

MINUTES

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

August 15, 2022

7:00 p.m.

Chair Berman called the meeting to order at 7:02 p.m.

Chair Berman explained the conditions for having Planning Commission meetings pursuant to Government Code Section 54953 (as amended by AB 361), to conduct necessary business as an essential governmental function as a teleconference meeting with no meeting location open to the public. She also gave information on how to present public comments participating by Zoom or phone.

Acting Planning Director Murdock took a verbal roll call.

ROLL CALL: Present: Commissioners Godwin, Hauser, Leal, Wright and Chair Berman
Absent: Commissioners Domurat and Ferguson

SALUTE TO FLAG: Led by Commissioner Leal

STAFF PRESENT: Acting Planning Director Murdock
Asst. City Attorney Bazzano
Police Capt. Glasgo
Sr. Planner O'Connor

Chair Berman asked if there were any public comments on the administrative business in front of them at this meeting.

Acting Planning Director Murdock mentioned that there were two hands raised, and he clarified that they were speaking on items not on the agenda as opposed to later annual review item.

Asst. City Attorney Bazzano stated that they were taking public comment on the administrative business.

Acting Planning Director Murdock thanked her for that clarification and stated that they lowered their hands and he concluded that they want to speak on a later agenda matter.

Chair Berman closed public comments.

APPROVAL OF ORDER OF AGENDA Vice Chair Hauser moved approval of the Order of Agenda; Commissioner Leal seconded the motion.

Acting Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

Ayes: Commissioners Godwin, Hauser, Leal, Wright and Chair Berman
Noes: None

**APPROVAL OF
MINUTES:**

None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF AUGUST 22, 2022:

None

ORAL COMMUNICATIONS:

None.

CONSENT ITEMS:

None

2. CAP-8-18

Annual Review of File Nos. 2018-029 and 2020-020 –

Authorizing operation of a cannabis retail operation, Seaweed Holistics, LLC, selling medicinal and adult use cannabis at 450 Dondee Way, Suite 2 (APN 022-021-640)
Recommended CEQA Action: Exempt pursuant to CEQA Guidelines Section 15378.

Sr. Planner O'Connor stated that Police Capt. Glasgow was present to help in the presentation, and then presented the staff report.

Acting Planning Director Murdock wanted to clarify a point of process with respect to this item. He stated that it is an annual review conducted by the city and, thus, no applicant. He stated that, for purposes of public comments, if the permittee is present, they will be afforded a public comment opportunity of three minutes.

Chair Berman thanked him for the clarification then opened it up for questions from the Commission.

Commissioner Leal asked if the applicant was informed of their opportunity to provide public comments as it was on the agenda at this meeting.

Sr. Planner O'Connor stated that they were informed of the meeting date and the opportunity to be provided three minutes to address the Planning Commission.

Commissioner Wright asked if they are present as he would be interested to hear from them prior to a number of other questions as his questions are moot if they are not present.

Acting Planning Director Murdock stated that he doesn't see any attendees registered under the name of the permit, but there are individuals that may be interested to speak, and someone raised a hand and it may be the permittee.

Chair Berman did see the hand raised when Commissioner Wright asked that question and they can presume that the operator is present.

Commissioner Wright stated that, with the consent of everyone, he would like to afford them the opportunity to speak for more than three minutes since this is a major bearing and impact on their business and he didn't think it would be fair to limit them to the same amount of time as public commenters.

Chair Berman thought that was a good suggestion and she asked the City Attorney's office has any input on whether that is possible.

Asst. City Attorney Bazzano stated, as explained by Acting Planning Director Murdock, this is a standard annual report they prepare for other cannabis activity permittees and she there was no need to provide more opportunities for public comment. She stated that, if the Planning Commission wants to proceed with a suspension of revocation hearing, then the permittee would have the opportunity to speak at that proceeding as well, but it is always within the discretion of the Chair to provide more time to a speaker if that is warranted of something that the Planning Commission desires to do.

Acting Planning Director Murdock explained, as mentioned by the Asst. City Attorney, they have some flexibility. He stated that, as staff scheduled this item recognizing that this is the first annual review of cannabis activity permittee where they found the application not to be in compliance and they anticipated that it might feel unusual and they indicated in their preparation that they will be allowed to make a statement of three minutes consistent with other members of the public and that the Commission might enter into an extended period of questioning following the public comment period and that would give them the opportunity to engage constructively. He stated that, as mentioned by Asst. City Attorney, in the event the Commission does initiate the revocation or suspension hearing, they would be afforded up to ten minutes as an applicant, given that it is an action directly related to the permitting question.

Chair Berman asked, if the Commission desires to allow the permittee to speak for more than the public comment three minutes, if they are able to allot that time to them before opening public comment or does it have to be after public comment.

Asst. City Attorney Bazzano stated that they would wait and open public comment. If they choose to speak, they can speak, and if they need more time, they can make that request or, if the Planning Commission has questions, they can make those questions and there is flexibility in the proceedings if the need occurs and it is within the Chair's discretion.

Chair Berman asked if there were any other questions.

Commissioner Wright stated that he has a number of questions but would like to reserve those for after he hears from the applicant.

Chair Berman asked if there were any questions for staff before they open public comment, and seeing none, she opened the Public Hearing.

Acting Planning Director Murdock stated he will set up the timer, and then introduced the speaker.

Anna Williams, permittee, asked if she can ask a question before she starts.

Acting Planning Director Murdock stated that it was up to the discretion of the Chair.

Chair Berman said she can ask her question.

Ms. Williams stated that Mr. Grimrod is with her today and they are sharing the link he sent them and she asked if it would be okay if he can also have three minutes later using the same link.

Chair Berman stated they could, adding that they typically operate that way, and she was sure Acting Planning Director Murdock will not take an exception to that.

Acting Planning Director Murdock agreed, clarifying that the three minutes is per speaker, not for an account, and additional individuals on the single account just need to identify themselves separately.

Ms. Williams concluded that she just raises the hand again when the time comes.

Acting Planning Director Murdock agreed, and added that, if it pleases the Chair, they can transition directly into Mr. Grimrod's three minutes following her remarks. He stated that they do have all speakers participating with the video off unless they are an applicant so he will stop her video so everyone has an even participation opportunity.

Ms. Williams stated that she is with Mr. Grimrod, their landlord, to address the subject. She stated that of the 25 outlined conditions of approval, six that they deem her as non-compliant primarily results around the modification of her store front window and a discontinued quarterly reporting to the chief of police. She stated that it was not her intention to fall behind on this requirement, she has had extremely extenuating circumstances that have prevented her from operating her business and ultimately her personal life. She stated that her family has suffered four tremendous losses last year, beginning with both of her parents passing within three days of each other in April, and being in the Philippines at that time created additional difficulties that she could not have foreseen. She could not leave for the Philippines until August and conditions necessitated a longer stay because of Covid. She stated that, meanwhile, her husband was in Atlanta attending to his mother's deteriorating health and ultimately lost her to cancer in November. Following her, his sister passed away in December, while trying to maintain his own health. She stated that her business and its compliance were never too far out of mind during this time and has passed both inspections from HDL and California's Department of Cannabis control in December 2021 and February 2022 respectively, and she was formally asking if the ordinance item requiring her to modify her already amply sized window be stricken from the cannabis public safety license requirement altogether, and the same for the fee associated with her request to defer the meeting. She stated that enlarging her window for the minute measurement it is lacking will not provide any more safety to her business, its employees and customers. She stated that, the way the premise is spaced out, it would not matter if the whole façade was glass as one would still not be able to see inside, even with all the lights on because of the glare. She stated that the police has the ability to see inside so much clearer with their access to their camera systems and capture every square inch of the establishment as it is the whole reason for the window requirement in the first place. She also asked that they consider that the ordinance as a whole was established several years ago and things are so different now that, having a bigger window poses a higher security risk for her business when they think of the number of break-ins they hear about for cannabis retailers around the Bay Area. She stated that they have tried to come up with a viable solution to comply with this requirement and they keep ending up with that it is impossible to attempt modifications that will not yield the ultimate result desired. She will leave it to Mr. Grimrod to explain in better detail but her last comment is that she has met other obligations imposed on her over the last couple of years and have been operating without incidents.

Acting Planning Director Murdock stated that they are ready to transition to Mr. Grimrod if he is ready to speak.

Mr. Grimrod stated he is one of the owners of the building and he designed the buildings a little over 30 years old and his understanding is that there is a slight increase in the length of the window to meet these somewhat arbitrary requirements of the ordinance that require a certain percentage of the linear frontage to be glazed and maybe a square footage requirement as well. He stated that the window they see in the photo is 8 feet wide by 6 feet tall and there is a good size piece of glass on the front door. He stated that, if the window has to be removed and that opening widened by a foot or two, it is going to trigger a total reengineering of the building and

the wood frame wood sheer wall building and the codes are becoming quite a bit stricter with respect to the earthquake forces that wood framed buildings have to resist. He stated that there would have to be another system, some metal sheer wall since they won't be as wide as they are or a moment frame which will require alternations to the foundation and, for the little benefit to the police department, it is very expensive. He stated that Anna has gotten an estimate for the trim work and glazing work for a bay window from a local window contractor for \$45,000 and that is the frosting on the cake, as the structural work will probably be double that. He suppose that they could get some estimates from contractors but it is not a small matter for the slight benefit that would accrue to the police department. He understands that they want to get a good look inside to make sure there is no illicit activities going on and he thinks the understanding is that they don't have to get out of there car and can look in. He stated that behind them is Coastside Cannabis that is in a little alley and the police can't look in from the street. He stated that it is going to be stressful to the building, hurtful to the business owners and he didn't think they can afford that kind of money. He stated that he is not interested at all in that building getting torn up for the minor benefit that would accrue.

Acting Planning Director Murdock stated that he will return them to meeting attendees and they will go on to the next speakers.

Peter Loeb, Pacifica, stated that he has lived in West Rockaway for 47 years and he stated that he will repeat what they just said, expressing his thoughts on the rationale for the requirement which he thinks is nonsense.

Ann Crow, San Francisco, stated that she comes to Pacifica every day, and she often goes by Rockaway, and she expressed her thoughts on the situation regarding their compliance with the police and seconded the idea that it doesn't make any sense and should be reconsidered.

Chair Berman closed the Public Hearing. She stated that, if the Commission would like, they can give the permittee more time to speak.

Vice Chair Hauser stated that she has a few questions, but will let Commissioner Wright ask his first, except that first she has a clarifying question for staff. She understood from the staff report that the question they are entertaining at this meeting is whether or not the business that they are looking at is in compliance with their conditions of approval. She asked if she is correct that, if they are not compliance with CEQA, then there would be more of an open forum on do they revoke the permit or change conditions of approval at another meeting of the Planning Commission.

Acting Planning Director Murdock stated that she is correct, and the scope of review at this meeting is to weigh all the evidence and the facts to determine whether or not this operator is in compliance with the required conditions of approval and Municipal code provisions that are applicable to this type of land use.

Vice Chair Hauser stated that tonight's question is binary, and are they in compliance, and at a future hearing, if they determine they are not, that is more of an open forum to figure out the solution.

Acting Planning Director Murdock agreed, stating that the subsequent revocation or suspension hearing that staff has recommended that the Planning Commission initiate would be the question

of what is the sanction or consequence should the Commission find that the operator is out of compliance at this meeting.

Vice Chair Hauser appreciated that clarification and will reserve her questions following Commissioner Wright's questions.

Chair Berman stated, related to Vice Chair Hauser's question, that if the Commission determines that the permittee is not in compliance with the COA and they review it further at a future meeting, is the permittee allowed to continue operation until that meeting.

Acting Planning Director Murdock stated that she is correct as there is no action the Commission can take at this time that would cause a cessation of the use within the jurisdiction of the Planning Commission.

Commissioner Wright asked staff, if they continue this agenda item for two weeks for some good cause, whether that would be an acceptable thing or would they be in violation of the one-year review or if they are mandated by code to make a decision at this meeting.

Acting Planning Director Murdock stated that the Commission has flexibility to continue this item should they need additional time or information to accomplish their task, i.e., to determine compliance.

Commissioner Wright asked staff if they feel, as far as the fenestration is concerned that they are in compliance with the spirit, although not the letter, or does staff feel that they are out of compliance in both the spirit of the law and the letter of the law.

Acting Planning Director Murdock stated that the City Council adopted a standard for the window design along the store front and the evidence staff has is objective that they are not in compliance with the standard.

Commissioner Wright stated that he looked at the building and the first thing he thought of was the whole structural issue and he saw the expense and maybe this isn't the best location for this type of business but he did have a couple of other questions, particularly for the landlord. He asked if they considered adding more penetration underneath the existing panel inside those base so they leave the structural elements to the left and right of the window alone and would that put them in compliance, and if they added a side light on the side of the door and made the door all glass, would that also put them in compliance for the proper percentage of square footage of the front of the store and have they given that consideration. He stated that it was not up to us to design it for them but those are a couple of ideas that he had just from observing the front of the building. He asked if staff had any input on whether that may make sense or not.

Acting Planning Director Murdock asked Sr. Planner O'Connor if she has familiarity of what options may have been considered.

Sr. Planner O'Connor stated that she can't speak to much on all the alternative they considered and that would be a best question answered by them, but she stated that they have encouraged them to be creative of how to resolve this issue and she knows that, at one point, the Police Chief was open to them installing a bay window to meet the dimension requirements. She thought the

question was probably best answered by the operator, but from staff's point of view, they have encouraged some creative thinking of how to address this requirement.

Acting Planning Director Murdock stated that he would say it in a different way, i.e., staff has not insisted on a particular solution and have the standard adopted in the Municipal code that they would review any particular design or solution and they are open to potential options.

Commissioner Wright stated that he wanted to be clear that he appreciates staff's position and tend to agree with it, and is looking for an excuse as he is pretty apparent to not go along with staff's recommendation and postpone it to give them more time to deal with some of the delinquencies and deficiencies or come up with a better plan. He was hoping that he would hear that they had submitted their quarterly reports and paid their fees already before the start of this meeting. He would like to hear from them what options they have considered besides having to reframe the whole front of the building and why can't they enlarge that doorway, put a sidelight on their to gain compliance. He would also like to hear from the police if they feel like they have enough vision as they drive by. He would like to hear the answers.

Chair Berman suggested they start with the question for the police department. He asked Police Capt. Glasgo if he would mind answering some of Commissioner Wright's questions.

Police Capt. Glasgo stated that he is unaware of any conversation as to options for a bay window, etc., and he didn't follow up with Chief Steidle regarding that, but as Acting Planning Director Murdock has stated, these parameters are approved and granted by City Council and, based on what he is hearing and seeing, they have yet to remediate that window front which he believes is going on for several years. He didn't have much more than that.

Chair Berman asked Commissioner Wright if he had any follow up questions for Capt. Glasgo.

Commissioner Wright asked if there have been any incidents there, such as disturbances, or any additional reason for concern besides compliance with these codes.

Capt. Glasgo stated that they have not reported out any significant incidents relating to that business.

Commissioner Wright stated, in terms of being complaint with the spirit of the law, a speaker brought up another cannabis store, and then stated it was a subjective question and not a fair question so he didn't have another question for him.

Acting Planning Director Murdock stated that he may have a response to the question that Commissioner Wright was trying to formulate. He stated, with respect to the other cannabis retail operations that have been approved and are operating, such as along Palmetto, etc., he stated that the city did review each of those businesses prior to their operations commencing, and reviewed the store fronts for compliance with this window and store front standard they are discussing, and in each instance, the buildings either complied, based on their existing design or, in the case of the other operator in Rockaway Beach, actually had to undertake extensive store front façade renovations at great expense to comply with the Municipal code requirement in this regard. They established a level playing field and have objectively, fairly and uniformly applied the standard adopted by the Council, and instances where they determined a store front would not comply

have forced the operators to undertake great expense and effort to achieve compliance with the Municipal code.

