

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th 7b *RSTH***RECORD PACKET COPY****PUBLIC NOTICE****February 22, 2001****To:** Commissioners and Interested Persons**From:** Charles Lester, District Manager
Renee Brooke, Coastal Planner**Subject:** **San Luis Obispo County LCP Minor Amendment No. 3-00 (Non-Taxable Merchandise Ordinance)** Proposed minor amendment to the San Luis Obispo County certified Local Coastal Program to be heard at the Coastal Commission's March 15, 2001 meeting at the Bahia Hotel (998 W. Mission Bay Drive) in San Diego.

The County of San Luis Obispo is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP) be amended. This amendment request was filed on January 25, 2001 pursuant to Coastal Act Section 30510(b) and California Code of Regulations (CCR) Sections 13553 and 13555.

The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554(a). The proposed amendment would add specific language in the LCP (IP Section 23.04.360) to establish the maximum amount of square footage a large retail establishment can dedicate to the sale of non-taxable items (generally grocery items), and does not change the kind, location, intensity, or density of use. Please see Exhibit A for the full text of the amendment.

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its March 15, 2001 meeting at the Bahia Hotel located at 998 W. Mission Bay Drive in San Diego. The Executive Director will also report any objections to the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, please contact Renee Brooke in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. If you wish to register an objection to the proposed minor LCP amendment, please do so by Friday March 16, 2001.

**California Coastal Commission**

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, CHAPTER 4 BY ADDING SECTIONS 23.04.360 RELATING TO NON-TAXABLE MERCHANDISE LIMITATIONS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Chapter 4 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

23.04.360 - Non-Taxable Merchandise Limitations. The following standards apply to any retail trade use (see Coastal Table O, Part I of the Land Use Element/Local Coastal Plan).

a. Limits on non-taxable sales.

- (1) For retail trade uses of 90,000 to 139,999 square feet of floor area (for a single use), no more than three percent of the floor area may be devoted to non-taxable merchandise.
- (2) For retail trade uses of 140,000 to 250,000 square feet of floor area (for a single use), no more than two percent of the floor area may be devoted to non-taxable merchandise.
- (3) For retail trade uses exceeding 250,000 square feet of floor area (for a single use), no more than one percent of the floor area may be devoted to non-taxable merchandise.

b. Reporting. The owner of a retail trade use exceeding 90,000 square feet of floor area shall annually provide a report to the Department of Planning and Building specifying the square footage of the retail store and the percentage of the floor area the square footage represents that was devoted to the sale of non-taxable merchandise during the previous year. This report shall be filed no later than February 28 of the year following the reporting year.

c. Aggregate use. In applying this section, floor areas of adjacent retail uses shall be aggregated when those uses share checkstands, management, a controlling ownership interest, a warehouse or a distribution facility.

SECTION 2. That the activity is covered by a general rule exemption (State CEQA

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 15th day of August, 2000, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 22nd day of August, 2000, by the following roll call vote, to wit:

AYES: Supervisors Michael P. Ryan, Shirley Bianchi, Harry L. Ovitt, K.H. "Katcho" Achadjian, and Chairperson Peg Pinard

NOES: None

ABSENT: None

ABSTAINING: None

[Handwritten signature]

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

BY: CHERIE MSPURO Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: *[Handwritten Signature]*
Deputy County Counsel

Dated: 8/11/00

Exhibit A SLO-MIN-3-00

