it.

Ms. Matter stated that they were contemplating the front lobby area where they are waiting to be escorted on the sales floor would be very difficult to see product from the street level.

Commissioner Nibbelin refers to parking, and they were looking at five parking spaces on site. He asked how many spaces they will need for business operations, such as employees or a delivery driver, and how many will be available for customers.

Ms. Matter stated that the delivery truck would be parked in the rear and would not be taking up any spaces. She anticipated that employees would be parked further away from the building to maximize parking for customers.

Vice Chair Rubinstein closed the public hearing.

Commissioner Bigstyk stated that an idea brought up by a speaker that there was a defecation incident connected in the proximity of Sure Fire. He stated that he has been around many stoned people and not once has he personally witnessed something directly connected with cannabis usage. He asked if the Police Chief had some insight if there was a call for that incident or incidents and if it was a common occurrence at the time.

Police Chief Steidle stated that he was not aware of any calls of that nature. He stated that they usually attribute that to alcohol, not cannabis.

Commissioner Bigstyk stated that a speaker mentioned Linda Mar as a place that was not receptive toward a business, and his understanding was that you take a spot like the Linda Mar Shopping Center which is owned by Kimco and it was not necessarily a decision made by the people in the area so much as the business organization that doesn't have any residents in Pacifica aside from their buildings. He understood that changing the ordinance to allow for three businesses in the overlay district was that it was difficult to find people to rent to the businesses, but not that the community as a whole had an issue. He asked if that was correct.

Sr. Planner Murdock stated that it was his sense that City Council had a desire for six retail operations to open in Pacifica and they heard reports from prospective operators experiencing difficulty finding eligible locations, particularly those zoned within the overlay districts and which also had receptive property owners. He stated that, regarding the Linda Mar area, the overlay district encompasses the Linda Mar Shopping Center as well as the Pedro Point Shopping Center and 2-3 independent parcels on the south side of San Pedro Avenue along the lines of Castle Kitchen and Ace Hardware. He stated that Kimco was not open to authorizing cannabis businesses on its property. The Pedro Point Shopping Center for whatever reason, no applications have come in for that site and the one site that did generate an application in the Linda Mar overlay district, the property owner subsequently withdrew their authorization. He stated that Council was reacting in large part to the fact that it wanted six retail operations but

they were not materializing based the combination of zoning and property ownership as it exists today.

Commissioner Bigstycyk stated that, while growing up in a household in which cannabis use was prevalent before it was legal, he had a parent who offered him the joint from which that parent was currently taking puffs which he did not attempt. He stated that he knows several people with a similar situation, and it wasn't a good situation, and with some in that situation, they turned out fine. He stated that what worries him more than putting three cannabis businesses in close proximity is the idea of keeping it unregulated and not having enough regulated businesses so there can be a black market for children. He felt the best way of getting rid of people selling it illegally is to have a lot legally sold, and then the odds of children buying it start dropping. He concluded that making it legal will minimize those doing it illegally.

Commissioner Campbell stated that he was aware of the 600 foot buffer required between a school and a cannabis retail operation. He stated that this facility is a hair breath away over 600 feet from the lot line for the school. He asked if there was any attempt to contact Ingrid B. Lacy Middle School or the Pacifica School District on behalf of the city.

Asst. Planner Gannon was not aware of that.

Commissioner Campbell asked if there was a reason why they did not consider that, given the proximity. He asked if there was any thought or discussion on that.

Sr. Planner Murdock stated that the City Council had a very thoughtful process for identifying the appropriate locations for zoning cannabis retail operations and he didn't think staff felt they were in a position to second guess Council's decision in that regard. He stated that they send notices to a 500 foot radius which is significantly more than the 300 foot radius required by state law. He stated that the school district's property was beyond that. He stated that there was no direct evidence that these types of uses present any direct adverse impact to the children that may wander by at various times of the day.

Commissioner Campbell questioned that there was no evidence of that.

Sr. Planner Murdock stated that it was not indicated from the Police Chief, or others who have commented on this. He stated that there was speculation and fears, but staff's take was that this was a lawful regulated land use that City Council determined to be appropriate subject to a review for a variety of factors.