Vice Chair Hauser asked staff if the calculations for the glass was consistent, as she heard Acting Planning Director Murdock say that there is some level of consistency of the Municipal code and she asked if that a percentage of frontage or how is it calculated.

Acting Planning Director Murdock stated that the provision in question is outside of the zoning code and in the public safety license standards in Title 4, Chapter 16 of the Municipal code, and it says that the front façade, i.e., store front, shall be primarily glass with glass occupying at least 45% of the entire store front and 60% of the horizontal length of the store. He stated that there are some other standards prohibiting where other obstructions that would affect the use into that space. He stated that there is a surface area and a horizontal linear component.

Vice Chair Hauser stated that there was a lot of discussion about intent for the police to drive by, and she asked if that was the intent that the police can drive by without getting out of their car and look in.

Acting Planning Director Murdock stated that he worked very closely with former Police Chief Steidle in crafting the cannabis regulations and it is a two-part regime, a zoning component and a public safety license component. In preparing those standards with respect to the store front, there was more than one objective, such as making ease of visual inspection for the police department was one component, and for a general police officer on the beat, periodic inspection, and there are other components as well such as in the event of a particular incident and the police need to have the ability to have extensive, in the heat of the moment, visual access into the space so they can evaluate the situation and there is more than one public safety objective from the store front window standards that cannot be adequately replaced simply through a camera feed for example.

Vice Chair Hauser stated that he mentioned that this is the only cannabis business that we have had that isn't in compliance. She stated that they did review this at the Planning Commission, and she asked how many years has this business not been in compliance.

Acting Planning Director Murdock thought they commenced operations in fall of 2020, and the city has gone to great lengths to provide flexibility, additional time for compliance and they have no way to navigate around this annual review requirement and objectively evaluating the circumstances.

Vice Chair Hauser asked, if they find tonight that they are not in compliance, which she thinks everyone has agreed to including the owner who spoke as a member of the public, and they have the follow up hearing that they have referenced, if the options could include the Commission and staff and the future applicant working together to find a different creative solution.

Acting Planning Director Murdock stated that the standard in question is not subject to the Planning Commission's discretion and determining a solution is a staff level review for technical compliance and the Planning Commission would typically not engage in design of a business' store front to comply with the code.

Vice Chair Hauser thought that makes sense, and she didn't think she was properly conveying what she is trying to ask. She asked, if they make assertion at this time that they are not in compliance, whether the Commission can direct staff or would staff themselves work with the applicant before the next hearing to come back with a recommendation other than just revoke the permit. She asked if they will be presented with options at the next hearing.

Acting Planning Director Murdock stated that he wasn't sure what options there are other than for the business owner to achieve compliance with the Municipal code standard and the means of accomplishing that compliance are really technically specific to the building and the structural engineering considerations that might apply. He stated that Asst. City Attorney Bazzano may have more to add.

Asst. City Attorney Bazzano added that the Municipal code process relating to the annual review contemplates two options by the Municipal code, i.e., a forwarding of the permit essentially to the Planning Commission for consideration of a revocation or suspension if the permittee is out of compliance.

Chair Berman thought the Asst. City Attorney answered it but she was going to ask a more direct question, in case there is any hidden implications. She asked, if the Commission determines that the shop owner is out of compliance with any of these COAs, but specifically COA No. 9, and they meet again in the future to discuss where they go from here, is it within the Planning Commission's jurisdiction to effectively say that this particular shop owner has gone through great lengths and we can remove this condition of approval in the future.

Acting Planning Director Murdock stated they cannot, as the requirement to comply is in the Municipal code and there is no optionality to it. He stated that the sanction for that is in the Commission's discretion but they need to make a well-reasoned determination on the appropriate consequence, if any, that is based on the evidence presented. He stated that the Commission may be able to consider if there are any factors that play into the ability or timing and maybe warrant additional time and that is within the Commission's discretion. He stated that it is staff's assessment that the more time that is given, has not necessarily aided compliance in this regard. He stated that the last point is that they are focusing on the window at this point in time, but there are other components, such as payment of fees that are also out of compliance, and any single condition of approval that is out of compliance should support a finding that the operation is not operating consistent with the requirements of the approval.

Asst. City Attorney Bazzano added that, as indicated, the requirement for the window is codified in the Municipal code and the only way that it can change is through an amendment to the code and that would be done by Council.

Commissioner Wright asked if it was possible for him to ask a question of the permit holder.

Chair Berman stated that she is interested to hear from the permit holder as well. She thought they will give them a certain amount of time to speak and they could list out all of her questions so they can address each of those questions during that time. She asked Vice Chair Hauser if she had anything she wanted to talk about before they ask the permit holder to speak.

Vice Chair Hauser wanted to clarify when Acting Planning Director Murdock said that there were fees that were owed and if the amounts of fees that are delinquent could be disclosed.

Sr. Planner O'Connor stated that it is detailed in the staff report. Currently, the outstanding fees for the original processing of the cannabis activity permit, processing of the deferral agreement and the processing of the amendment of the cannabis activity permit has resulted in an outstanding fee of \$25,952.82.

Commissioner Wright asked if there are any other cannabis operations that are also behind on fees and paperwork, and are they enforcing this equally. He is trying to get a sense for how pervasive it is industrywide.

Sr. Planner O'Connor stated that, before they allow an operation to commence, they go through the conditions of approval and the payment of outstanding fees prior to commencement of operations is a standard condition that she believes to be included in each of the cannabis activity permits, ensuring that the condition was closed out would be a required step before providing the operator approval to begin. She stated that, in this case, as mentioned in the staff report, they entered a deferral agreement to delay that to after operation and that is why this operator is in unique situation.

Chair Berman asked if Commissioner Wright had any other questions.

Commissioner Wright has one further question. He asked if he is misinterpreting it, but if they find them out of compliance at this meeting, are they essentially killing them as opposed to tabling it for two weeks to buy them enough time to come back to them with at least filing the paperwork and paying their fees and having a solution for them before they have to take a vote on this kind of thing. He asked if that is an incorrect interpretation of what he is hearing.

Acting Planning Director Murdock stated that, if the Commission decide at this meeting that the operation is out of compliance and initiate the suspension or revocation hearing, that would be the first step towards a potential revocation or suspension that would discontinue this articular cannabis retail operation. He would note that, should the Commission go that route, the applicant would have up to 60 days to achieve compliance in a way that they haven't demonstrated their ability or willingness to do, despite the extensive time to date. He was not sure what difference two weeks would make because there is no conceivable way for them to obtain a building permit or to complete the renovations within two weeks. He stated that some additional period of time which would be provided by perhaps a 60-day scheduling for the revocation hearing could be appropriate as well.

Commissioner Wright stated that the only issue he has is that he just ordered as set of windows that are like 16 weeks out so he has a little bit of concern about whether they will be to comply even if they have a solution and were able to apply for the permit now to even get the fenestration that they need in time to be in compliance before they shut them down.

Acting Planning Director Murdock noted that a deferral agreement actually provided for delays associated with sourcing of the windows and it is a different issue at this point in time with respect to compliance and perhaps identifying a suitable design.

Chair Berman asked Commissioner Wright if he had anything else.

Commissioner Wright stated that for the permitting.

Commissioner Godwin stated that, on Commissioner Wright's question, he looked into the cannabis industry's sales statistics over the last few years in preparation for this meeting. He stated that that industry has had unusually high sales and has been unusually profitable over the last two years, one of the few industries that has done really well during the Covid pandemic. He stated that they are in a financially great position as they are likely to ever be it. He doesn't know about this particular operator, but the whole industry is doing extremely well from a financial point of view, better than they thought a few years ago.

Commissioner Leal reviewed the prior Planning Commission minutes for approval for this permit, and he asked if this owner was operating a cannabis business out of compliance with the Municipal code prior to receiving a cannabis permit by the city.

Sr. Planner O'Connor responded that they did, adding that maybe Asst. City Attorney Bazzano or Capt. Glasgo could speak to that but acknowledged there is some history there.

Asst. City Attorney Bazzano thought there were some compliance issues prior to the issuance of the cannabis activity permit but they moved beyond that phase and now they were just looking at the conditions of approval for the cannabis activity permit and whether they are in compliance with those conditions which includes provisions of the Municipal code compliance.

Commissioner Leal understood that, and he then asked if the Municipal code changed in relationship to the window size since the permit has been approved for the business in question.

Acting Planning Director Murdock stated that store front standard is the same as when it went into effect in 2017 with the city's first enactment of the cannabis regulations.

Asst. City Attorney Bazzano added that it was the condition of approval that required compliance with the window provisions but there was also an agreement where the permittee agreed to comply with those provisions requiring the window replacement or renovation. She wanted to point out that it was not just the condition of approval but also the deferral agreement where the permittee agreed to make those changes pursuant to a schedule and has not complied.

Chair Berman asked her when the deferment agreement was executed.

Asst. City Attorney Bazzano stated that she would have to check the staff report, and asked Sr. Planner O'Connor if she knows that answer off hand.

Sr. Planner O'Connor stated that she will check the staff report.

Chair Berman stated that, while she is checking, she will explain why she is asking. She stated that, if the agreement was signed soon after the condition of approval was added to the condition and the permits were issued, she wondered if the applicant knew the infeasibility of extending the window or meeting this requirement, which may mean due diligence wasn't done prior to the agreement execution.

Acting Planning Director Murdock stated that it looks like September 2020 is the date that the deferral agreement was executed, and this cannabis was initially permitted in September 2019 and he thought there was a lengthy period for the evaluation of the feasibility, noting that the store

front requirement was enacted in 2017 and the applicant subsequently filed an application for this particular location, subsequently was granted two years later and had a year from granting the permit to execution of the deferral agreement to evaluate feasibility and now it is nearly two years beyond execution of the deferral agreement without seemingly a concrete solution as to how to address the store front window requirement.

Vice Chair Hauser asked Acting Planning Director Murdock if she is correct in recalling that there is a limited number of permits available for the whole city.

Acting Planning Director Murdock stated she is correct, with the number of six cannabis retail operations and there are not numerical limits on the two other types of cannabis operations, manufacturing and testing.

Vice Chair Hauser asked if there was a wait list.

Acting Planning Director Murdock stated he was not aware of a wait list but Capt. Glasgo may know if there are other individuals who have recently undergone the phase 1 review and would be eligible to proceed if a license became available. He stated that the city has issued all available cannabis retail operation permits at this point in time and there are numerical limits overall for the city as well as numerical limits within the overlay zones themselves.

Capt. Glasgo stated that there was only one cannabis license in the phase 1 at this point.

Vice Chair Hauser stated that she has some thoughts but will wait until everyone is done asking questions.

Chair Berman stated that she would like to give the store operator an opportunity to speak again.

Commissioner Wright referred to the fees that are due, and asked how much of those fees are related to the whole window issue and how much are outside of that, as he is trying to get a feel for what is driving the non-compliance from their side.

Sr. Planner O'Connor stated that the \$25,000 value she detailed earlier is not associated with the window costs but is outside the window improvement and only associated with staff and city costs with processing their cannabis activity permit and deferral agreement.

Commissioner Wright stated that he spends a lot of time dealing with real estate issues, and one of the neighborhoods where he deals with a lot of property, the cannabis providers go out and treat the streets in the neighborhood and do a lot of real public good, and he asked if there is any public good that comes out of this establishment other than fees and tax revenue that would be lost in the event that they find them out of compliance and start them on a road to suspension or revocation of their permit.

Acting Planning Director Murdock stated that there is no required community benefit component to the city cannabis permitting, and to what private activities the business owner may undertake in terms of community involvement, charitable giving, etc., they would need to detail that as that is information that staff does not have.

Chair Berman stated that there are no other hands raised so she would like to give the store operator an opportunity to speak. She asked Acting Planning Director Murdock if they can allocate them whatever time they would like or direct them.

Acting Planning Director Murdock stated that he would defer to the Asst. City Attorney as to what the perfect guidelines to be considered should be.

Asst. City Attorney Bazzano stated that she would recommend that, instead of giving them a set amount of time, they can reopen the public comment period to allow the permittee to answer questions of the Planning Commissioners and they can ask the questions and get responses and allowing the permittee more time to provide information.

Chair Berman stated that is what she will do, thus, reopen up the public comment period to allow the store operator the opportunity to speak to some of the questions they already had and then also to engage in a dialogue with the Planning Commission where, if they have subsequent questions, they can address them.

Acting Planning Director Murdock stated that he will need to promote the permittee to a panelist and he will turn off the video and they can engage in the dialogue. He asked Ms. Anna Williams to confirm that she is able to speak.

Ms. Williams stated that she is able to speak. She thanked them for this additional time as she would like to address everything that they have mentioned. She stated that she would like to start from the beginning. She stated that, when this process started, some of the operators had already been in existence in operating before. She stated that a couple of them had their store fronts already, as the Fog Center. She didn't know if they had to enlarge their window, but they met those specifications already. She stated that the other three she is thinking of were brand new and were able to accommodate those specifications that they have in the ordinance. She stated that they were an existing store front already and she wished whoever came up with the ordinances had taken that into consideration as that put them behind the ball already. She stated that they opened during Covid and, when they asked for a deferment, they knew that the amount of money it was going to take for them to meet this requirement and they wanted to comply, but they didn't know how much it was going to take for them to comply when they asked for a deferment. She stated that they asked Dial Glass to come out and give them a quote based on what they thought would meet the requirement but every time they asked for a quote, it came back to that it was almost impossible outside of tearing down the whole building and starting from scratch. She stated that Mr. Grimrod had explained, in a condensed form, how difficult it would be. She referred to the point Commissioner Godwin gave about the cannabis industry doing so well, and she stated she would like to be part of that number, but unfortunately she is not. She doesn't know where he got his information but, as a whole in California, the cannabis industry is not doing well. She stated that the governor had given some kind of money to help the industry come out of its hole. She stated that they are not getting the revenue they thought they would be able to give them. She then was ready to answer any other questions.

Chair Berman stated that Commissioner Wright stated he had some question and she asked if he wants to ask them now.

Commissioner Wright stated he did. He then referred to the percentage of the front of the building, he thought using the existing header, thus maintaining the existing structural integrity

of the front of the building, and they added a small window underneath, i.e., a tempered laminated glass underneath the existing 8-foot window, could they pick up an additional 8 square feet of glass, and if they enlarged the opening size of the door a little bit and added a side light on the side of the door and made it 100% glass door, in the permitholder's opinion, would that bring them into compliance and is it something they considered in their process in terms of trying to comply with this code.

Ms. Williams stated that, if they made the door all glass, it would still not meet the requirement and short a little bit.

Commissioner Wright stated that was what he meant by adding a side light.

Ms. Williams stated that she doesn't know what a side light is.

Commissioner Wright stated that you have the operating portion of the door that would be 100% glass and then there would be a small almost window like structure at the same height of the door right next to it.

Ms. Williams asked if that would be the part that would require reengineering because the wall that he is referring to is only about 3 feet wide and, if they took anymore of that, it would jeopardize the structure of the whole front of the building because that whole glass is not going to carry the weight of the building.

Commissioner Wright stated that he would ask that same question of the landlord.

Mr. Grimrod stated that it is a wood frame shear wall construction and as soon as you touch the shear walls, you open up a can of worms with the engineer.

Commissioner Wright thought it was not a shear wall around the door.

