

**RESOLUTION NO. 2021-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING AN AMENDMENT TO CANNABIS ACTIVITY PERMIT CAP 8-18 TO MODIFY THE REQUIREMENTS OF RESOLUTION NO. 2019-031 OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA RELATED TO THE TIMING OF THE FIRST FLOOR STOREFRONT WINDOW MODIFICATIONS (CONDITION OF APPROVAL NO. 9) AND PAYMENT OF OUTSTANDING APPLICABLE PROCESSING FEES RELATING TO THE CAP (CONDITION OF APPROVAL NO. 18) (CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS: CATEGORICALLY EXEMPT).**

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Initiated by: Ana Leño-Williams of Seaweed Holistics LLC (“Permittee”)

**WHEREAS**, the City of Pacifica’s Zoning Regulations for Cannabis Operations are codified in Article 48 (Cannabis Regulations) of Chapter 4 of Title 9 of the Pacifica Municipal Code (PMC); and

**WHEREAS**, the Permittee submitted an application to establish a Cannabis Retail Operation for the sale of medicinal and adult-use cannabis and cannabis-related products at 450 Dondee Way, Suite 2 (APN 022-021-640) within the C-1 (Neighborhood Commercial) zoning district and CZ (Coastal Zone) and CO-RB (Cannabis Operation, Rockaway Beach Overlay District) overlay zoning districts, which was considered at a duly noticed public hearing on September 16, 2019; and

**WHEREAS**, the Planning Commission of the City of Pacifica passed and adopted Resolution No. 2019-031, with attached conditions of approval, attached hereto as Exhibit B to this Resolution, by a vote of 5-1 on September 16, 2019, approving Cannabis Activity Permit CAP-8-18 pursuant to PMC Section 9-4.4803(b); and

**WHEREAS**, the Planning Commission also found, through Resolution No. 2019-031, that the approval of the CAP was categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 (Existing Facilities); and

**WHEREAS**, the Permittee has claimed that its compliance with two of the Conditions of Approval of Resolution No. 2019-031 is infeasible until after operations of the Cannabis Retail Operation have commenced and requested deferral of Condition of Approval (“COA”) No. 9 and No. 18; and

**WHEREAS**, the City of Pacifica and the Permittee entered into an *Agreement Regarding Deferral of Specified Conditions of Approval Relating to the Operation of Seaweed Holistics* (“Agreement”) executed on September 21, 2020, included as Exhibit C to this Resolution, to temporarily defer compliance with COA No. 9 and No. 18 until such time as the Planning Commission could consider an application to modify COA No. 9 and No. 18; and

**WHEREAS**, the Permittee submitted application materials on October 9, 2020, to modify COA No. 9 and No. 18 to reflect that compliance with those conditions shall be satisfied after commencement of operations in accordance with the Agreement; and



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**WHEREAS**, the Permittee requested a continuance of the January 19, 2021 hearing due to a scheduling conflict; and

**WHEREAS**, on January 19, 2021, the Planning Commission of the City of Pacifica continued the duly noticed public hearing to February 16, 2021 at the request of the Permittee; and

**WHEREAS**, the Planning Commission of the City of Pacifica held a continued public hearing on February 16, 2021, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

**BE IT FURTHER RESOLVED**, the Planning Commission of the City of Pacifica previously found that the Cannabis Retail Operation at 450 Dondee Way, Suite 2 was categorically exempt from the California Environmental Quality Act (CEQA) as a Class 1, Existing Structures as set forth in Resolution No. 2019-031. The project description of the cannabis retail operation would remain the same and as conditionally approved by Planning Commission Resolution No. 2019-031, with the exception of details relating to the timing of the first-floor storefront window improvements and the payments for outstanding and applicable fees associated with processing of the project. These amendments would have no impact on the Planning Commission’s finding that the project is exempt as a Class 1, categorical exemption for Existing Structures pursuant to Public Resource Code section .

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica approves an amendment to Cannabis Activity Permit CAP-8-18 to modify COA No. 9 and No. 18 of Planning Commission Resolution No. 2019-031 to be replaced to read in their entirety as follows:

COA No. 9:

*The Applicant shall apply for a building permit within two weeks of approval of this Resolution (March 2, 2021) to modify the first floor storefront to increase the horizontal and overall measurements of the glass on the first floor storefront to meet or exceed the requirements of PMC Section 4-16.03(c)(1)(ii), to the satisfaction of the Planning Director. New windows or doors proposed on the storefront shall be architecturally compatible with the remainder of the building, to the satisfaction of the Planning Director. Within three working days of notice from City that a building permit is ready to be issued, the Applicant shall pay all applicable building permit fees.*