Commissioner Campbell referred to PMC section 9-4.4805, stating that the reasons for denial of a cannabis activity, and they got a comment about a bus stop. He stated that there was a bus stop in front of IBL that was within the 600 foot buffer and there was a bus stop very close to this cannabis operation that IBL kids use and they are milling about. He stated that it was also a safe space to walk that IBL has designated and there are a lot of kids walking in front of this establishment. He stated that the applicant said security was a primary concern and he asked if they discussed this in the planning report.

Sr. Planner Murdock stated that it was a very different scenario with a more proximate gathering place for children than the school beyond the 600 foot radius. He thought it was important to consider that in light of the finding that he pointed out. He stated that they were not aware of any

evidence presented of a hazardous or adverse effect that these types of uses would have on children. He stated that, if there is evidence, they should consider it which includes whether children are congregating when the business is in operation. He stated that, in the particular case of the bus stop directly across the street, he stated that it was only in service in the AM hours according to SamTrans and only a pick up location in the morning. He stated that the hours of operation proposed by the applicant and supported by staff was beginning at 9:00 am and the pick up at that site occurs no later than 8:44 am. Staff did not see a likely operational overlap that required any further analysis.

Commissioner Campbell asked if that was true for the bus stop in front of IBL.

Sr. Planner Murdock stated that the bus stop in front of IBL is on the same line and has the same hours as far as he could ascertain from SamTrans.

Commissioner Campbell stated that he sees a lot of kids on that bus.

Sr. Planner Murdock stated that it may go the other direction in the PM hour to take children back home but it is not looping by in front of the operation according to SamTrans.

Commissioner Campbell stated that there was a Pacifica Resource Center across the street and he asked if they were contacted.

Police Chief Steidle stated that he spoke to the Resource Center's Executive Director Anita Rees himself regarding this and asked if she had any thoughts or opposition to this project and she did not. He explained to her that there may be concerns from the public regarding children going into the Resource Center and she told him that it was more commonplace that adults were going to the Resource Center alone and if they went into the Resource Center with children it was because they had small children with them and were accompanied by a parent.

Commissioner Campbell referred to the parking situation and he thought the facility may have 6 employees and there was a five-space allotment, and he asked if they were concerned about parking. He mentioned that the applicant said the employees would find parking in the neighborhood, and they heard that the neighborhood is impacted.

Asst. Planner Gannon stated that by standard they are only required to offer four parking spaces, and they will be offering five parking spaces and that was not a concern.

Commissioner Berman stated that her questions were similar to Commissioner Campbell's. She was concerned with the proximity to schools and bus stops and her question was for Police Chief Steidle and may relate to the conversation they just had. She referred to other cannabis operations in the area and possible data from other cities, and asked if there were issues reported involving youth or possible issues that the police or residents may experience.

Police Chief Steidle stated that the main issues they were concerned about from a law enforcement aspect would be addressed by an appropriate security plan. They were worried about what would be in a security plan and how the businesses would operate to address the issues, including robberies, and access to the product by minors. In his research, he looked at how the businesses were developing in other states, specifically Colorado. They realized that the businesses, once legalized, were becoming commonplace and weren't underground or out in the

open unregulated businesses that they had seen in Pacifica in the past. He thought, with the proper security plan and checking identification, the youth don't have any access to the product if the businesses are conducting checks as they should be, adding that the police will be checking from time to time to ensure that it is occurring. He agreed with the comment that it is not much different than a place that sells alcohol and are they being responsible with how they are conducting their business and keeping it away from the youth. He agreed that the children will know what is in there. He stated that with alcohol, the children will go in the store and see it, but with the cannabis businesses they cannot. He stated that, with the regulations in place, if a business becomes a bad actor and not following the rules or their security plan, we have the ability to take action and that was why the public safety license has to be renewed every year. It gives them the opportunity to look into the matters if there are complaints or if they are doing something they should not and it is affecting the community adversely and pull their public safety license if in violation. He added that, if the public safety license is pulled, their cannabis permit becomes invalid. He agreed that they were all legitimate concerns that can be mitigated with a business that is operating as the code is designed.