Mr. Grimrod stated that, if you see the photo on the street, on the right side, it is not a shear wall as it is too narrow. On the left, he thought they have about five feet of shear wall that goes across the window to the left side of the building, there is a 3-foot shear wall. He stated that 3-foot is marginal in terms of wood frame plywood shear walls. He stated that, to put a side light, it is probably a foot and a half and you would have to shorten that shear wall between the door and the window. He stated that you start from scratch with the engineer and they have to meet current code and they become much more restrictive for earthquake forces in the last 30 years. He stated that the replacement shear walls are systems whether a moment frame of steel or steel shear walls requiring tremendously large hold downs, much larger than what are in there now and it requires reworking the foundation also. He stated that he thinks about what it takes to change or tweak the original requirement which was arbitrary. He doesn't blame anybody as they are trying to figure out what would work, but Ms. Williams made a very good point. It is an existing structure and it is a nice looking existing structure. He stated that the place on the alley across the street had virtually no openings and when they walked into it, they knew they were going to have to get in and take care of business, but they didn't have to wreck up a nice building. He stated that he designed the building, worked on it with his partners and it was redevelopment and they did a good job and a lot of people like what they have done in Rockaway. He stated he has designed three projects in Rockaway. He stated that everybody is spending a lot of time talking about it. He stated that staff and city engineer are very professional in the way they look at this. He asked

that they use common sense, asking what it will take to maybe tweak the original requirements. He stated that, to put a window down low, will the police come up and get down on hands and knees and look in that front. He thought it maybe could be done, but he asked how it helps anyone. He stated that it is very expensive to do this project and it has gotten more expensive since he originally brought into the picture. He stated that construction costs have gone nuts during the Covid era.

Commissioner Wright referred to the right of the door, which he is saying is about 18 inches long, and he thought he heard him say that is not something that is functioning in a shear capacity.

Mr. Grimrod stated that is true.

Commissioner Wright asked if there was a reason they couldn't put the side light on that side of the door.

Mr. Grimrod stated that the return wall that goes to the depth of the building is a 6-inch wall. He didn't think you get much of a side light in there and it looks at the stairway that goes upstairs. He stated that they can come down and look at that window in the evening when the lights are on and you can see everything inside that store.

Commissioner Wright asked if he understands that is not the question that they are considering at this time. They are not in charge of making that rule. Their decision is whether they are compliance or not. He stated that it doesn't seem to him like, even in trying to offer some possibilities, that they are looking for a way to be in compliance, but for a way to change the rules and he doesn't think he understands the gravity of the decision that they are about to make. He wants to be sure they understand that prior to rendering a decision.

Mr. Grimrod stated that he is not involved the business. He is a building owner and he just wished there could be some creative way to give these people a break. He followed their turmoil with the city and he asked Ms. Williams to make a list of how many tens of thousands of dollars they have paid to the city and they will pay their fees. He stated that the fees remaining on these conditions of approval are minor issues compared to this window thing, and it is hard for them to dump more money into this if they can't see the way financially to do the repair on the window. He stated that it is an existing building and it is difficult.

Commissioner Wright has a follow up question for Ms. Williams. He heard from a clientele who were aware that this was coming tonight and he thought what he was hearing and he would like Ms. Williams to verify this. He asked if she serves a particular special type of clientele and is there something that makes her unique and special.

Ms. Williams stated that they do. Their main clientele consists of people who are of a certain age, 50 and up. The reason they focus on this population because they feel that, when cannabis became legal, these were the people that needed more information, more hand holding because they are dealing with health issues and everyone else is concerned with making money hand over fist and these are the people who needed more time to be given information on how to actually use cannabis for health and medicine. She feels that they provide that service to this population and she thought, off the top of her head, they probably spend anywhere from 10-20 minutes per customer when they come in asking for information on what kind of cannabis to use.

Commissioner Wright asked if they were in a position to be able to catch up on their fees and paperwork if they were to be given a two-week reprieve.

Ms. Williams stated that she has already submitted a catch up report to Capt. Glasgo and Interim Chief Stratton. She didn't know what it was worth but she sent it to them today and they copied Sr. Planner O'Connor on that.

Commissioner Wright asked if she sent that electronically or by mail or in hand.

Ms. Williams stated by email and Chief Stratton has responded on receipt of that.

Commissioner Wright asked if she was in a position to pay the fees that are outstanding.

Ms. Williams stated that she was not in the position to pay that all in one lump sum and would ask for a payment plan as she did with the attorney's fees from before so that they will be able to pay off.

Commissioner Wright stated that she did comply with that condition of that payment plan the last time.

Ms. Williams stated that she did pay the attorney fees.

Commissioner Wright asked if she thinks she has a good working relationship with her landlord and feels that the two of them can work together to try to find a solution to bringing their business into compliance or does she feel at this point she is at a stalemate and the only way she is going to get through this is to change the rules.

Ms. Williams stated that she and Mr. Grimrod have been working on it during the permitting process for two years. She stated that they have come to a point where it is a stalemate situation and that is why she asked if this was doable to do away with the requirement altogether.

Commissioner Wright stated that is all the questions he has, except asking if she is under the impression that, regardless of what decision they make at this time, she has an opportunity to appeal their decision to City Council or what is her interpretation of what happens after they make their decision.

Ms. Williams stated that she is aware of the ability to appeal but she was not aware that there could be a follow up within the Planning Commission's department.

Commissioner Wright, stated that, after they are done with the applicant, he would like to hear from staff on whether this is appealable to Council or not.

Chair Berman stated, before passing his question to staff of whether this is appealable, she thought it sounds like a quarterly report has been submitted and is it staff's opinion that Condition No. 20 is satisfied now.

Capt. Glasgo stated that he did receive a quarterly compliance report from January through March and then April through June 2022, and in reviewing the compliance report, it is similar to other

past client compliance reports and, if they are following the same standard, yes, it would be in compliance unless Sr. Planner O'Connor does not feel as it relates to the meat of this report.

Sr. Planner O'Connor would only feel that this quarterly compliance reporting requirement is a condition of approval that the Chief of Police at the time suggested and the Planning Commission include it in the resolution as a way to increase the monitoring of the operator. She stated that it was going to be up to the Police's description if they're in compliance. The only thing she will add is that it is her understanding is the operator's last quarterly report was March 2021 and the quarterly reports that were submitted today only covered the first half of 2022 so there seems to be three fourths of the year that isn't covered, but she will leave it to the Police to address that.

Capt. Glasgo added that, based on the quarterly report he received, given the months he had, they would be in compliance for the months in which he received the report.

Chair Berman asked if the rest quarterly report would end in September.

Capt. Glasgo responded affirmatively.

Vice Chair Hauser asked if they need to reclose the public comment period.

Chair Berman asked if any other commissioners had questions for the store operator and, seeing no hands, she closed the reopened public comment. She reminded the commission that they are considering whether or not the store operator is in compliance with the COA presented before the Commission at this time, and at a future public hearing they will be determining the next steps.

Vice Chair Hauser stated that it may sound harsh, but it is a very nice building and she thinks Mr. Grimrod has done a wonderful job with the aesthetic of the building, but she thinks rules have reasons and she thinks the code tries to ensure that there is parity or quality amongst uses for everyone. She mentioned that Acting Planning Director Murdock said there were other businesses that put a lot of effort into following their conditions of approval and, while she understands the issue and is empathetic, she feels that the city has given a lot of leeway and there has been a lack of communication and follow through. She stated that the thing that strikes her is that the city fees haven't been paid. She wasn't sure she sees any evidence of _____ and she goes back to the initial question that they are being asked if they are in compliance. Staff is saying no, the business owner is acknowledging that they are not, and she didn't know how to make another finding and they have to concur with staff's recommendation. She appreciates local businesses, and has spent a lot of time on the EDC trying to help local businesses and she doesn't see how they can make any other conclusions at this time.

Commissioner Wright stated that he finds it very hard to argue with Vice Chair Hauser but it doesn't sound to him like the permit holder and the landlord understood the severity and consequences of the decision that they are about to make. He wonders if tabling this for two weeks to let that sink in so they can understand that no window, no tenant is basically where they are headed with this, and they can see if they can't pay the fees in that two-week period and come up with a more concrete plan in order to preserve the existing business. He would be in favor of that as he cannot disagree with Vice Chair Hauser's appreciation of the situation; however, he thinks it is within their power to table it to their next meeting.

Acting Planning Director Murdock stated that he would like to read a brief email he sent to the permittee on August 11, basically stating what staff had put on the agenda and what their requirements were that they did not comply with and what the consequences would be for their business. He felt staff made reasonable attempts to advise the applicant the important and potential severity the outcome of this item.

Commissioner Wright agrees that staff is doing the right thing, but there is more than one piece at play here and that might be where some of the frustration is coming. He thought there was the building owner's perspective and the permitholder's problem. He stated that, getting both of them going in the same direction, as they have stated, reached a point of impasse and he was having a hard time coming to the conclusion that there would be great public harm in giving them two weeks to try to sort through that and see if they can getting going in the same direction. He concurs with staff reaching out to them to try to give them ample warning as well as Vice Chair Hauser's statement.

Chair Berman stated that, given what they learned at this time about condition of approval No. 20, she personally thinks the permitholder is in compliance with that condition at this time.

Commissioner Leal stated that he generally agrees with everything Vice Chair Hauser mentioned around this being a binary decision and it is whether they are currently in compliance or not. He stated that they can discuss the different conditions of approval that the previous Planning Commission and the permitholder agreed to. He is in agreement with staff's recommendation in the staff report. He stated that, it is his understanding from staff that they still have not completed the reports from last year so without trying to look at the compliance reports needed to be submitted, it seemed like it is incomplete going back to the original date of the permit up until current date as there are missing reports from last year.

Chair Berman stated that she missed that, as she assumed those were completed. She asked Capt. Glasgo if he could clarify or confirm that Commissioner Leal is correct.

Capt. Glasgo stated that is why he stated that the report he has covering those specific months are in compliance but he is correct in his assumption as to the 2021 quarterly reports.

Commissioner Wright thought, as this is the first one they are reviewed, it was important that people understand that when they have rules we need people to follow them and we can't change the rules. He stated enforcement will begin and he finds himself in a position of trying to choose between giving them two weeks to come up with a better plan or finding them out of compliance. He stated that he would like to make a motion that they table it for a vote in two weeks and if there was a second that would be great.

Chair Berman stated, before they get to a motion, she wants to better understand what the process forward would be if they consider a continuation at this time to a future Commission meeting date that would give the permitholder more time to comply with the condition and would reconvene and talk about the same thing they talked about at this meeting and, if at that time they determine they are not in compliance, they would proceed and the applicant would have 60 days. She asked Acting Planning Director Murdock what the next step would be, continue to a date certain, not necessarily 60 days, and determine what the next step will be, i.e., suspension or revoking the permit, and the applicant has 60 days.

Acting Planning Director Murdock stated that the process staff has identified requires that, first, the Commission complete its annual review and as a potential subsequent component, the scheduling of the suspension or revocation hearing. He stated that the second step has a prerequisite that the Commission complete the annual review. He stated that could occur at this meeting or a continued annual review at another Planning Commission meeting, which is up to the Commission. He stated that they would not be able to initiate the suspension or revocation proceeding without completion of the annual review process.

Chair Berman asked, once they get to the suspension or revocation hearing, what happens after then.

Acting Planning Director Murdock stated that the Commission would hear evidence as to the degree of non-compliance with the Municipal code requirements and any conditions of approval and any other laws that the operator may be failing to comply with, which is a broader consideration of all factors weighing in favor of potential suspension or revocation as they pertain to the obligations of this operation to comply with the Municipal code, conditions of approval and any other applicable laws governing their operation. Then, the Commission can decide whether or not to suspend or revoke the cannabis activity permit and that action by the Commission would be subject to appeal to the City Council.

Chair Berman asked, if the Commission at that point were to decide to suspend the permit, whether the permit would be suspended until all conditions were brought into compliance and then automatically gets reinstated.

Acting Planning Director Murdock thought the specific formulation of the suspension and conditions required to resume operations would be within the Commission's discretion, such as say they have a fixed time period suspension and they may resume or an indefinite suspension until they achieve compliance or some other formulation, but he wasn't sure what the other options might be. He thought there was some discretion as to the sanction in the event of a suspension.

Chair Berman wanted to wrap her head around what the differences would be between revocation and suspension of the operation.

Vice Chair Hauser asked staff to clarify something Commissioner Wright has said as she thinks the clarification is material in light of the motion that was made. She agrees that it is important to provide the owners with a first warning, but she understands that this came to the Planning Commission in 2021, also not in compliance, and was given leeway in 2021, and now it is about a year later and still not in compliance. She asked if she is correct.

Acting Planning Director Murdock asked Sr. Planner O'Connor to outline the chronology.

Sr. Planner O'Connor stated that, in September 2020, the operator entered a deferral agreement with the city and execution of that agreement allowed staff to sign off on their permit and allow them to commence operation with the understanding that they would apply for an amendment of their cannabis activity permit to formally amend the conditions of approval and have Planning Commission approve that. She stated that they did that and it was presented to the Planning Commission in February 2021 and that set the timelines for the window modification requirement and the payment up fees, which as discussed were missed. She didn't know it is completely

accurate to say that they were operating without being in compliance from September 2020 through February 2021 because the deferral agreement that the city entered with them allowed them to do that operation.

Vice Chair Hauser asked if she was recalling correctly that they asked the applicant if they were giving them enough time and room to make the adjustments and they said they had been given enough time.

Sr. Planner O'Connor responded affirmatively.

Vice Chair Hauser stated that, given that history and what Acting Planning Director Murdock has said jives, she didn't know how the business owner would be able to pay \$25,000, provide two more quarters of reports, get a permit for a window, order windows that will take 16 weeks to install them by giving them two more weeks. She would probably not feel comfortable seconding the motion but she appreciated the spirit of it. She knows where everyone's part is on this because she is feeling the same way but she doesn't know how she can get around that.

Asst. City Attorney Bazzano stated that they have a motion on the floor but she doesn't know if Commissioner Wright has his hand up because he wants to add anything or if he is still looking for a second.

Commissioner Wright stated that he is still looking for a second but he had a couple of follow up questions. He wondered if there was a variance of application options to applicant or to permitholder, i.e., can they transfer that license from one location to another, as it seems to him that the landlord is stating pretty clearly that is building is not really good for this type of business and he asked how many other sites are available in the event that the license isn't transferable and they have one other applicant in process. He stated when they canvassed originally, how many other sites were more or less available.

Acting Planning Director Murdock stated that a variance is not an option to provide relief in this instance. As they noted earlier, this store front window requirement is not in the zoning code where it may otherwise subject to approval of a variance, thus it is a compliance or not compliance question, with no discretion or exception and no relief available in this instance. Regarding the question of availability of alternative locations, this permit is non-transferable to a different location and, should the permit become invalid, either through lack of _____ or revocation by the city, the applicant would need to apply a new permit for the new location and all the detailed review, including the security plan, store front window and other requirements would need to be evaluated for that new location. He stated that it may be possible for this same operator to obtain that permit in another location but they would need to abandon this permit before applying for the other permit because one permittee can only hold one permit, pursuant to the Pacifica Municipal code. As to the availability of spaces, he would say that, overall, there are relatively few places in Pacifica where this business would be allowed to be conducted. He stated that, to start, they need to be located in a cannabis overlay zone pursuant to our zoning map and they need to comply with all the applicable buffer requirements, including preschools, K-12 schools, etc., and its conditioned to other locational criteria. Then, the store front itself would need to be eligible to comply with all the Municipal code requirements. He stated that there has been much discussion this evening by the Commission of standards, and they are there for a reason, and it is a question of compliance or non-compliance. He stated that he has been involved with the city's cannabis program since its inception and there was at least one cannabis applicant

that he can think of specifically that wanted to operate a cannabis retail operation but could not comply with the locational requirements and they were ultimately unsuccessful in getting a change to the buffer requirements and not allowed to pursue a permit. He stated that was the outcome as there was a standard the Council adopted and everyone had to comply with it. He stated that another operator would not have been eligible, due to the numerical limitations, and they put the time in to engage Council and Council amended the code to allow an additional operation in that overlay district, and those are two examples where the standard was applied and there was a consequence for the standard for a potential operator and another example where the operator engaged in Council and sought desired changes to the rules so they could undertake their business. He is not sure if this applicant sought to engage with Council, but that is where the store front window requirement could be changed by only the City Council, as Asst. City Attorney Bazzano noted.