*Within two weeks of building permit issuance date, Applicant shall complete the storefront modification and window installation and request a building final inspection. The Planning Director may grant additional time for completion of the storefront modification and window installation if needed due to a special order of materials. Any such grant of an alternative deadline for completion shall require mutual agreement in writing between*



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*the Applicant and City prior to the deadline, and the Applicant’s request shall include documentation of the window order and shipment delivery date.*

COA No. 18:

*Within sixty (60) days of February 16, 2021, Permittee shall pay in full all outstanding fees associated with processing CAP-8-18, which are \$4,080.56 as well as, all costs, including but not limited to, staff time, administrative costs, legal fees and any other costs incurred by the City (“City Costs”) associated with preparing the Agreement Regarding Deferral of Specified Conditions of Approval Relating to the Operation of Seaweed Holistics, executed on September 21, 2020, and all City Costs and associated fees relating to the Planning Commission hearing to consider the Application for Amendments and appeal(s) of the Planning Commission decision, if any.*

**BE IT FURTHER RESOLVED**, except as described above, the remaining previously adopted approvals for the Cannabis Retail Operation at 450 Dondee Way, Suite 2, as set forth in Resolution No. 2019-031, including COA Nos. 1 through 8, 10 through 17, and 19 through 25 shall remain unchanged and without modification or amendment.

\* \* \* \* \*

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 16th day of February, 2021.

AYES, Commissioners: Nibbelin, Berman, Ferguson, Godwin, Hauser, Leal,

NOES, Commissioners: None

ABSENT, Commissioners: None

ABSTAIN, Commissioners: None




John Nibbelin, Chair

ATTEST:

  
Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

  
Michelle Kenyon, City Attorney





## **Exhibit A**

### **Conditions of Approval: File No. 2020-020 - Cannabis Activity Permit CAP-8-18 to Modify Conditions of Approval of a Cannabis Retail Operation at 450 Dondee Way, Suite 2 (APN 022-021-640)**

#### **Planning Commission Meeting of February 16, 2021**

#### **Planning Division of the Planning Department**

1. All Conditions of Approval from Planning Commission Resolution No. 2019-031, attached hereto as Exhibit B to the Resolution, shall remain in full force and effect except as specifically amended below.
2. Condition of Approval No. 9 in Exhibit A of Planning Commission Resolution No. 2019-031 shall be replaced in its entirety to read as follows: “The Applicant shall apply for a building permit within two weeks of approval of this Resolution (March 2, 2021) to modify the first floor storefront to increase the horizontal and overall measurements of the glass on the first floor storefront to meet or exceed the requirements of PMC Section 4-16.03(c)(1)(ii), to the satisfaction of the Planning Director. New windows or doors proposed on the storefront shall be architecturally compatible with the remainder of the building, to the satisfaction of the Planning Director. Within three working days of notice from City that a building permit is ready to be issued, the Applicant shall pay all applicable building permit fees.

Within two weeks of building permit issuance date, Applicant shall complete the storefront modification and window installation and request a building final inspection. The Planning Director may grant additional time for completion of the storefront modification and window installation if needed due to a special order of materials. Any such grant of an alternative deadline for completion shall require mutual agreement in writing between the Applicant and City prior to the deadline, and the Applicant’s request shall include documentation of the window order and shipment delivery date.”

3. Condition of Approval No. 18 in Exhibit A of Planning Commission Resolution No. 2019-031 shall be replaced in its entirety to read as follows: “Within sixty (60) days of February 16, 2021, Permittee shall pay in full all outstanding fees associated with processing CAP-8-18, which are \$4,080.56 as well as, all costs, including but not limited to, staff time, administrative costs, legal fees and any other costs incurred by the City (“City Costs”) associated with preparing the Agreement Regarding Deferral of Specified Conditions of Approval Relating to the Operation of Seaweed Holistics, executed on September 21, 2020, and all City Costs and associated fees relating to the Planning Commission hearing to consider the Application for Amendments and appeal(s) of the Planning Commission decision, if any.”
4. Failure by the Permittee to comply with any and all terms and conditions of this Resolution or the Agreement (attached hereto as Exhibit C of this Resolution), including but not limited to any timelines or deadlines for Permittee’s performance associated therewith, shall cause the subject cannabis retail operation to be out of compliance with this Resolution, Planning Commission Resolution No. 2019-031, and the Agreement (attached as Exhibit C of this Resolution). In the event the City finds the Permittee to have failed to





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comply with these stated terms and conditions, the City may pursue all legal remedies including but not limited to closure of the subject cannabis retail operation.

\*\*\* END OF CONDITIONS \*\*\*



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## **Exhibit B**

### **Planning Commission Resolution No. 2019-031**