Commissioner Berman thought the applicant has a very thorough security plan and keeping the product safe. She referred to Seaweed which was an atypical situation and there was a specific regulation plan with regular site visits, and she asked if that is applied elsewhere in the Sharp Park area.

Police Chief Steidle asked if she was speaking about the inspections.

Commissioner Berman responded affirmatively.

Police Chief Steidle stated that they will be conducting inspections on every cannabis business. He explained that the difference between this one and Seaweed was because of some of the issues discussed at that meeting and they will be unannounced whereas with this one they don't have that specific restriction and they plan on going in with a consultant to ensure that they are in compliance and holding businesses accountable that are not in compliance with local and state law and they will also be using it as an educational tool for less serious violations.

Commissioner Berman referred to the applicant's proposed safety plan, and asked his opinion on it.

Police Chief Steidle stated that he approved it. He felt they had the safety and security of the facility in place with a plan to ensure that underage individuals do not have access to the product.

Commissioner Campbell stated that one thing that troubles him about the 3 versus 2 businesses was that when this was before them and they were coming up with the actual ordinance, the Council overturned it and made three. He thinks it is unfair and burdensome on this particular neighborhood to have three. He stated that they are bearing the burden of the fact that the rest of the city can't come up with a way to house one of the facilities and spread them out. He thought it was like the homeowner in the previous item where they were saying it was unfair for him to bear the burden of the parking problem in that area and now he thought it was unfair for this neighborhood to be bearing the burden of a citywide problem. He acknowledged that these operations were having trouble finding places to rent but he didn't think it means that Sharp Park gets slammed and is turned into a neighborhood that has a lot of them. He felt it was unfair and he couldn't see a way for him to vote for it.



Vice Chair Rubinstein didn't disagree with many of his comments, and he thought it was unfortunate that they don't get to cherry pick the best operators as the order of the applications that come in dictate who gets approved, as well as the density. He agreed that three in one district and in close proximity to each other and to schools it was a lot. He did think this operator was well presented, and others not so much.

Commissioner Nibbelin stated that they have six total license with three in Rockaway and they weren't all in one place. He stated that the city was clear on what they wanted as a policy matter and the Council has been clear. He thought the regulations were such that what was in front of them was something within the buffers set forth in the regulations. He thought this was a more discrete business than most restaurants or liquor stores, etc. He thought there were some potential impacts, such as parking which continues to concern him. He wondered if they were assuring that employees were not unduly burdening the limited parking available in the immediate vicinity of the project.

Sr. Planner Murdock stated that they would check the figure on the number of employees.

Asst. Planner Gannon stated that an average of six employees on shift per day.

Sr. Planner Murdock thought the most direct method to address that is to consider the maximum number per shift. He thought there was limited opportunity for the city to regulate where those employees park. He stated that, even with available parking, they could choose to park where they would like and it would be a difficult enforcement matter.

Commissioner Nibbelin thought it was a practical matter of enforcing it and the ability to tie it as a nexus to the application itself.

Sr. Planner Murdock thought the nexus issue could be explored further. He stated that his comments were relating to the ability to enforce any such condition and specifying where employees would be required to park. He thought the most direct way to get at the likely parking demand from the employees would be to limit the number per shift but not below some number the Police Chief felt was appropriate for security at the site and ensure that someone is there with a buddy system. He thought the most direct way would be to consider limiting the size or hours of the operation to lessen the number of employees required or limit the number of products that would attract a certain number of customers.

Commissioner Nibbelin stated that with the notion of six vehicles parking in the community at any given time for staff he could see that as problematic.