Commissioner Wright asked if it was possible to directly ask the permitholder whether they are of the opinion that, in two weeks, they could have a concrete plan and pay those fees.

Chair Berman believes they have to open up public comment again, and she sees approval from the Asst. City Attorney. She was willing to do that, but she has a couple of questions that will help her determine if she would like to second Commissioner Wright's motion. In considering continuation for a couple of weeks for additional time for the applicant before they literally bring this item back, she wondered if staff fees associated with preparing for this public hearing and preparing for another public hearing are billed to the permittee.

Sr. Planner O'Connor stated that, per the Municipal code, they are allowed to collect fees for this work, but they have not requested those from this permittee at this time.

Chair Berman referred to staff's opinion if this was continued to another public hearing, and asked if those fees would be subject to the permittee and does staff plan on billing the permittee if there is an unforeseen additional public hearing.

Acting Planning Director Murdock stated that they have no plan at this time and the annual review process overall is relatively un-intensive for staff to prepare, and should there be some significant change in the nature of the review process for further analysis or information that would be burdensome on staff, they may need to consider collecting a fee, but at this time, there is no plan to do so.

Chair Berman referred to the hypothetical past, she stated if they gave the permittee a couple of more weeks, she assumed that they probably still won't be compliant with COA No. 9. She understands that it could be possible to comply with COA Nos. 18 and 20, and she asked if there was any benefit to complying with a few more COAs when there is already a couple of COAs that the applicant will not comply with and they will have to go down the same path regardless.

Sr. Planner O'Connor stated that the findings in the staff report would just be reduced to finding non-compliance with the remaining COAs with a similar recommendation.

Chair Berman stated, if they did not continue this public hearing and if the Commission found that there are conditions that are not compliant and they move on to the next public hearing to consider suspension or revocation of the permit, but before that time, the permittee complies with all the COAs, can they effectively take that meeting off the agenda.

Acting Planning Director Murdock thought potential future compliance will be a matter to be determined by the Planning Commission and not unilaterally by staff, so should they proceed to the point where they schedule a suspension or revocation hearing they would likely keep that hearing date but achieving full compliance with the requirements would result in a staff recommendation to reflect that and not to continue through with the potential suspension or revocation.

Commissioner Leal stated that he was ready to make a different motion than the one currently on the floor, but he didn't know if he could do that now.

Asst. City Attorney Bazzano stated that they have to proceed with the motion on the floor first and if the Planning Commission is ready to proceed with that motion, they can ask for a second.

Chair Berman asked Commissioner Wright if he would like to restate the motion.

Commissioner Wright would like to move that they give the permitholder two additional weeks to come into compliance with No. 18 and No. 20 and have a solid plan with the landlord's cooperation to become compliant with No. 9. As an aside, if they don't give them two weeks, he didn't see any way that he could clearly see himself to not vote them out of compliance as it is a fact.

Acting Planning Director Murdock stated, for the sake of the maker of the motion, the Planning Commission's next regular meeting is on September 6, which is a Tuesday and it would effectively provide three weeks between this meeting and the next opportunity to continue this item.

Commissioner Wright stated he will restate his motion to the next regularly scheduled meeting on September 6.

Chair Berman stated that she has a clarification question. Her interpretation of his motion is that he wants to give additional time for the permittee to comply with a couple of the COAs, understanding and recognizing that one of the COAs will most likely still not be in compliance and she asked if, at that time, the same finding would be made that they are not in compliance.

Commissioner Wright he thought, if they have a plan and eliminated two of them, they should be in the process of applying for the permit to come into compliance and during the 60 days before they consider the suspension or revocation of their license, they will hopefully be able to achieve the coming into compliance to then make it moot at that time, sometime in October or November and that is his goal. He stated that it starts with two weeks for both the landlord to understand that he is going to lose this tenant and for the business owner to understand the severity of the consequences of the decision they are about to make.

Acting Planning Director Murdock wanted the Commission to be aware that the applicant did file a building permit application for this window modification and the city provided comments in March 2021 and there has been no response from the applicant in that interceding period.

Chair Berman stated that she would personally like to give the applicant as much help as possible, but she doesn't quite align with Commissioner Wright's path forward. She thought, if

they continued this to September 6, it is very likely that, even though a thoughtful plan to be in compliance with the window requirement may be in place, it won't be in compliance because it won't be constructed yet. She would love to find another loophole and she was more inclined to proceed as staff recommends and Vice Chair Hauser mentioned earlier. As there is a motion on the floor, she asked if anyone wants to second it.

Asst. City Attorney Bazzano stated that the motion will fail if there is no second, and they can proceed to another motion if a Planning Commissioner desires to make a motion.

Chair Berman stated that it looks like that motion failed, and she will look for an additional motion.

Commissioner Leal moved to Adopt the attached resolution to Find that the annual review of the cannabis retail operation is exempt from the California Environment Quality Act; Find that the operation of the cannabis retail operation at 450 Dondee Way, Suite 2 (APN 022-021-640) authorized by Cannabis Activity Permit CAP-8-18 (File No. 2018-029) is not in compliance with the requirements of Article 48 of Chapter 4 of Title 9 of the PMC or the requirements of Planning Commission Resolution Nos. 2019-031 and 2021-001; and taking other actions pertaining to a public hearing to consider suspension or revocation of CAP-8-18; Vice Chair Hauser seconded the motion.

Acting Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

Ayes: Commissioners Godwin, Hauser, Leal, Wright and
Chair Berman
Noes: None

CONTINUED PUBLIC HEARINGS

- 3. CDP-440-22** **File No. 2022-015 – Coastal Development Permit CDP-440-22**
to install a wireless detection system module onto an existing structure within the State Route (SR) 1 right-of-way (ROW) at the northeastern corner of the SR 1 intersection with Reina Del Mar Avenue and erection of one variable message sign and associated improvements within SR 1 ROW immediately west of an undeveloped property (APN 018-140-700) in Pacifica as part of Caltrans SR 1 Traffic Operations Systems Improvement Project. Recommended CEQA Action: N/A.

Sr. Planner O'Connor presented the staff report.

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

Commissioner Leal stated that he was ready to make a motion but he saw Commissioner Wright's hand go up and, if he has comments, he will defer to him.

Commissioner Wright was going to make a motion or was happy to second his.

Commissioner Leal moved to continue hearing on Location 9-2 to the regular meeting of the Planning Commission on Tuesday, September 6, 2022; Commissioner Wright seconded the motion.

Acting Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

Ayes: Commissioners Godwin, Hauser, Leal, Wright and
 Chair Berman
Noes: None

Chair Berman stated that, before moving on, she wanted to know if any Commissioners need to recuse themselves, and she would like to take a 5-minute break.

Commissioner Leal stated that he will need to recuse himself from the next item due to ownership of real property within the Sharp Park Specific Plan area.

Commissioner Wright wanted to confirm that they still have a quorum.

Chair Berman thought they did. She then called a break, then reconvened the meeting.

4. 2020-007 Consideration of Sharp Park Specific Plan and Recommendation to City Council.

Recommended CEQA Action: Find adoption of the Sharp Park Specific Plan substantially consistent with the General Plan Update and Sharp Park Specific Plan Final Environmental Impact Report, State Clearinghouse No. 2012022046.

Acting Planning Director Murdock stated that he needed confirmation that they had a quorum as Commissioner Godwin did not appear to be present.

Chair Berman asked if Commissioner Godwin could confirm his presence.

Commissioner Godwin confirmed his presence.

Acting Planning Director Murdock stated that he was joined by Consultants Alison Moore and Rajeev Bhatia from Dyett & Bhatia, and gave a brief introduction of the staff report.

Consultant Moore presented the staff report.

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

Vice Chair Hauser asked if the chair was anticipating going chapter by chapter like the previous meeting or what other process was she considering.

Chair Berman stated that she personally only had a handful of questions for this meeting, and if the Commission would like to go chapter by chapter, she was happy to do that.

Vice Chair Hauser she appreciated that process as otherwise the questions will jump around. She has some questions and clarifications, but she thought they were sufficient and she wouldn't need to see another redline and can incorporate any last remaining things but she has enough that it would be helpful to go chapter by chapter.

Chair Berman stated that sometimes, when going chapter by chapter, they lose sight of the items that Ms. Moore presents in her Power Point and she wants to be sure they don't as they may come to a recommendation at the end of this item rather than a continuance. She asked Vice Chair Hauser if she would like to address Ms. Moore's questions within each chapter and Ms. Moore can ping them and ask that they talk about a certain item or would she like to review her questions now or after the go chapter by chapter.

Vice Chair Hauser stated she would like to go chapter by chapter, if it pleases the Commission, but she was open. She stated she is open to whatever Commissioner Wright feels strongly about.

Commissioner Wright stated Chair and Vice Chair have come with a list of questions, but he is wondering, depending on the answers to those questions, if they think they can incorporate whatever changes may be required in a motion that they make in order to forward a recommend to Council or how are they envisioning the next step from this point.

Chair Berman stated that Vice Chair Hauser could agree or not, but what they talk about and deliberate on chapter by chapter may have some comments that they would like incorporated,

similar to what they did with the General Plan. They hope staff takes diligent notes and they can work on a lump sum approach to recommend that the revisions be made and with those changes, they recommend approval.

Commissioner Wright asked, as they do chapter by chapter, if they are intending to include any of those recommendations in their motion, that they be very succinct and clear about that in instructions to staff so they make sure that they capture everything when that time comes.

Acting Planning Director Murdock stated that what staff can offer to facilitate that is that they will be keeping their running notes of the Commission's discussion and can read that back once they get to the end and, in the context of a motion, they can read what those are and make sure there is confirmation by the maker of the motion.

Chair Berman thought that sounded good and would be helpful. She referred to their recommendation for the General Plan, and stated that there was an opportunity for the liaison to review the staff report that will go to City Council with the recommendation and, if there is anything that was accidentally omitted but was included in the record, they did a small addendum. She asked if that is the case for this item.

Acting Planning Director Murdock thought the same opportunity would be available and whichever Commissioner ends up being the liaison could provide that confirmation/validation for Council at their hearing.

Chair Berman stated that they will then go chapter by chapter, beginning with Chapter 1 and asked for any questions or comments. She saw no questions or comments and then moved on to Chapter 2 and asked for any questions or comments. She saw none for this chapter so moved on to Chapter 3 and asked for any questions or comments.

Vice Chair Hauser stated that this chapter has the bulk of her questions but she has a couple in Chapter 5. She referred to 3-9 in Table 3-3, PSP, stating the density range is an equal 5 instead of a dash. She stated that was minor but the bigger one is that they added footnote 8 which she thinks is well-written but she doesn't see it referenced anywhere in the table but maybe she missed or she thought it might have got crossed out as it got renumbered and she suggested that they add that as a footnote to the title. She asked Ms. Moore if she can keep going or if she wants her to wait.

Consultant Moore stated that she can go ahead and she is going to have this up to reference.

Vice Chair Hauser referred to 3-11, under Mixed-Use Center, the last paragraph which she believes were part of her two slides and she noticed that the first part at the Eureka Square site, the minimum commercial, etc., was new language but it wasn't shown in the redline and she found another paragraph like that. She asked if there were any other changes beyond the scope that they discussed at the last meeting that were added or removed and were not redlined.

Consultant Moore stated that she has been doing many new redlines in design, but this paragraph was active commercial.

Vice Chair Hauser stated that she is not worried, as she is not rereading the whole thing between the previous and present meeting, and she was only paying attention to your redlines versus

comments. She wants to be sure that what was added or removed was the scope of what they discussed and nothing that happened after the fact that staff proposed. She asked if that was a fair statement.

Consultant Moore agreed.

Vice Chair Hauser stated that what they talked about at the last few meetings was that residential uses are only allowed on the residential component of the site, not just ground floor residential and she would remove the word ground. She thought there needs to be a graphic that accompanies this in whatever goes to Council. She asked staff where this residential component of the site is anticipated.

Acting Planning Director Murdock isn't sure they have that answer as the Commission had intentionally avoided diagramming the Eureka Square site to specify where that would be and left it more to a standard phased approach to provide flexibility for a future site design, if she is understanding her question.

Vice Chair Hauser wanted to think it through. She stated, if she was a developer, come to the city, want to just do residential and she would say, it is all the residential portion of the site, how does staff say it is not, and what is the mechanism by which they monitor that.

Acting Planning Director Murdock stated that the intention was that the language that says any building or buildings containing residential use shall be limited to no more than half of the site area and that was the standard based approach to provide that flexibility. He stated that there are other ways to go about it.

Vice Chair Hauser understood, adding that it makes more sense. She suggested Ms. Moore delete the word ground in the last sentence as residential uses are limited to half the site and that explanation also drives this addition that she is asking, i.e., residential uses are only allowed on the residential component of the site and are only allowed once the commercial FAR minimums are met or exceeded. She asked that they let her know when they are ready to move on.

Consultant Moore agreed.

Vice Chair Hauser referred to 3-12, and she thought that the footnote 8 that she added to the table was so well worded and that new redline maximum base height shall be 35, and she thought the last sentence regarding what maximum height variations the Planning Commission may allow was a little too nebulous and she thought they should reiterate what she already stated in footnote 8 and after the parenthetical that says interpolated to the nearest hundred, she would say at Eureka Square, base height shall be 45 feet with an additional 5 feet for every .75 FAR increase in commercial uses up to a maximum of 55.

Consultant Moore asked her if she could tell her the note number and height.

Vice Chair Hauser stated it was footnote 8. She stated the idea was to restate those restrictions rather than providing the nebulous last sentence of variations.

Consultant Moore confirmed she got it.

Vice Chair Hauser referred to page 3-13, stating she has no changes but notes that the second to last paragraph on the left side should be a redline. She asked that Ms. Moore let her know when she was ready.

Consultant Moore confirmed that she can continue.

Vice Chair Hauser referred to page 3-16, bottom paragraph on the left side, stating that they changed it to 170 units but it should be 171, i.e., 5.7 acres times 30 is 171.

Consultant Moore confirmed that.

Vice Chair Hauser referred to page 3-17, 3-I-1, and at the last meeting, she asked if they could delete as well as on upper stories except for active ground store uses, as she thinks it confuses the policy.

Consultant Moore clarified that it is delete after the comment except for active ground floor uses or building design features are required.

Vice Chair Hauser confirmed that was her request. She referred to page 3-20, policy 3-I-24, and thought it should be reworded the same way as they reworded on the paragraph of the document so it should just say residential uses are only allowed on the residential component of the site once the .3 minimum FAR requirement is met or exceeded. She reiterated that it is the same comment from the last. She referred to page 3-24, policy 3-I-39, and she still thought it was not worded in the way that's clear although it is much better. She stated that she had trouble rewording it herself, but she thought this is an improvement. She suggested saying provided that projects include at least one affordable unit to lower income household, (delete the word and) one unit affordable to moderate income households, then delete "projects that", and have it say and fall below applicability of the City's inclusionary housing ordinance are allowed at the following.

