

**RESOLUTION NO. 2020-019**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA FINDING THAT OPERATION OF A 7-ELEVEN CONVENIENCE STORE AT 700 HICKEY BOULEVARD (APN 009-540-030) IS SUBSTANTIALLY IN CONFORMANCE WITH USE PERMIT UP-41-15 APPROVED BY RESOLUTION NO. 40-2015 OF THE CITY COUNCIL OF THE CITY OF PACIFICA (FILE NO. 2020-015).**

---

**WHEREAS**, the City Council of the City of Pacifica upheld an appeal in part and approved Specific Plan SP-150-15 and Use Permit UP-41-15 for a 7-Eleven convenience store and service station without 24 hour operations and with limited alcohol sales at 700 Hickey Boulevard (APN 009-540-030), subject to conditions of approval included as Exhibit A to Resolution No. 40-2015, at a duly noticed public hearing on September 14, 2015; and

**WHEREAS**, Condition No. 56 of Exhibit A of Resolution No. 40-2015 of the City Council of the City of Pacifica requires the Planning Commission to perform an annual review of Use Permit UP-41-15 commencing one year from the issuance of the certificate of occupancy for the 7-Eleven convenience store. The annual review process shall afford the Planning Commission with the ability to modify the conditions of approval, and to evaluate whether ongoing operation of the site is in accordance with the use permit; and

**WHEREAS**, the City of Pacifica issued a certificate of occupancy for the 7-Eleven convenience store at 700 Hickey Boulevard on June 9, 2017; and

**WHEREAS**, the Planning Commission conducted the first required annual review on July 16, 2018, at which time it adopted Resolution No. 998 finding that the operation of the 7-Eleven convenience store at 700 Hickey Boulevard (APN 009-540-030) was substantially in accord with Use Permit UP-41-15; and

**WHEREAS**, the Planning Commission conducted the second required annual review on August 5, 2019, at which time it adopted Resolution No. 2019-027 finding that operation of a 7-Eleven convenience store at 700 Hickey Boulevard (APN 009-540-030) was substantially in conformance with Use Permit UP-41-15; and

**WHEREAS**, an appeal was filed in opposition to the Planning Commission's adoption of Resolution No. 2019-027, and the City Council of the City of Pacifica subsequently adopted Resolution No. 36A-2019 on September 28, 2019, denying the appeal and upholding the Planning Commission's finding that operation of a 7-Eleven convenience store at 700 Hickey Boulevard (APN 009-540-030) was substantially in conformance with Use Permit UP-41-15; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on November 2, 2020, to conduct the third required annual review of Use Permit UP-41-15 as approved by Resolution No. 40-2015 of the City Council of the City of Pacifica, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

**WHEREAS**, conduct of the annual review is not a "project" pursuant to § 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission of the City of Pacifica does hereby find that the operation of a 7-Eleven convenience store at 700 Hickey Boulevard (APN 009-540-030) is substantially in conformance with Use Permit UP-41-15.

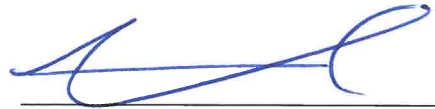
**BE IT FURTHER RESOLVED** that the next annual review shall confirm that the on-site landscaping is planted and maintained in conformance with the approved final landscape plan approved by the City.

**BE IT FURTHER RESOLVED** that the next annual review of Use Permit UP-41-15 shall be on or after June 9, 2021, and before December 31, 2021.

\* \* \* \* \*

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 2<sup>nd</sup> day of November 2020.

AYES, Commissioners:	BERMAN, BIGSTYCK, FERGUSON, GODWIN, LEAL, NIBBELIN
NOES, Commissioners:	N/A
ABSENT, Commissioners:	HAUSER
ABSTAIN, Commissioners:	N/A



John Nibbelin, Chair

ATTEST:

  
Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

  
Michelle Marchetta Kenyon, City Attorney