Commissioner Bigstycyk stated that, if capable of going back in time and reverse engineering the way this law came down, he would think it would be easier to find a place to rent in other spaces. Because of the federal versus state and the way we are pioneers and how this is going forward, parking is a practical difficulty and in the same way there is a practical difficulty in finding a place in any of the overlay districts to put a business. He wasn't suggesting that it was a good idea to entice youth to be using cannabis but if they look at the proximity of Sunset Ridge to the Fairmont Shopping Center, he might argue that it is more pernicious and a lot easier for youth to get ahold of it. He stated that, as he works in the grocery business, he can tell them that their safety protocols are far more lax than the ones being offered for this business and the results can

speak to that. He didn't believe in the stigma that some are attaching to the substance on the one hand and on the other hand a substance that probably should be stigmatized a little bit more as it is real easy to get ahold of by anyone at any time. He didn't see a problem from that angle by voting for this business because, at the end of the day, it was setting a model of regulation that undercuts black market where there is a bigger risk to children that this business presents.

Vice Chair Rubinstein added that the market forces might speak to who survives in this district if there is three and the neighborhood can't support three.

Commissioner Campbell stated that we are the only city in San Mateo County with retail cannabis and he thought all three will do quite well. He thought parking was an issue and he thought the cannabis ordinance says the proposed location of the cannabis operation should not likely have a potentially adverse effect on the health, peace or safety of persons due to the cannabis operation's proposed proximity to a school, day care center, etc., and he didn't know if there was a way to fit parking in there as a hook. He felt there was a need for more parking.

Commissioner Nibbelin referred to the guidance from staff and thought one way of approaching this and recognizing that they already have a plan that was offered to limit the number of employees to five or four or tweak the hours such that when people are getting home from work they are not going to be able to find a parking space, so maybe they need to close by 7:00 pm so there is a space available for them that isn't filled by an employee. He agreed with Commissioner Bigstyk that this was a project he would support, as his concerns are parking specific.

Vice Chair Rubinstein asked if the hours of operation factor into that.

Commissioner Nibbelin stated that he was just looking for ideas on ways they might mitigate the parking impacts in some way. He knew it was out of the ordinary but he would be interested in a motion to reopen the public hearing to hear from the applicant as to whether they would be prepared to do anything like he was proposing or have another idea to address their concern around parking.

Commissioner Berman appreciated the thought of trying to find a compromise. She thought the store hours could be applicable and a good solution with concerns of who is walking by and running a shop later at night was kind similar to a 7-Eleven or a place to buy another substance which is similar to cannabis. She wasn't in favor of reducing the number of employees given the applicant's original statement and they want a good amount of employees to serve their business and she appreciated that because of the lobby area where they wait until they are able to be served, and more employees give them the opportunity for more security and she was in favor of that. She felt the parking was a concern. She thought it was one thing to allow a property owner to have more parking for their home. She and her husband live up to the fault of parking in their driveway and the burden of a third cannabis shop in a small area in proximity to other shops doesn't seem appropriate. She recalls when the cannabis municipal code changes came to them, and in a lot of situations they were wondering if there were too many. She acknowledged that the school was outside of the 600 foot radius and there are many ways that this complies but she was still hesitant to vote yes. She would love to hear from the applicant again.

Commissioner Nibbelin stated that there was a requirement for a certain number of parking spaces and he noted that the business owners have a business interest in making sure the parking is available for customers, but he didn't think there was anything in the law that would prevent

them from allowing their employees to park in those spaces and in a sense it was a business imperative to have those spaces available. He stated that the ordinance does provide for three licenses in the overlay district but they have to deal with the fact that there are two ahead of them who have created the impacts. He was concerned about the notion of differential treatment of the last to arrive and that is in the nature that life is not always fair. But, he said he would want to be sure it is not unfair and creates due process issues. He would be interested in hearing what the applicant might have to say about the concerns they have been addressing.

Vice Chair Rubinstein stated that he would be interested in regulating the hours of operation to help mitigate some of the concerns about whether there are kids in the morning going past an operational business or parking issues where employees are not parking earlier in the day. He didn't think they can regulate the number of employees, as all of that will be determined by the market.

Commissioner Nibbelin stated that he wasn't suggesting what way was the best way to go, and he was less concerned about people walking by as they can't see inside.

Vice Chair Rubinstein asked what he was asking for.

Commissioner Nibbelin stated that, if the Commission is in favor of it, he would like to hear from the applicant as to whether or not they have ideas on ways that they might address concerns specific to parking.