Consultant Moore confirmed that change.

Vice Chair Hauser stated that she didn't know where the appropriate place is in this policy but she would make it very clear that this is based on the quantity of units which is currently set at five units based on the city's inclusionary housing ordinance. She then referred to the last sentence, stating she would say projects invoking state density bonus or which contain a quantity of units that trigger the city's affordable housing ordinance and continue with are not entitled to these modifications.

Consultant Moore asked Acting Planning Director Murdock to confirm the number of units as she thought it was eight.

Acting Planning Director Murdock stated that the city's inclusionary zoning ordinance kicks in with a project size of eight units or more.

Vice Chair Hauser concluded she was wrong.

Consultant Moore thought they had left the unit count off intentionally in case the ordinance changed in the future.

Vice Chair Hauser agreed with that, and the reason she added which is currently set at eight units, she had a linked back to the ordinance but she wanted to make it clear to the reader what this is actually trying to say. She stated that, if they can make it more clear, she isn't tied to stating the number, but she thinks it is hard for someone to understand. She stated that are the only changes she has.

Commissioner Wright stated, regarding the last comment, he would be more inclined to include the number to be on the safe side so they don't capture anything smaller to make it an unaffordable project if they need to have multiple less than market units to make sure it is still attractive to developers to get what our final goal is. He didn't see any problems with these issues, but would also be interested to know if staff concurs and supports all of those issues.

Acting Planning Director Murdock reminded the Commission that this policy was meant to provide an incentive for affordable housing production and only then would the additional height index be allowed on this northern Palmetto area. He stated that they weren't necessarily trying to incentivize and encourage this type of larger scaled development but as an incentive to achieve the provision of affordable housing. He stated that, while that is the policy construct, perhaps there is a different balance of those factors as time has gone by.

Vice Chair Hauser stated she would defer to the Commission, but she personally concurs with where staff is headed, but every time she reads it, she reads percent wording which she knows is not the intention of the statement because staff made it clear to them at the meeting and not because of the way the document was worded.

Acting Planning Director Murdock stated he is not sure where they ended up in the edits with stating the specific number or referencing a quantity. He asked if they can get clarification from the Commission.

Vice Chair Hauser stated she will change her comment to from what Commissioner Wright just said.

Acting Planning Director Murdock understood that Commissioner Wright wants to include the specific number of eight units.

Commissioner Wright stated that was correct. He does support having a consensus around Vice Chair Hauser's suggestion in double.

Chair Berman asked Acting Planning Director Murdock if he needs more time with this policy as she thought they could touch back on Ms. Moore's presentation while they look into this policy's wording.

Acting Planning Director Murdock stated that they would want Vice Chair Hauser to read again her initial edits to make sure he captured them correctly unless Ms. Moore is confident that she captured them.

Chair Berman asked Vice Chair Hauser if she can reread her initial comment.

Vice Chair Hauser stated that she will just read what it turns into. She stated, "provided projects include at least one unit affordable to lower income households, one unit affordable to moderate

income households and fall below applicability of the city's inclusionary housing ordinance are all around the following". The last sentence becomes "project invoking State Density Bonus or which contain a quantity of units that triggers the city's affordable ordinance are not entitled to these modifications". The last thing she said was asking Ms. Moore to add somewhere is "based on the quantity of units as determined by the city's inclusionary housing ordinance which is currently set at eight units".

Chair Berman asked Ms. Moore and Acting Planning Director Murdock if there are any go backs they have from Vice Chair Hauser's comments.

Consultant Moore didn't think so. She stated that with a recap, they have residential words for page 3-11, residential uses are only allowed on the residential component on the site and are only allowed when commercial minimums are met or exceeded.

Commissioner Wright if there were a couple of typos on page 3-9 that she pointed out.

Vice Chair Hauser confirmed that.

Acting Planning Director Murdock stated that, on page 3-9, table 3-3, he stated that there is an equal sign that should be a dash or hyphen.

Consultant Moore thought it was underlined but agreed.

Vice Chair Hauser thought that, but if you zoom in, then its not.

Acting Planning Director Murdock stated that footnote 8 should be referenced in the table. The language is okay but it looks like the numerical listing in the table may have been lost due to drafting.

Consultant Moore stated her one question was about Eureka Square which needs to be edited to reflect the new FAR increase of .075 that she had discussed in her presentation but footnote 8 is actually about that last policy they were discussing, development along northern Palmetto.

Vice Chair Hauser stated that it was 6. She was right and she asked if it was 6 and she said yes or, if she said no, she was correct at 6.

Consultant Moore stated that it was noted the change from last time when they talked about just including Eureka Square as the major catalytic site, 171 instead of 170 units to reflect the 30 dwelling units per acre up to 5.7. Policy 3-I-1, to delete except for active ground floor uses or building design features are required, just after the comment. She stated that this policy should reflect what they have changed in the paragraph on the prior land use descriptions. She then the language she just reconfirmed.

Vice Chair Hauser thought that was everything.

Chair Berman stated that, before they move on to Ms. Moore's presentation to make sure they give their opinion on those, she asked if the Commission agrees with the comments put forward now or any objections. She didn't see any hands and concluded that all Commissioners agrees

with Vice Chair Hauser's comments, and they can move on to the remaining items. She asked Ms. Moore if they covered her questions.

Consultant Moore confirmed that residential allowed on the residential component of the site is permitted as an option for developers to figure out how to get this mix of commercial and residential and it is contingent upon providing the .3 commercial FAR and she confirms there are changes for any additional FAR that the developer provides would be .075 of the gross site for the additional five dwelling units per acre and the additional five feet.

Vice Chair Hauser referred to the last sentence, stating the changes that they made had the same residential uses are only allowed on the resident, deleting the first two words, adding the word only and adding when the step is met. She appreciates how much this has evolved and how much it will be in the spirit of what actually intended by this mixed use designation.

Consultant Moore's stated that it concludes questions staff had in confirmation for that portion of her presentation.

Chair Berman asked if any other commissioners had comments on Chapter 3, and not seeing any hands, she concluded that they have come to a consensus on Chapter 3 and they will send those to staff for updating before they go to City Council. She then asked if anyone has any comments on Chapter 4 before she asks her questions. She then stated that on Figure 4-4, the Sharp Park Specific Plan line type outlining the plan area, the word "area" should be added after Plan. She didn't think anyone from Public Works is here, but given the updates on the bike facilities along Clarendon, she has a hard time digesting the change of mode which changes three times, especially changing from a class 4 cycle track to a class 3 sharrow which she thought was a significant change and it will be very complex and confusing to design. She was hoping to get Public Works opinion but asked Ms. Moore's thoughts on any concerns with the multiple changes of modes there, especially at intersections. She stated that the road is heavily used and she asked if there were any concerns.

Consultant Moore thought one consideration for this was, that in a specific area, it is a one-way and then it turns into a two-way. She stated that the recommendations for the Class 4 and Class 3D are reflected in the 2020 bike pin head master plan.

Chair Berman stated that she was not too concerned with that change in mode, as it is one-way there, but more the cycle track that will be in the underpass. She stated in her experience, cycle tracks are usually one direction and the other direction are right next to each other and cycle track is consolidated and both directions are within the same 16 feet or so, and the only way she could see this working is if the cycle tracks were on separate sides of the road and they would almost look like Class 2 bike lanes but would have the added vertical separation or barriers that make it a cycle track. She asked staff if the city would accept that design as a class 4 facility or would the city consider that a class 2 facility.

Acting Planning Director Murdock wasn't sure that they can speak for the Public Works department other than to refer to whatever the improvements were when they are thoughtfully considered in the Bicycle and Pedestrian Master Plan carry it into the Sharp Park Specific Plan.

Chair Berman stated that was fine. She stated that her decision won't hinge on this as she is happy that they have indicated intersection improvements at each of the intersections along this

road. She stated, for the record, she is skeptical on the change of modes and how that would actually work. She thought someone more creative than her can probably figure it out. She then referred to Figure 4-6a on Clarendon, and she referred to the arrows that indicate a one-way road between Palmetto and lakeview, but she didn't believe that was one-way but two-ways.

Acting Planning Director Murdock, agreed that it is and they will correct it.

Chair Berman stated that she had a small preference but if it is too difficult to incorporate into the plan, that was fine. She stated that, given that the arrows in a different diagram represents a sharrow elsewhere and if that is the case, she prefers to use the sharrow symbol, but it is not a big deal. She then referred to this figure, at the title of the proposed cross section, she thought it would be clear if they stated "with class 3b bike boulevard". That is all her comments on this chapter. She stated they have had quite a few comments on this chapter during the last few meetings and thanked staff and especially Ms. Moore for working with her to incorporate them.

Consultant Moore asked her if she could clarify where she wanted to the sharrow symbol.

Chair Berman stated that she wrote that down when she was assuming that section was one-way, but she will take that comment back as she didn't think there is any cross section that represented as a sharrow and those arrows are used as one way with which she agrees. She asked if anyone else has comments on this chapter.

Consultant Moore stated, to recap, they added area to the legend in Figure 4-4, removing arrows to indicate that it is two-way on the segment and adding proposed class 3 be bicycle boulevard to figure 4-6a.

Commissioner Wright stated, by the beach, she keeps bringing up things about the changes in bike paths there, and he stated that there a lot of distracted drivers looking for parking and not paying attention to what is going on and the thought that came to mind for him was, if they have distracted bicyclists with changes as well, is that going to create a potentially dangerous situation or is it staff's opinion that they are okay as designed.

Acting Planning Director Murdock, if he understands the question, he thought the concern might be individuals backing up their automobiles and bicyclists not paying enough attention and that type of vehicle bicycle conflict.

Commissioner Wright stated both people not paying enough attention. He stated that if you are looking and scanning for parking, you aren't watching where you are going as you probably should.

Acting Planning Director Murdock understands the concern, and one element in his response that, by formalizing some of the bicycle infrastructure on the street, you can increase the visibility and awareness of those multi-motor users in that space, whereas where there is not a designated improved bicycle way, you may be less inclined to notice or think about bicycles occupying that space. He thinks that it is a point that is hard to plan around for that potential for distracted operators.

Commissioner Wright stated that satisfies his concern and he supports Chair Berman's changes to the chapter and appreciates staff assistance.

Chair Berman asked Ms. Moore if there were any items to consider in her presentation for this chapter, but didn't think so.

Consultant Moore agreed.

Chair Berman asked if any Commissioners have comments on Chapter 4 or object to any comments they just talked about, and seeing no hands and a thumbs up to go ahead, and she concluded that the Commission has come to a consensus for the recommendations for Chapter 4 and they will move on to Chapter 5, asking for any comments.

Vice Chair Hauser stated that this is the last chapter she has with comments, and she referred to page 5-12, DS-7, and she would change the second point to say "incorporate projection and recesses". On page 5-16, in policy 5-I-43, she would change that same comment. And going back to 5-9, sustain able landscape designs, it used to say landscaping irrigation should use reclaimed water and they changed it to landscaping irrigation shall use reclaimed water, and they added the words "when available" and she feels that doesn't have enough teeth, and she wondered how the Commission and staff would feel about, instead of saying when available, having something that says "landscaping irrigation shall use reclaimed water unless otherwise approved by the City Engineer and Planning Director".

Acting Planning Director Murdock understood the concern, and he thought they were trying to reflect the fact that reclaimed water will not be available in all instances and there may be situations where it is either physically unavailable or from a permitting and regulatory standpoint someone will not be allowed to connect, he thought going at it a different way by building in how an exception may be granted might be more specific and to her point.

Vice Chair Hauser agreed, and asked if they want to discuss it now. She doesn't want to send it to Council and have them ask, and she asked how staff wants to deal with that.

Acting Planning Director Murdock thought they should talk about it now and try to set the right balance that is of concern to the Commission, whether it is identifying a specific official or body that could grant the exception or providing better clarity on the circumstances when it's not required. He thought they should explore that now. He suggested that landscaping irrigation shall use reclaimed water unless granted an exception by the city as a general process for that. He stated that they could add criteria for considering that exception.

Chair Berman thought the way she interpreted the redline version had more teeth than giving an opening to an exception. She interpreted it was that, when available, infrastructure was there, therefore landscaping irrigation shall use reclaimed water when available infrastructure is present.

Vice Chair Hauser likes that, but what she sees happening, and has seen developers do it, is that it is not fronting their property but 100 feet away and, instead of paying \$10,000 to do something that is responsible and drought tolerant, if it is not available because the property to the north hasn't extended it down their frontage and they can't connect it. She stated that we are in a terrible drought and they all know where climate change stands, and she really appreciate the thought, and she wonders if there is a way that they can say that.

Chair Berman takes no exception to changing it to effectively be at Public Works discretion, but the only concern she has is, even if the infrastructure is available in the right-of-way, an applicant could prove somehow that it is overly burdensome to connect to it and they won't and will work with staff to get an exception. She doesn't want it to backfire.

Vice Chair Hauser stated that they could also say unless otherwise approved by the Planning Commission.

Acting Planning Director Murdock stated that he sees other commissioners wanting to weigh in, but he wanted to add that this is not simply a physical infrastructure availability but also a regulatory and permitting availability and whatever the construct is should be flexible enough to account for both eventualities. He thought the Commission also needs to recognize that this is a policy and not intended to be fully self-executing and, in a review of the project, staff can use some judgment to say that it is not directly fronting the property but is very close and, through a condition of approval they require that extension and connection if they determine that it is technically feasible, proportionate to the project and there is a nexus to this policy requirement and that provides enough flexibility to review the specific facts to achieve compliance with this policy to conditions of approval.

Chair Berman appreciated that.

Commissioner Godwin stated that they need to get the approval of the water district as they are the ones who control the recycled water and there needs to be a reference to them and he thinks they need to give the Planning Department a lot of flexibility as where he is, they aren't interested in extending the recycled water and blanket prohibit it. He stated that the solution is that they can bring 100 pounds of worth cans and go to the tap at their main headquarters and use the recycled water, otherwise they don't want to get involved and he thinks they need to include them.

Chair Berman asked Mr. Bhatia if he had a response to that.

Consultant Bhatia stated that most cities that have reclaimed water would require you to get an exception from the city, and you would fill out an exception form which would typically set criteria such as, are you within 500 feet or more of reclaimed water, and if so, why can't you use it, and provide the city with a reason. The city then decides whether to grant an exception or not. He stated that the policy can say shall use reclaimed water when amenable unless so accepted by the city. You would set the criteria later on when it's available as to the distances might be, and those distances can change over time without specifying that in the plan.

Commissioner Godwin thought they have to include the water district as they control the recycled water here as well as the city.

Consultant Bhatia agreed that is what it says when available.

Chair Berman asked if there was a reason why they just didn't say landscaping irrigation shall use reclaimed water.

Acting Planning Director Murdock thought that directive provides a lot less flexibility in instances where it may not be unavailable and, then if it comes to a question of policy compliance where there is no potential that the water may be unavailable. They know that there

are instances already through discussions with the water district where they may be unavailable for certain users or in certain physical locations.

Chair Berman asked if, in such a case, if the applicant would need a variance approved by the Planning Commission.

Acting Planning Director Murdock stated that, as this isn't the zoning standard, a variance wouldn't be a mechanism available to provide relief. He stated that these are policies and the Commission knows the city is able to weigh various policies to determine substantial compliance without strict or full compliance. He thought just saying shall use reclaimed water is fine, but when they start using directive terms like shall and don't provide any mechanism for exception, it boxes in the decision makers in a way is pretty easy to avoid.

Commissioner Wright wondered if they should consider, regardless of whether it is available at the street or not, having them put in the infrastructure during the development process all the way out to the curb so, in the event it does become available alter in the future, it is an easy transition to the reclaimed water, i.e., do they want to build in something for future to be more conservative of water. He asked if he was clear.

Chair Berman understands what he is saying. She stated that there is jurisdiction whether you are in the recycled water overlay zone even though there is no recycled water infrastructure available in the right-of-way now, development of a certain size need to dual plumb their new buildings and build the infrastructure up to a certain point so they can be recycle water ready. She gets what he is saying.

Commissioner Wright stated that is exactly what he is trying to get at.

Chair Berman asked Mr. Bhatia if he has a response.

Consultant Bhatia stated, given the fact that they might not get recycled water from a plant, a simpler method could be to require the use of gray water which is now legal under the California plumbing code and it is easier to use at the site itself as almost everyone has gray water in their facility or building and that is another option.

Commissioner Godwin thought the gray water choice for bigger projects makes a lot of sense and encouraging things like rain barrels which you can do at your own house very cheaply for small projects are good. He thinks, if you pre-plumb for irrigation and then don't use it, and in his experience with irrigation systems, they tend to require a fair amount of maintenance after 7-10 years. He stated that the idea that you put in these pipes and they would be good in the median term is quite questionable. And requiring putting in pipes in the hope that they are functional for more than seven years is questionable.

Vice Chair Hauser stated that she had her irrigation repaired today. She thinks that, while she is a huge fan of gray water system, that they are cost intensive and take up a lot of space in streets. She stated that, if they are considering a private subdivision that may have a 20-foot street if it is two stories or 26-foot street if it is three stories, there is not a lot of space, as you have your portable water, sewer, storm drain system, joint trench and now you have to have space for gray water system and have all those clearances both horizontally and vertically, and she thinks it creates feasibility questions. She stated that purple pipe is in Palmetto. That is part of the

emphasis for why they added so much of this. All of the bulb outs that are currently on Palmetto, and those little planters are already set with reclaimed water. She thinks that the infrastructure is there and it would be great if they had it on Francisco and Oceana. She's cool with the Commission's idea but, unless otherwise approved by the City Engineer and the Planning Director, she thinks it is harder to convince two different departments to sign off on that. She thought the applicant would have to have a letter from NCCWD that says they don't have it available and they aren't going to supply it to them before both those staff members would sign off on not using it.

Acting Planning Director Murdock wanted to offer some perspective for the Commission's discussion of this policy. He thought it was well-intentioned and every drop counts in a drought, but realistically, looking at the type of development, the size of the sites, the footprints they are talking about, the overall amount of landscaping is not likely to be expensive and he doesn't know if they are talking about a huge need for recycled water, particularly for private developments and each of those private developments will need to install a separate meter off of the city owned pipe currently, and he thinks there are practical and logistical hurdles to even make the connections and to what benefit for the private development projects. He thinks the overall amount of landscaping would probably be minimal.

Commissioner Godwin had one last historical comment. He stated that, when he was doing some work in Mexico for several months, the pipes leaked so bad in the town he was in that the homeowners all put in cisterns and they would only run the pipes a few hours a day and fill up the cisterns and then run the house off the cistern for the next 22 hours or so. He didn't know if that idea was useful in this situation, as they could put a cistern in someplace and run some irrigation off that, basically driven from a super rain barrel idea or if it was impractical. He stated that at least it worked for one town in Mexico.

Chair Berman liked that idea, but she knows that title 22 requirements are more stringent here than in Mexico through the building reuse of recycled gray water. She stated that she is open to several of the verbiage they talked about, whether they keep it as when available or when infrastructure is available or if they change it to be under the discretion of the Planning Director and Public Works Director.

Commissioner Wright referred to mention of within 100 feet or so, and he asked if they want to give any consideration to some kind of limitation like that if there is purple pipe available within 100 feet it shall be on reclaimed water.

Vice Chair Hauser liked that, but she thought the concern with that was that the water district might not always have a permit available as she was also thinking that, if within 500 feet they have to do it.

Commissioner Wright asked if they want to say within 250 feet and water department approval.

Asst. City Attorney Bazzano stated that her recommendation would be to keep this language very flexible as Acting Planning Director Murdock mentioned as this is a policy, not the mechanism that they are going to use to implement the policy but the policy itself and usually the language is sort of high level, aspirational, what they would like to see, and that would be executed through other mechanisms like the zoning code. She recommended leaving it as is with just a few tweaks in words but not putting a distance requirement in the language.

Chair Berman agreed with that, as it could come back to bite them if they don't choose a long enough distance, and she is leaning towards keeping it somewhat as is or revising the last sentence of the policy to be unless approved otherwise by the Planning Director and Public Works Director.

Vice Chair Hauser stated that she is leaning towards staff's option. She would love to see an ordinance that gets updated to reflect this so there is a mechanism by which to really enforce this. She stated that, even though these are small landscape areas, every drop does count and it adds up and not prohibitive to install reclaimed water. She stated, if it was ten years ago, she would say this is hard to get a permit from the state, but they don't have to do that anymore and it should be easy.

Chair Berman asked if there are any other thoughts or opinions, and they are considering two different options in the verbiage. She was inclined to agree with Vice Chair Hauser's slight inclination for what Ms. Moore has written on the screen. She asked if Vice Chair Hauser had any other comments on this chapter.

Vice Chair Hauser stated that was it and she thought the only thing they have left is Ms. Moore's last slide.

Chair Berman stated she had one quick comment on figure 5-1 which needs to be updated to be consistent with Chapter 4 updates specific to the bike infrastructure.

Consultant Moore stated that they then have two options for how to preserve desirable features along the two Palmetto parcels, and she asked that they let her know if they want her to pull up her slides again.

Chair Berman stated that, unless anyone is currently reading the policies now, she would like to see the slides again.

Acting Planning Director Murdock stated that, while the slides are being pulled up, he wanted to address the recycled water policy, stating that he would prefer that the exception to specify the City Engineer as opposed to the Public Works Director if acceptable for the Commission. He stated that it is not always held by the same individual but he thought the City Engineer is the relevant official.

Chair Berman agreed with that and, with no Commissioner indicating otherwise, she concluded that was accepted.

Consultant Moore then referred to option 1 incorporating elements of buildings and they can modify those to include materials, window treatments and building form in new development and option 2 is about incorporating the actual existing buildings in new development with compatible scale in integration. She stated that they had mocked up what some of the masking might look like and the slides reflect the existing lot configuration and lot consolidation.

Chair Berman stated, to kick off the deliberation with the hypothetical design of developing buildings behind these buildings and because the lots are so small, she asked if that would violate the FAR or any concerns with the amount of landscaping which she thought would come in the

zoning ordinance but because they are such small lots, she worries, if they make them keep an existing building and they put the new development behind those buildings, whether there will be any issue there.

Acting Planning Director Murdock wasn't sure they did that level of refinement in their analysis, and his initial reaction is that, to whatever extent those much smaller buildings in the front are required to remain, it should allow for a greater proportion of FAR in the new buildings in the rear without exceeding the FAR limits for the sites.

Consultant Moore stated that the maximum FAR overall is 2.5 so, even if half the site was existing commercial, that would still be 2 you could have on the back which would be 2.5, and that is four stories. She thought that was what it would be.

Chair Berman stated as long as it is feasible to design.

Acting Planning Director Murdock thought there may be potentially other requirements that may be more challenging if the FAR is demonstrated as feasible, providing parking, other standards such as landscaping, etc. He thought they are potential challenges and constraining the front half by preserving those buildings would add to the design challenge.

Commissioner Wright stated that in contemplating this, he wasn't thinking about preserving the entire structure, only the front structure and incorporating some of those along in sync to the design of the new feature. He thought that would offer more flexibility from a design perspective to make projects more feasible that would accomplish all the goals of both preservation and development.

Vice Chair Hauser stated that she concurs with what Commissioner Wright just said. She asked Ms. Moore to go back to the policy options. She then stated that, on going through 5-I-39, she had changed the word building to façade so maintains existing façade along Palmetto. She wasn't totally open to doing that, but the more she thinks about it, she wonders if they take the spirit of both of them and kind of combine them so they keep 5-I-38 which doesn't have a lot of teeth to it, but has the aspirational qualities that they are looking for, but don't keep the restrictiveness of 5-I-39 and instead it adds on a layer as alterations to these particular addresses would need to go through design review regardless of whether they are like SB330 compliant. She thought most of them would have to go through the design review already and she asked how they make sure they have discretionary design review on these three particular buildings. She didn't know if it was appealing to anyone, but she asked Ms. Moore to the next slide where there is Grape in the Fog and pointed out that the building next to it does a really good job trying to accomplish what they want but getting that scale they are hoping for in a more effective way.

Chair Bermans stated that it made sense to her. She stated her interpretation of the policy as written was that the buildings would remain and she thinks they need to change the first sentence. She asked Mr. Bhatia if he had direct response.

Consultant Bhatia agrees with that because, when they were working on that rendering, they anticipated the back half of those buildings coming out and there was no other way to put up another building. He thought the policy as they are reading on the slide should say that maintains the existing scaling and character off those building frontages as opposed to the buildings themselves is what they are after.

Commissioner Godwin stated that he talked to a few people in Sharp Park that had some historical interest since their last meeting and he didn't find anyone who was interested in saving the buildings. He stated he could get behind something about the façade and saving part of those, as they are interesting designs, but he doesn't think there is widespread community support for saving the whole building or saving anything other than some design elements of the buildings and there was no historical value as the buildings aren't seen as being of historical value. He was inclined with 5-I-38.

Vice Chair Hauser reiterated that it was fine as long as they find a way to create a mechanism for design review for these three buildings instead of having it go through the housing accountability act where someone can literally knock it down and have a 3-story modern project, as long as they are consistent with the land use. She didn't know if they could do that.

Consultant Bhatia stated that they have to be consistent and they have objective design standards for projects that are predominantly residential which these would be, but they also have to be consistent with other policies in the Specific Plan. He stated that they can't just do the objective design standards. He stated that, is there is a way to articulate the policy in here to say what they are after. He thought they need to communicate that clearly, i.e., is it a façade preservation, scale in character ratio, or what do they want to see happen there should be clearly expressed. He stated that these are not historic resources and the Commission needs to come up with clarity as to what they are after for these lots, scale character façade buildings or what method they should capture in the policy area.

Commissioner Wright also shares the concern of making sure that this does get the appropriate review to make sure that what they are talking about does get implemented in a way that is consistent with what they are trying to accomplish. He stated that he would lean on staff as to how to do that and help them sort that out.

Chair Berman thought Commissioner Wright brought up the idea of trying to somewhat consolidate the two policy options before them and she likes that idea. She stated that they aren't talking about a blanket policy that applies over the entire Sharp Park Specific Plan but policies specific to certain addresses. She stated she could agree with the ideas put forth in both the policy options. She had some other thoughts, and asked if they want to add something that brings this to the Commission and is that overly constraining.

Vice Chair Hauser stated what if they added the requirement for a conditional use permit on these three structures.

Consultant Bhatia stated that not if they are going to be predominantly residential. If they are going to be commercial they can do that, but under the state housing accountability act, if they are going to be predominantly residential, they will be conditioned. He stated that there can be policies that require them to do certain things from a design perspective and that direction was clear. It gets into whether the staff level or Commission is a different matter. He thought they should focus on is relating what they want here as opposed to the mechanism that will get you there.

Vice Chair Hauser thought he was saying that they just want the discretion to review it and confirm that it is consistent with some of these historic design thoughts and, if not, they are

falling back to maintain the façade. She thought they were doing that because the discretion has been taken away from the city in that regard. She thought the other part of this is that, throughout the document, they have design standards and she believes the intention is for those to become their objective standards, such as the DG policy. She thought they have to make a very clear list of those objective standards pertaining to this area and probably pertaining to all of Sharp Park and they probably need to be more clear on what our design guidelines are. She thought they can do it quickly. She doesn't know what the quick answer, but she thinks they should be able to figure it out now.

Acting Planning Director Murdock stated, to Mr. Bhatia's point, he thought it was important to remember that simply adding a discretionary review process no longer is the means to fully accomplish subjective design review. He stated that the law requires that the city does not use standards other than objective standards as a basis to deny or condition a project to be essentially infeasible. He thought the Commission should put some amount of effort into identifying some objective requirements for purposes of what is most important about these buildings that should be conveyed. He stated that an objective standard would be to keep the buildings and to incorporate development behind it, but that is one extreme example of how to achieve the desired outcome. He stated that the other is to have very specific objective design standards that the city would be able to enforce through the project review process. He stated that, given the timing of where they are in this process and the level of specificity, they may end up somewhere in between. He stated that this is a good start but not sufficient to ultimately achieve those objectives.

Commissioner Wright asked if they can try to skin that cat a different way by saying they need to maintain and preserve the façade of the building or get an exception to that rule in working with staff and bringing it back before the Commission for approval.

Acting Planning Director Murdock thought that was an objective standard if they were to require the front 10% of the building to ensure that the façade was retained, and perhaps providing an exception process for something else that may be less than an objective standard. He didn't know how Asst. City Attorney Bazzano feels about the city's ability to deny or condition a project on that exception basis.

Consultant Bhatia stated that they are always able to support any of these objective standards and if they are not able to comply they always have a mechanism to come back and appeal to the Commission to undergo the design review and that two track process would always be available as a safety valve in any case.

Asst. City Attorney Bazzano stated that Acting Planning Director Murdock suggestion of setting the objective standards to maintain the front façade would be appropriate.

Vice Chair Hauser stated that she liked what everyone was saying and thought they were finally going in the right direction on this. She loves the idea that these buildings shall be required to keep the front façade unless otherwise approved by the Planning Commission. She stated that, in order to be considered for an exemption of the requirements by the Planning Commission, they have to qualify with several things. She stated that they could say gabled roofs, wood shingle or comparable siding, and go through all the things they want, but she didn't know if that is too much work now or if they leave it as otherwise accepted by the Planning Commission.

Chair Berman liked where it stops going. She stated that one thing she would add is that the development behind the façade needs to incorporate like materials and features.

Commissioner Godwin thought that sounds good to him also, but his concern is, if the new developer changes the scale and wants to build a much more substantial building and is in compliance with the plan, can they maintain the façade as it exists or are you better off saying the character of some of the components or elements of the building would give a new developer more flexibility and still keep the spirit of what they are trying to do.

Acting Planning Director Murdock thought, from his perspective, one specific challenge when considering a future building is that the future buildings will likely be multistory mixed use buildings and prescribing a particular roof design such as a gabled roof might present a unique challenge if they were want a multistory mixed use building which would otherwise be consistent with the Sharp Park Specific Plan.

Vice Chair Hauser concurs with that also. She asked what if they have one policy that says these particular buildings shall maintain the façade but must otherwise be approved by the Planning Commission and you they went back to the historic design and added what Chair Berman said about any additional building would maintain the materials, siding and spirit of those facades and they went back to the historic design policy and either that is the historic design policy that stays as it is and they add an objective standard policy, a design guideline policy or they just amend 5-I-38 and that became the objective standards and they say they can accomplish both where those particular three addresses are covered in one place and they get Chair Berman's material cohesiveness and they can start being more clear on the design guidelines within this document presently.