Commissioner Campbell stated that he would be in favor of the parking or hours if they will consider that and reopening public comment. He stated that he liked the hours notion, pushing back on staff. He referred to some comments that there was no direct harm with the kids walking by, but the city passed a 600 foot buffer for a reason, and he thought they should be respectful of that reason. He felt there is some sense from Council that proximity to schools is not something that is favored in the community. He stated that many communities have 1,000 foot buffer. He stated that there is a city stance on proximity to schools and he thought they should remember that.

Vice Chair Rubinstein didn't see how the applicant can speak to parking. He stated that they have parking spots they can reserve for employees or those spots would be taken by customers.

Commissioner Nibbelin thought it was possible that the applicant might have some ideas on ways that the operations could be adjusted or ways they might deal to something like carpooling. He stated that the solutions are only limited by the creativity of people who are brought to bear.

Commissioner Campbell mentioned that there is a bus line.

Vice Chair Rubinstein stated that he would be inclined to invite them back to speak to parking and hours of operations.

Commissioner Nibbelin thought this all focused on parking and hours of operation were to address parking concerns.

Vice Chair Rubinstein invited the applicant up.

Adam Zollinger stated that, in respect to parking, they have five parking spots and they were only required four so they have more parking than any other dispensary in Pacifica. Regarding employee parking, he stated that they have the delivery driveway on the right side of the building and they could probably fit two additional employee vehicles as well as the delivery vehicle.

Commissioner Nibbelin asked confirmation of the staffing they anticipate in any given time throughout the course of the day.

Ms. Matter stated that they were initially anticipating about six staff members. She stated that they would be happy to limit that but she was unsure of what Lytt or Seaweed or any of the others currently have, but they would be happy to take a look at what they are using currently and utilize that staff. She stated that their purpose was to ensure that they were having the highest security standards. She stated that they are hearing from them is that they like security but they like parking. She stated that they are trying to find a balance and they have a rigorous security plan and before they add additional parking spots they have more parking spots than any of the other dispensaries. She stated that they are telling them that they can add three more to that. She stated that they were trying to ameliorate all their concerns the best way they possibly can and she thought they have met all of the requirements in terms of the law, buffer zone, security front facade, etc.

Commissioner Nibbelin thought he heard that four were required and they have five spaces. They have a delivery space in the back and they suggested that they could fit two employee vehicles back there.

Ms. Matter responded affirmatively.

Commissioner Berman asked if she could ask about operational hours.

Vice Chair Rubinstein stated that she can go for it.

Commissioner Berman referred mention of operating between 9:00 am and 9:00 pm, and she asked Commissioner Nibbelin if he had thoughts on hours proposed.

Commissioner Nibbelin stated that he was more concerned about hours of operation as it pertained to impacts on parking and was hypothesizing a situation when he is driving home at 7:00 pm and he wants to find a place to park, and there were six vehicles from outside the neighborhood that belong to employees and he can't find a parking space. He stated that, if the hours ended at 7:00 pm, those vehicles wouldn't be there anymore. He didn't have any concerns about the 9:00 am to 9:00 pm as a general operational matter as every other dispensary in the city has at this point. He stated that they had a lot of conversations in prior meetings about the appropriate hours and 9:00 am to 9:00 pm was what they arrived at. He would prefer that they be shorter, but that was where they are now. He was only concerned about how the hours might impact parking. He was heartened to hear about possible additional parking spaces.

Commissioner Campbell asked if the additional parking was in the driveway for the garage that Jose Barba is going to be using.

Mr. Zollinger stated that it was on the existing driveway that was on the right side of the building which they deemed a delivery driveway with a gate. He stated that there was enough room to

have the delivery vehicle as well as two additional vehicles. He added that there were the four spots by the garage and the one ADA stall in the front.

Commissioner Campbell concluded that the four spots in the back by the garage do not block Jose Barba from getting into his garage.

Mr. Zollinger stated that they won't.