Acting Planning Director Murdock thought one approach the Commission can consider is focusing on a single policy that applies along Palmetto, achieves a lot of these desirable characteristics of these buildings to require those elements to be incorporated but one way they can make that an objective standard is to require new buildings shall incorporate at least three or four, etc., of the elements of the 1914 to 1926 buildings in terms of materials, whatever the criteria are, window design, etc., so they can demonstrate that they have incorporated the particular element, a certain number of those elements and its an objective standard but also provides flexibility and discretion to choose what makes the most sense for the future building.

Vice Chair Hauser didn't know how Chair Berman feels about this, and she would like to hear hos Commissioners Wright and Godwin feel also, but she likes the idea of keeping the façade unless otherwise approved by the Planning Commission.

Chair Berman likes that idea as well, unless otherwise approved by the Planning Commission, because she can totally see a development not being able to incorporate proper design while keeping the façade. She then referred to Mr. Bhatia said , i.e., could they concession out of any Planning Commission or public hearing requirements.

Consultant Bhatia stated that the concession not only applies for affordable housing projects so he didn't think they should try to attain that as that is not going to be the most obvious course for most projects. He stated that it will be an exception rather than the rule. He stated that he likes Acting Planning Director Murdock's idea of trying to systemize it to say they are not picking on these sites that will be building something like that but a policy that applies and says for buildings

that are of a certain vintage, regardless of whether they are historic or not, but are of a certain character or style and they can define what those are and you amended the façade unless exempted by the Planning Commission, and he was going to ask if there were any other buildings besides these three on Palmetto that you will want to see this policy applied. He stated that they can list those.

Commissioner Godwin stated that he was happy with what Acting Planning Director Murdock said as you pick out a short list of elements, 3, 4, etc., and insist those are incorporated in the new buildings, whatever their scale, and he thought that is something they could measure objectively and it would be easy to enforce and work for the developer to allow them to build their project there and are comfortable with at the same time.

Commissioner Wright stated he would be in favor of making a more exhaustive list than three or four but say that they would choose “X” number of a range of these preferred options if they define it. He does prefer a little more flexibility and using more sweeping terms like character style, characteristics, etc., that give them more discretion later.

Chair Berman stated that she isn't as experienced as others, but she thinks allowing the flexibility will probably result in a nicer design. If they are going to be too prescriptive with too many things, they may be creating a Frankenstein of the site that they don't end up liking.

Commissioner Godwin thought Commissioner Wright said it better than he did, as he was trying to get to the idea that they have a list of things they can pick from and pick 3 or so, and include them. He didn't want to restrict them that they must include those particular 3 regardless of what their concept of the new building and design is. He thought that is an improvement.

Chair Berman referred to breaking things down and putting the options of characteristics aside for a second and dropping back to maintaining the existing façade, and asked if the Commission agrees somewhat in incorporating that requirement. She saw consensus and concluded that direction to staff is to develop a policy that incorporates maintaining the façade unless approved otherwise by the Planning Commission or however Vice Chair Hauser stated it as it was well stated.

Vice Chair Hauser stated that, if they are going to broaden it so it is façade along Palmetto and not specific to these buildings, they somehow specifically put these addresses in as examples of such buildings, such as a parenthetical or a sentence that says examples of such buildings that would qualify under this requirement of 1914 through 1926.

Chair Berman stated that her understanding is that they were going to keep the address for these particular sites and Mr. Bhatia noted that, if there are any other addresses that they would like to maintain, they might want to consider adding them to this policy.

Vice Chair Hauser stated that was her preference and that sounds great.

Chair Berman stated that she is trying to remind herself what all the façades look like now.

Vice Chair Hauser thought the living plant building is pretty nice but it is by itself and that is the one that is north of the block with Dial Glass. She asked what street Raymond's is on, just north of Carmel.

Acting Planning Director Murdock said that Raymond's is just north of Santa Maria Avenue. He thinks the building she is describing is at Paloma.

Vice Chair Hauser stated that it is the one right next to the new market that opened.

Chair Berman stated it was south of Paloma.

Acting Planning Director Murdock thought it was 1909.

Vice Chair Hauser stated that it was 1909. She thought this kind of sets the bell, but she is not as attached to it as the others they have been discussing, but it does fit the character and has that same roofline and looks like it was probably done by the same developer.

Acting Planning Director Murdock stated that what he has captures so far directly on this point, for the 1914 to 1926 Palmetto properties require that existing building façades are retained unless granted an exception by the Planning Commission where the project, at a minimum, incorporates three of the following elements from existing buildings, siding materials, window design, window detailing, proportion of façade area as glazing and single door access. He thought some of those, like window detailing, or proportion of glazed surface area are also transferable to the 1909 Palmetto building and that is one of the very nice desirable characteristics, the amount of glass, transom windows, etc., as well as some of the fenestration and detailing around the window trims, etc., and there may be other desirable elements but those speak to him.

Chair Berman asked if he incorporated the complimentary requirement to maintain the existing façade that development behind the façade maintains the same or similar materials and character.

Acting Planning Director Murdock stated that he did not specifically capture that but possibly that policy is expanded to say these same elements shall be incorporated into the design of new development on the site.

Chair Berman stated that sounds good.

Commissioner Wright wanted to add, besides those three structures, if it was possible to add in a little verbiage to say and/or other significantly valuable ... he doesn't know how to put it, but in other words other buildings in similar character quality and important older buildings that meet the same reason that they are attracted to these that meet that criteria. He asked if they have to be specific about every single one.

Consultant Bhatia stated that, because these buildings are not historic resources, it becomes open to interpretation as to what is it that they are after and that was the reason he was suggesting that they either list specific buildings or you define the periods, something that is more directed to staff and the developers.

Asst. City Attorney Bazzano agreed that they should not leave it vague like that but narrow the scope of who this policy applies to in terms of addresses and, to Mr. Bhatia's point earlier, if there are other building that they know of that they want to include, they should do that now.

Acting Planning Director Murdock stated, with respect to the concern about buildings, he thought there was currently flexibility provided in 5-I-38 which is a broader policy than 5-I-39, and 38 does allow inspiration of heritage and character from other buildings of historic age to be incorporated into the design of new buildings, and this one specifically lists 1914 to 1926 Palmetto but it is not limited to that. He stated that there is the property specific policy in 39 that addresses these particular buildings that are of importance. He thought it was important to reflect on how they got here which was in response to public comments with specific interest about the 1914 to 1926 Palmetto buildings. He stated that they already have this policy 5-I-38 about pulling in the historic design of desirable buildings in the neighborhood and they should focus on what issue the Commission is trying to address which was concern about the loss of the buildings at 1914-1926 Palmetto.

Chair Berman thanked him for that information and before passing off to Vice Chair Hauser, she realized that she was under the assumption that they were also including the 1932 building which is the one directly on the corner, white building with the blue trim. She asked if that was not intended to be in this policy.

Acting Planning Director Murdock thought the intention is to address all three, and there appears to be an inconsistency with the addressing on the buildings as compared to what the assessor parcel information system has for their addresses, and they will have to figure out the best way to reference the three buildings.

Chair Berman asked if he is able to make note of that because she wants to be sure that this policy doesn't accidentally include the building across the street which, in her opinion, she doesn't particularly like the façade. She asked if he can make note of that to make sure this is finessed as needed.

Vice Chair Hauser stated that one of her comments as she was going through this on this particular policy was that they should add a photograph of those three buildings. She knows they have a forefront of Chapter 5 but it should be specifically added and referenced. She agrees with Chair Berman on the building across the street as they should not be encouraging that one. She stated that there is another building that almost fits the bill but doesn't. She knows that when WestPac reviewed it, they looked at that building specifically and came to the conclusion that it didn't quite meet what they were looking for, and that is down on Palmetto and Pacific, across from Recology. She stated that the building with the Fog Center cannabis shop in it and has the addresses 2278 through 2286 listed on the façade and, even though she likes that this is a roofline here are consistent, she thinks it doesn't fit with the additional policies in the specific plan, but because it does have the historic architectural look, she wanted to make sure they got on the record whether or not this is one the Commission felt would be a good one versus not. She thought is probably a not because of the way the entry works.

Acting Planning Director Murdock stated that this is not a historic aged building but he thinks it is a good case example of how those elements that they are striving to define might be applied and you have a large amount of glazing, a lot of window detailing, etc., but not the right façade materials to achieve the full character the Commission might be striving for.

Vice Chair Hauser asked him what he thought of the weird entry under the building.

Acting Planning Director Murdock thought they were probably responding to the design challenge of providing off street parking and perhaps another case study in the relevance of off street parking and the pros and cons of providing it or not, relative to the building design where only one-third of the frontage is a driveway. He stated that it is wider than typical side.

Chair Bier thought the site would be a good address to use if they kept policy 5-I-38 with the redline edit providing addresses that are examples. She thought that address would be a good example. She didn't know about the feasibility of maintaining the façade of that one as that seems challenging.

Commissioner Wright stated that they could preserve the character in some of the design elements.

Chair Berman agreed. She likes the aesthetics of that one.

Acting Planning Director Murdock asked them if there was anything that would be accomplished by including that last building they looked at which they could accomplish by simply focusing on the three original buildings they have been discussing. He stated that they are just trying to provide the design examples and he asked if that building brought anything new to the list of desirable features that is not already encompassed in 1914 to 1926 Palmetto.

Chair Berman thought the incorporation of a balcony is different.

Commissioner Wright thought the possibility of cantilevering a little bit also is a little different, and incorporating some of the roofline aspects in a flat roof scenario on the façade side has some value.

Acting Planning Director Murdock thought, at this point, it seems like the Commission might be extending beyond historic age building architectural features into more general design criteria which is fine, but just a different discussion and he thinks they need to center that and root it in the right context.

Commissioner Wright stated that, referring to his earlier question, he would be inclined to say that he thinks these three buildings that are currently being shown are sufficient examples of what it is that they are trying to accomplish.

Chair Berman stated that she can get on board with that.

Vice Chair Hauser asked if it would be possible to share the text he is considering so they can see it.

Acting Planning Director Murdock stated he could and he will put it in a more presentable fashion.

Chair Berman stated, while he pulls that up, she is gauging time and wonders if any Commissioners have other comments on Chapters 6 through 8. She concluded that they did not so this is one of the last major items they will talk about at this meeting. She asked Ms. Moore if there were outstanding questions from her presentation or is this the last one.

Consultant Moore stated that this was the last one.

Commissioner Wright stated that he wanted to take the temperature from his fellow commissioners if they think that, after conclusion of this item, they may be ready to move on towards completing their task with the Sharp Park Plan and making a motion in some direction or not.

Commissioner Godwin stated he is.

Chair Berman stated that she was also and she saw a thumbs up from Vice Chair Hauser.

Commissioner Wright stated he was on the same page as well.

Vice Chair Hauser stated that they were on the last issue and it was so exciting.

Commissioner Wright appreciated the flexibility that he is reading in this.

Acting Planning Director Murdock asked Asst. City Attorney Bazzano if she had any thoughts or observations as they are trying to consider this policy against the backdrop of SB330 and other laws focusing the city on objective standards for project review.

Asst. City Attorney Bazzano stated that she was reviewing it.

Vice Chair Hauser thought this was very well written but she had one clarifier to the second sentence. Instead of projects that do not preserve the existing buildings, she wondered if they can say “projects that receive the exception not to preserve the existing buildings shall at a minimum...” and it is clear that the only way to not preserve is to go through the process.

Acting Planning Director Murdock asked her if that accomplishes her intent.

Vice Chair Hauser said it did but she wanted to make sure that it is not by right they automatically get granted an exception that they make the finding that they have done three of the following items.

Commissioner Wright thought that was the “at a minimum” part to give them that flexibility.

Vice Chair Hauser agreed, stating that she sees exactly what he is saying. She stated that what she is doing is thinking that she is a developer and how do I get around it, and she is trying to figure out what she would do.

Commissioner Wright liked that and told her to keep it up.

Vice Chair Hauser personally thought it was perfect.

Commissioner Wright stated he had his support but he thought that they need to hear from staff attorney.

Chair Berman reminded Acting Planning Director Murdock to confirm the way that the addresses are listed. She stated, to make it explicitly clear, instead of using the dash in the addresses, perhaps they use commas and list each address, then, they can incorporate the 1932 property.

Acting Planning Director Murdock stated that then it addresses her concern about the building on the east side of Palmetto.

Chair Berman agreed.

Asst. City Attorney Bazzano stated that the concern she has is that the language says “to be eligible for consideration of an exception” and she would like to suggest they rephrase it to say something like “an exception shall be granted if a project meets three of the following elements”.

Vice Chair Hauser stated that takes away their discretion, and that was her concern. She asked how they do it where it doesn't take away their discretion.

Asst. City Attorney Bazzano stated that, if it meets three of the elements, then it should meet the Planning Commission's desire to maintain the façade.

Commissioner Wright disagreed.

Vice Chair Hauser also disagreed.

Asst. City Attorney Bazzano stated that was her concern. They are using language that is a bit subjective in terms of the phrasing in the second sentence.

Commissioner Wright asked what the downside of that was.

Asst. City Attorney Bazzano stated that they are trying to draft it so it is an objective standard. She would rephrase it to be that they will meet the exception if they satisfy three of the criteria or whatever the Planning Commission wants to do.

Chair Berman apologized if this brings them back a couple of steps. She asked if it should be split into two separate policies, one being that these addresses need to keep the existing façade unless granted an exception by Planning Commission, and another policy states development.

Vice Chair Hauser stated that what Asst. City Attorney Bazzano is hearing that, if they think about a housing accountability acts project, and the idea that they don't have no discretion unless they make findings that it conflicts with public safety, and they end up with a project that looks like barracks and are not aesthetically pleasing. She understands what she is saying is that, in order to make it an objective standard, and not a subjective standard, it needs to set criteria and she asked if they can do what Chair Berman just said and leave it as the first sentence as one policy.

Asst. City Attorney Bazzano asked if she is saying the first sentence.

Vice Chair Hauser responded affirmatively.

Chair Berman further added that, the second half of what is written would be a separate policy.

Acting Planning Director Murdock stated he is unclear what is gained by splitting these into more than one policy.

Chair Berman thought it seems like tying the two statements of this policy may be interpreted subjectively and she was thinking that they could separate them.

Acting Planning Director Murdock stated that he would value Asst. City Attorney Bazzano's opinion as to whatever extent there is subjectivity that would invalidate the policy, that would be an issue of whether it is one policy or two policies, as he thinks the subjective component may not withstand scrutiny if it is not properly constructed. He stated that, for the user of the policies, it probably makes the most sense for them to be integrated into a single policy if possible.

Chair Berman liked it as written, but she is trying to understand where the subjectiveness is and she wondered if trying to tie the two statements together makes it subjective as in, if an exception is granted then, in order to be eligible for that exception, these items need to be incorporated. She may not be following this.

Commissioner Godwin thinks they are being a little too clever. He thinks, if they get rid of the to be eligible for consideration of the exception not to retain the existing building façades and say "a project shall, at a minimum...", and then complete the rest of it, he thinks they get to the same place in terms of policy and it is a lot cleaner and a lot more objective. He stated that obviously someone can ask for an exception.

Consultant Bhatia asked if we keep both.

Commissioner Godwin stated that he was just saying to get rid of those words.

Chair Berman understood Vice Chair Hauser had concerns and she wanted to incorporate.

Vice Chair Hauser stated that addresses her concern because it doesn't guarantee that an exception is granted. She thinks it's a good edit, and she understands why Asst. City Attorney Bazzano is making her comment.

Chair Berman liked that change.

Consultant Bhatia stated that one thing he finds odd about this is that it lies in the Planning Commission's hands and they are not complaining about the façade but then they are telling them that they will be found compliant if they do the following, in which case, why does it need to go to the Planning Commission.