Sr. Planner Murdock stated that the hours that have been approved for the other authorized cannabis retail operations have been ranging from 9:00 am to 10:00 am start for all of the operations. Three were 10:00 am and two of the 9:00 am. The end times, three of them are 8:00 pm, one is 9:00 pm and one is 6:00 pm. He stated that the one limited to 6:00 pm for the retail store front is authorized to conduct deliveries as late as 8:00 pm. He stated that the conditions of approval that they have imposed on hours of operation have limited the customer hours to those hours but have authorized store staff to remain beyond those hours for typical retail store keeping activities like inventory, bookkeeping, etc. and they would need to retool that condition of approval if there was a desire to limit the hours that employees could be on site if that was the nature of the concern for the Commission.

Vice Chair Rubinstein stated that he has no desire to limit the hours for this applicant.

Commissioner Campbell stated that he would limit the hours. He thought 9:00 am was fine as kids are in school, but he had concerns about parking and kids coming home from practice, etc., and in his perfect world he would cap it at 3:00 pm.

Commissioner Nibbelin asked if he was of the mind to not vote for the application anyway.

Commissioner Campbell responded affirmatively.

Commissioner Berman stated that parking was a concern, but it wasn't her greatest concern. She would be interested in seeing if others have a proposal.

Commissioner Nibbelin apologized that he hadn't recalled the hours of operation. He wasn't opposed in principle to shorter hours of operation. He stated that 8:00 was the critical mass of where the hours of operation are knocking off and he thought it would have some beneficial effect on parking. He thought, if the business were to cease operation at 8:00 and people were out at some point thereafter. He would be inclined to make a motion to approve the application with being understood that the two additional spaces to which they were referring would have to be provided and hours of operation ending at 8:00 pm.

Vice Chair Rubinstein asked if that includes delivery or in store hours.

Commissioner Nibbelin thought delivery would have to be the same time, as he was tying it to available parking. He felt it was a community health and welfare and quality of life concern that needs to be addressed. He would be in favor of a motion like that.

Commissioner Nibbelin asked that they close the public hearing.

Vice Chair Rubinstein agreed, thanking the applicant for the time. He asked if any members of the public would like to speak.

Commissioner Nibbelin suggested that they limit it to the same matter of discussion.

Vice Chair Rubinstein agreed that they limit it to the matter of discussion, hours and parking.

Mike McCarthy, Pacifica, stated that he had no concerns with the hours, but he still had a concern as he mentioned earlier about traffic flow and they said they would have their security looking at the parking lot. He stated that he had some conversations with general managers from the clubs in Oakland and in San Jose and he asked how they managed their neighborhoods. He stated that the one in San Jose has a big security force in front of their locations. He stated that there was concern with the parking on the premises, but he also sees them directing traffic to make sure people are flowing in the right way. He stated that we were young in how we were doing it, but they will have a lot of people coming in from out of town. He stated that they are all one-way streets in their neighborhood and they have had people driving the wrong way. He made several calls to the police and it was very difficult to enforce unless someone is there at that time. He was concerned that the security plan was limited to scope with what was going on inside and only on the parking lot itself. He would like to see it more towards the community to make sure they are helping to flow traffic in the right direction and create a safe environment for everyone in the community.

Vice Chair Rubinstein closed the public hearing and brought the matter back for deliberation.

Commissioner Bigstyk stated that he has driven down the wrong way. He has lived in Pacifica his entire life and was visiting a friend and he thought it was a one-way street in the right direction and suddenly there was a car passing him who was annoyed because he had made an unfortunate decision. He stated that he wasn't under the influence of any substance but he did not see the sign. He asked staff if it was possible to put a condition of approval that they have the applicant do like one of those paintings down Santa Maria as a one way street. If they paint it on the street, if you miss the sign, you will see the street. He thought it would be clearer for people who are new to Pacifica.

Planning Director Wehrmeister stated that typically they don't condition applicants to do that kind of right-of-way improvement. Signage to make sure it is located where it is not confusing is kind of an art as traffic engineers are concerned. She thought it would be appropriate and they can bring this comment to our Public Works Department for their consideration.

Commissioner Bigstyk thought whatever was doable would be helpful. He understood from a prior issue that there were legal ramifications if they go ahead without taking all the steps. He thought it would be in the best interest of the public to make it clear that it was one-way.

Commissioner Berman asked if there was any public benefit fee associated with this project or any community in lieu fees that part of it could go toward some more signage or pavement marking.

Sr. Planner Murdock stated that they have not identified any relevant impacts which ought to be mitigated by these applications which would justify an imposition of a fee. He stated that they do generate cannabis operation tax and City Council has full discretion to apportion the tax in

whatever way it likes for public benefits or other purposes and the Council could consider that. But there are no fees related to this other than the annual licensing fees.

Commissioner Nibbelin moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality act; APPROVES Cannabis Activity Permit CAP-11-18 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 CAP application and all attachments and testimony into the record by reference, subject to the condition that two additional spaces discussed available in the deliver driveway are made available. He then mentioned that they had mentioned a change in hours of operation but he has heard from one commissioner and a member of the community that the hours of operation are not of utmost concern and they weren't except in that they might bear on parking and he will not include any change in hours of operation in his motion.

Planning Director Wehrmeister stated that she had recommended language for the additional condition, that the applicant shall provide two additional employee parking spaces behind the business accessed via the north driveway, exclusive of the delivery vehicle and ADA parking spaces.

Commissioner Nibbelin stated that was consistent with what they were discussing and that is his motion.

Planning Director Wehrmeister added, if feasible.

Commissioner Nibbelin agreed with if feasible.

Sr. Planner Murdock stated as determined by the Planning Director. He stated that they have not had a chance to evaluate this proposal and they don't know if the dimensions are sufficient for one space. He stated that it looks as though perhaps one space could be accommodated but they are hesitant to impose a condition that may be impossible to comply with.

Commissioner Nibbelin understood, adding that he felt strongly about the additional parking and strongly enough that it might bear on wanting to make the motion. He thought, if feasible, was a little bit.

Vice Chair Rubinstein asked if they should limit it to one spot.

Commissioner Berman suggested proposing that they give staff and the applicant an opportunity to address the concern.

Planning Director Wehrmeister stated that there appears to be a lot of room on the lot. She stated that it may not be feasible if they are all accessed through the north driveway and maybe remove the access so that they can utilize all of the space that they have available to them. She understood that they have to talk to the property owner about his access to the garage.

Commissioner Nibbelin understood, and he was less wedded to where it is than the notion that those two employee spaces. He suggested that the condition worked in concert with the Planning Director to identify two additional spaces somewhere on the site for employee parking or words to that effect.

Vice Chair Rubinstein asked if it would make sense to continue the hearing.

Commissioner Nibbelin stated that he would want to make his motion along the lines that he just suggested as he didn't feel a need to continue. He stated that would be the condition of approval that two additional spaces be identified somewhere on site for employee parking.

Commissioner Campbell stated that he would be in favor of a motion to continue.

Commissioner Berman would also be in favor of a continuance.

Commissioner Nibbelin stated that was not his motion. He asked if someone wants to move to continue, that was fine.

Commissioner Campbell moved to continue this item.

Commissioner Nibbelin stated that his motion was made and he thought they could call for a second and if he doesn't get a second then the motion will be cancelled.

Vice Chair Rubinstein agreed, and asked if he could repeat the motion.

Commissioner Nibbelin stated that the motion was as read to include the blurb in the packet in addition the requirement that two spaces be identified on site for employee parking.

Commissioner Bigstycyk seconded the motion.

The motion carried **3-2**.

Ayes: Commissioners Nibbelin, Bigstycyk and Vice Chair  
Rubinstein  
Noes: Commissioners Berman and Campbell

Vice Chair Rubinstein 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. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the city at or prior to the public hearing.



**COMMISSION COMMUNICATIONS:**

Commissioner Bigstyk stated that he served as the liaison at the September 23 City Council meeting regarding the appeal to the 7-Eleven business in Fairmont. He had the opportunity to speak briefly. He stated that Council decided to deny the appeal and 7-Eleven will continue until they get to review the next year.

Commissioner Campbell referred to the Surf Spot and asked when the opening was.