Vice Chair Hauser stated that is her issue with it, but Asst. City Attorney Bazzano is saying is that, and she sees why the comment is being made as it has to be an objective standard in order to not be susceptible.

Consultant Bhatia stated that the objective standard is that they will retain the façade and you are not able to read in that you go to the Planning Commission but they you are in for a design review at that stage and the Planning Commission should not be limited to saying that do all of the specific numbers and at that stage, they are doing a design review in totality. He stated that

there should be some consideration as to what is driving the design review and what the ultimate objective is. What she is saying is that, in reviewing the design, it is before the Planning Commission only because they are not able to leave in the façade, not otherwise. In reviewing the design, the Planning Commission shall take into consideration the materials, the RHNA design, when they will be getting proportion, etc., and only in the case where the façade is not being able to be retained. He stated that it doesn't have to be objective when it is in front of the Planning Commission.

Asst. City Attorney Bazzano thought what Mr. Bhatia is saying that maybe they can rephrase it to say that the Planning Commission, in determining whether an exception shall be made, the Planning Commission shall consider...

Consultant Bhatia stated "siding material, window design" and so on and that is perfect. He stated that they can put all of those in that sentence about it.

Vice Chair Hauser stated that they are discussing far more important construction issues, like sentence construction issues, but at some point she would like to add a group line to the list.

Chair Berman stated that Commissioner Wright had his hand up.

Commissioner Wright thought Commissioner Godwin had his hand up first.

Commissioner Godwin was good with these improvements.

Asst. City Attorney Bazzano stated that they can take out the "in order to be granted an exception" in the middle.

Consultant Bhatia added also, "has incorporated to option 3" and he added "the Planning Commission shall consider ..." and they can go to setting materials from there.

Commissioner Wright stated that he was also concerned, asking if the list was inclusive enough. He stated, if they look at the picture of those three buildings again, is that list exhaustive of what it is that they find attractive about that building and do they need to say anything in addition to that, i.e., that in the event they don't approve it, the default provision is to preserve the façade in case someone challenges it in court and they lose, the default will give the judge a place to go with the default position.

Asst. City Attorney Bazzano stated that she was trying to listen so she missed his question.

Commissioner Wright asked if there was a way to incorporate that, no matter what as a default position, they preserve the façade.

Consultant Bhatia stated that they could deny them the design.

Commissioner Wright stated that, if they challenge that in court and they beat the city because they say that our standard wasn't specific.

Consultant Bhatia that to preserve the façade is a pretty objective standard and that is it.

Asst. City Attorney Bazzano stated that they can't prevent someone from ultimately suing the city, but they do the best they can in drafting policies to meet the requirements of the law but, like they said, this is an objective first standard that the existing building façade should be retained.

Commissioner Wright stated that he really liked the consideration piece where it took out the three numbers that gave them the flexibility they were looking for. He asked if the Commission feels this delineates all the features that they find charming about the character of these three buildings.

Vice Chair Hauser asked if they can add a roofline.

Commissioner Wright stated he would support that.

Chair Berman stated that she was reading this as less flexible, and she asked if that is where they are trying to get.

Commissioner Wright thought it said they were going to consider these things, not that they are going to incorporate them.

Chair Berman read, "in determining whether an exception shall be granted the Planning Commission shall consider whether the project has incorporated" then stated that the Planning Commission shall consider it, at a Planning Commission meeting the Planning Commission can have it be a consideration item but then doesn't make a determination. She stated the only determination will be the acceptance.

Commissioner Wright asked if these elements should be considered for incorporation in the design, otherwise he thought it was saying that they need to incorporate all of them, and he doesn't think that was their intent.

Vice Chair Hauser thought "or other desirable architectural elements deemed appropriate by the Planning Commission" makes all of these an "or".

Commissioner Wright stated that the last sentence makes him a little nervous.

Chair Berman stated she liked the very last sentence.

Vice Chair Hauser agreed.

Consultant Bhatia stated, when they say an appropriate combination, they don't need or and he wants to say and, but is or okay.

Vice Chair Hauser thought or gives them more discretion. She stated that with a single door access, she sees why it is desirable on these, but if it becomes a building of greater scale or an assemblage, and the use requires a double door by code, and if they get a furniture store and they need a double door.

Asst. City Attorney Bazzano asked her if they can say "and other similar desirable architectural elements".

Consultant Bhatia liked that option.

Asst. City Attorney Bazzano stated that it could describe a whole different set of design elements and that would be her concern. If they say “or other desirable architectural elements”, you open up the universe of architectural elements, but if you say “and other similar “ not desirable.

Vice Chair Hauser stated she was okay with that if they get rid of single door access, but she wants to make sure Chair Berman is also okay with it.

Commissioner Wright asked if they can change it to door access instead of saying single door access, as it would be similar door access with the same trim treatment around the door whether it is 36, 42 or double door.

Vice Chair Hauser sees what he is saying. She thought they might just say door and door trim. She doesn't know what to call that.

Acting Planning Director Murdock asked if they want to expand it to window and door detailing, and they could put window references “window and door design”.

Vice Chair Hauser thought “window and door detailing” works. She stated that Commissioner Wright is the construction expert, and she asked his thought on this.

Commissioner Wright stated that he was looking for the pictures of the doors on his phone, and he thought he would say door treatments, but would defer to staff on that.

Consultant Bhatia likes the window and door treatment because it is not specific to either design or detailing but reflects more of the overall design quality and a little more ambiguous as well as to what treatment means. He stated that they got the proportion of façade as it basically captures every kind of a subjectiveness in the proportion of the façade because that's proportionality in the eye of the beholder. He thought there was enough ambiguity for the Commission to work with. He added that he likes Asst. City Attorney Bazzano's suggestion about “and other similar desirable occupational elements”.

Commissioner Godwin stated they are getting close.

Vice Chair Hauser thought they were saying to change the “or” to an “and” now. She asked if Chair Berman was okay with that.

Chair Berman agreed that it should be “and”.

Consultant Bhatia didn't think they need to say “deemed appropriate by the Planning Commission because he thought that is implied, as it is the Planning Commission that is doing the review and they need to deem it appropriate.

Commissioner Wright concluded that it is redundant.

Chair Berman stated this is where she is getting stuck because she is wondering if it could be open to a different interpretation. In determining whether an exception shall be granted, she

asked if that explicitly imply that the Planning Commission will grant the exception if some of the following are addressed.

Consultant Bhatia stated that it was the totality if all of those are addressed in his opinion.

Commissioner Wright asked if they want to add a line that says “at the sole discretion of the Planning Commission, an exception can be granted”.

Vice Chair Hauser stated that where the objectiveness is, it makes it subjective again.

Consultant Bhatia thought it was an appropriate combination.

Asst. City Attorney Bazzano would not recommend adding that language because the Planning Commission is the one making the decision which is clear from the statement and it implies that the Council would not have discretion to review on appeal and that is not accurate. She would not want to say “in the sole discretion of the Planning Commission”.

Consultant Bhatia stated that the Planning Commission can say they see everything in there but the combination is inappropriate and, thereby, they are denying it. He stated that it is very clear that it’s an appropriate combination of those elements. He stated that they can do everything they want but the design doesn’t hold, and they can say that’s inappropriate in their opinion.

Vice Chair Hauser thought that was a very good point.

Asst. City Attorney Bazzano agreed that, inherent in the ability to grant is the ability to deny.

Councilmember Wright concluded they have the right team.

Vice Chair Hauser thought the intent was to keep the existing building façade of these three buildings, but the way it reads, it leaves the door open for the existing building façades shall be retained. It then asks them to take elements from those three buildings.

Consultant Bhatia stated that they will not come to before the Planning Commission if they retain the building façades only in the event they cannot.

Vice Chair Hauser stated that, what she is saying is, should it say “the existing building façade of 1914, 1922 and 1926 Palmetto shall be retained unless granted exception by the Planning Commission”. She asked if they should repeat it so it is clear that it is just those three façades because the way this reads it could be extrapolated.

Asst. City Attorney Bazzano thought her concern is that the title would not be read into that first sentence.

Vice Chair Hauser agreed, stating that the way Acting Planning Director Murdock has it on his screen is explicitly clear. She asked if everyone was okay with that, as that makes her feel happier.

Commissioner Wright was good with it. He stated there was one other consideration he wants to mention to play devil’s advocate. He stated that they suppose it is 50 years from now and these

sites have never been developed and have fallen into complete state of dilapidation and the people sitting on Commission have a very different opinion about the value of these dilapidated buildings. He asked if they tie their hands.

Vice Chair Hauser stated that they can amend the Specific Plan, as 50 years from now, she assumes there will be amendments.

Chair Berman stated that it was a good point. They are so close.

Commissioner Wright referred to how long it has been since they did a new General Plan, and he thought what if they do the same thing again.

Acting Planning Director Murdock stated that the same thing could be send about any directive policy that is in the Specific Plan. He agreed they are tying future decision makers' hands for however long that plan is in effect, and as Vice Chair Hauser mentioned, as those community values evolve, plans should be revisited and amended to update and reflect those evolved values.

Commissioner Wright was satisfied with that.

Asst. City Attorney Bazzano stated that Mr. Bhatia can chime in, but in her experience, Specific Plans get reviewed and updated more frequently than General Plans.

Consultant Bhatia agreed that they do, and he thought there was enough in there to find leeway in that case, as it doesn't say what those materials shall be and it doesn't say to replicate those materials but saying an appropriate combination of those components is what the design review will focus on. They can say the element of shingles are done in a snazzy way and they may achieve the same objective relating to the street but in a contemporary fashion and that will still be compliant with this policy. He doesn't think it is tying anyone's hands very much in terms of architectural style and specific materials but it is pointing to the building component they will be looking for during the design review.

Chair Berman asked Acting Planning Director Murdock if there was any concern with developers maintaining the existing building façade and not renovating, such as 20 years from now and someone develops these sites, she was sure there would need some sprucing up of the façade. She thought it was implied that a developer would properly do that if they kept the existing façade and didn't have to come through Planning Commission review or the Planning Department would require it.

Acting Planning Director Murdock stated that, generally, any project that would occur on this site that would be seeking to preserve the façade would also be coming to the Planning Commission for approval of a coastal development permit but they wouldn't be seeking an exception pursuant to this policy. More specifically, to the maintenance issue, property maintenance is an implied obligation of property owners and where they fail to maintain their property, it could constitute a public nuisance and the city could intervene to require maintenance of the property so there is already a safeguard there for the degrading condition scenario for which she is sensitive.

Chair Berman stated she is happy with it as written.

Vice Chair Hauser stated that she is happy with it as written and she wanted to put her hat in the ring for adding the picture in this section. She then asked if they want to extrapolate any of these items, siding materials, window and door treatments, etc., into the 5-I-38.

Acting Planning Director Murdock asked Ms. Moore if she would mind sharing that policy again if she is available.

Vice Chair Hauser stated that examples include and then have the list that Acting Planning Director Murdock just wrote instead of just materials, window treatments in former building.

Acting Planning Director Murdock stated it would say “siding materials, window and door treatments, proportionate to façade area as glazing, roofline, and he wasn’t sure if she also wanted to go on to “and other similar desirable architectural elements”.

Vice Chair Hauser thought this was sufficient, and she wondered if the policy says “incorporate elements of historic aged buildings, such as 1948 through 1926 Palmetto into new projects to import heritage”, and that way they extrapolate it as design guidelines for the whole block of Palmetto or the whole Sharp Park Specific Plan.

Acting Planning Director Murdock thought she was thinking to list 1914, 1922 and 1926 again, specifically by address.

Vice Chair Hauser stated it was to give some sort of link and making it more flexible but giving some context, like what is a historic aged building as someone could say the next policy seems to think that these, but it doesn’t specifically define it anywhere so she thinks that helps give guidelines.

Chair Berman asked if there were any additional comments on this. She concluded that they have reached a consensus, i.e., a great conclusion.

Commissioner Wright thought this was a big deal.

Chair Berman stated that she sees no other comments and they have reached a consensus on Chapter 5. She asked if anyone has comments for Chapters 6, 7 and 8 and seeing no hands, she concluded that the Commission does not have any additional comments on the remainder of the Sharp Park Specific Plan and she asked staff if they need to go back to any previously stated comments and concluded they did not.

Commissioner Wright thought, with the women on the Commission who did the large part of the work, it should be their honor to be the people who make the motion and second it, and he will move that they do so.

Chair Berman thought everyone did a fabulous job with it, and she was thankful that they were allotted the amount of time they were given to really thoroughly review the plan and she thought they came up with a terrific plan. She thought most of the work was done by Mr. Bhatia and Ms. Moore as well as Acting Planning Director Murdock and his team, as well as so much assistance from everyone, including all the effort from Asst. City Attorney Bazzano and her team.

Vice Chair Hauser thought this feels like an appropriate time to refer to when she and Councilmember Beckmeyer were walking around Francisco and Palmetto handing out flyers to come to the meeting at Little Brown Church to do all those boards, and it felt like a wonderful celebration of all the hard work that everyone, including all the community members who showed up at the meetings. She is willing to make the motion, but Chair Berman hasn't done one in a while and she wants the honor.

Chair Berman stated that she has to find it. She then asked Vice Chair Hauser to make the motion and she will be happy to second it.

Vice Chair Hauser moved, with the redlines added, to adopt the attached resolution to find the Planning Commission's recommendation to approve the Sharp Park Specific Plan to be substantially consistent with the plan evaluated in the General Plan Update and Sharp Park Specific Plan Final Environmental Impact Report, State Clearinghouse No. 2012022046, Certified by the City Council on July 11, 2022, for purposes of complying with the California Environmental Quality Act (CEQA); recommend that the City Council approve the Sharp Park Specific Plan (SPSP), including any amendments incorporated into the May 2022 draft of the SPSP as identified by the Planning Commission; and incorporate all maps and testimony into the record by reference; Chair Berman seconded the motion.

Acting Planning Director Murdock took a verbal roll call.

The motion carried **4-0-1**.

Ayes:	Commissioners Godwin, Hauser, Wright and Chair Berman
Noes:	None
Abstain:	Commissioner Leal

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

COMMISSION COMMUNICATIONS:

None

STAFF COMMUNICATIONS:

Acting Planning Director Murdock stated that Commissioner Wright served as Planning Commission's liaison at the August 8 City Council meeting where Council considered an appeal of the Planning Commission's approval of the temporary safe parking program coastal development permit for the Francisco Boulevard location. Council engaged in extensive discussion and deliberation and ultimately continued the Public Hearing to September 26 and they will need to appoint a liaison at the next Planning Commission meeting to carry forward that role for the Commission. He stated that at that August 8 meeting, the Council approved the housing element community engagement plan and made some tweaks to that plan to get more expansive and inclusive, including requiring a third community meeting, as well as a citywide postcard mailer and staff is working hard to finalize all the details for implementation of that plan and the community should expect to see some information from the city in the near future on the housing element community engagement side of things. He wanted to announce that today they have a new employee starting in the Planning Department, Elizabeth Brooks. She previously worked for Pacifica and has returned in a new role as management analyst, serving the Planning Department and the City Manager's office, and they are thrilled to have her back as she brings a whole suite of skills that are sorely needed in the Planning Department and she will be instrumental in helping to execute that community engagement plan as well as a variety of other work.

ADJOURNMENT:

There being no further business for discussion, Commissioner Godwin moved to adjourn the meeting at 11:43 p.m.; Vice Chair Hauser seconded the motion.

Acting Planning Director Murdock took a verbal roll call.

The motion carried **4-0**.

Ayes: Commissioners Godwin, Hauser, Wright and
Chair Berman

Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

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Acting Planning Director Murdock