Planning Director Wehrmeister stated that it was very close. They have already started to talk to staff about scheduling their final inspections very soon. She thought within the next couple of months.

Vice Chair Rubinstein asked what the business was.

Planning Director Wehrmeister stated that it was a new restaurant and brewery.

Vice Chair Rubinstein asked if they were keeping the outdoor concept.

Planning Director Wehrmeister responded affirmatively.

Sr. Planner Murdock stated that it is known as the Pacifica Brewery and the Surf Spot is no more.

Commissioner Campbell thanked Police Chief Steidle for coming again.

**STAFF COMMUNICATIONS:**

Planning Director Wehrmeister stated that the previous Monday City Council took additional input on the draft LCP and authorized city staff to transmit the document to the Coastal Commission for comment. She thanked the Planning Commission for their preparation and participation in the study sessions. She stated that they have several applications that could be significant. On Higgins, the west side, between the apartment building and the Shamrock Ranch there was an application for 18 residences and each would have an ADU. She stated that they are very new and they haven't had a chance to review them in great detail. She stated that, on the north end of Palmetto, east side of the street, the site known as the Bowl, they have a condo development proposed, with 29 townhomes. On Pedro Point, on Danmann, there is a mixed use project that is proposed with six units above a commercial space. She also wanted to give them an update on some of the other things on which the department was working. They are still doing library outreach and will be giving an update to the City Council either the end of October or their first meeting in November. She stated that they are working on the tri-annual building code update and were directed to also include reach codes to reach beyond the minimum in order to reduce greenhouse gas emissions in the community. They were working on a proposal that they will recommend for adoption. In the housing world, they are working on their SB2 Planning grant application. She stated that they will have to take the application to City Council for authorization to submit in November. The city has been selected to participate in the County's one stop shop pilot program for accessory dwelling units. They have funding to assist up to four ADU projects with technical assistance through the development process. Part of the feedback they received during the home for all outreach is that ADUs were very much of interest in the community and supported in the community but they also felt like they needed more help through

the permitting process. They were grateful that they have a match in funding to have that program from the County. She stated that they are also going to attend the ADU fair this weekend which she thinks is in Redwood City. They may not have too many residents go there, but they will be there regardless. She stated that they are also working on PDA applications which are due soon and participating in pre-RHNA activities and working on early contracts to help develop a proposal for affordable housing impact fees which are on the Council's work plan this year. She stated that there is a lot going on. She stated that it has been a while since she came to them with an item with a more comprehensive update for the department. She intends to do that in the near future, and they will hear more details of everything going on in the department soon.

Commissioner Campbell asked if there was any new development on meeting with the Coastal Commission regarding determining historical zoning at the Calson property.

Sr. Planner Murdock thought the City Council resolved that by recommending a land use designation for the Calson site which is appropriate and, if certified, would have implementing zoning.

Commissioner Campbell stated that he would take that as a no.

Commissioner Berman stated that a lot of items that came before them recently have a constant concern of parking and they have just finished several study sessions for the General Plan but she asked if there was anything educational or incorporating into the Municipal Code, something to help address parking in areas such as Sharp Park and Palmetto. She stated that personally she works in a city that has a lot of easy public transit and their specific plans and precise plans try to minimize parking, but Pacifica was such an isolated city with limited public transit and their bike networks aren't all connected yet. She hates to say something that is not quite environmentally friendly, such as increasing parking requirements in certain areas.

Planning Director Wehrmeister stated that the answer was severalfold. She stated that the Sharp Park Specific Plan does include a deliverable in the contract to do a parking study for the Sharp Park area and to assist the first step in preparing a parking district for the area so the city can collect fees and construct parking areas for the public to use. She stated that the parking ordinance is fairly old and outdated and she agrees that, as they are working through updating these comprehensive planning documents, the next step is zoning updates and they certainly need to include the parking ordinance

Commissioner Berman stated that she would love to be involved in that if they can do study sessions in the future.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Bigstyeck moved to adjourn the meeting at 9:10 p.m.; Vice Chair Rubinstein seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Berman, Campbell, Nibbelin, Bigstyeck  
and Vice Chair Rubinstein  
Noes: None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister