

CALIFORNIA COASTAL COMMISSION

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W14a

**TO: Commissioners and
Interested Persons**

DATE: November 20, 2012

FROM: Staff

**SUBJECT: Request to Waive Time Limit for City of Imperial Beach LCP
Amendment No. IMB-MAJ-3-12 (Medical Marijuana) for the
Commission Meeting of December 12-14, 2012**

On November 9, 2012, the City of Imperial Beach Local Coastal Program (LCP) Amendment #3-12 was filed in the San Diego District office. The amendment involves a request to prohibit medical marijuana distribution facilities in all zoning districts of the City. The proposed amendment only affects the certified LCP implementation plan.

A similar amendment request had been previously submitted to the Commission last year and was pending Commission review earlier this year. However, before the Commission could act on the matter, the City withdrew the amendment request. The City has now submitted the same amendment again and it was deemed complete and filed as of November 9, 2012. Pursuant to Section 30513 of the Coastal Act, the Commission must act on implementation plan amendments within 60 days of filing. Based on the above-cited time limits, the proposed LCP amendment must be scheduled for review by the Commission at the December 2012 meeting. However, Section 30517 of the Coastal Act and Section 13535(c) of the California Code of Regulations state that the Commission may extend for good cause any applicable time limits for a period not to exceed one year.

There are two other unrelated amendment requests from the City that were subsequently filed since the previous amendment on medical marijuana facilities was withdrawn. However, given the previous submittal for an identical amendment request, Commission staff had completed some analysis of the proposed amendment and was prepared to bring it to the Commission sooner. Commission staff contacted the City to discuss the proposed schedule and, given local interest in the matter, the City has specifically requested that a time extension be granted and the matter be agendaized for the next local hearing. Staff will plan to schedule the item for the March 2013 Commission hearings in San Diego but recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and scheduling issues that may arise. Staff therefore recommends the Commission extend the 60-day time limit for one year.

MOTION:

I move that the Commission extend the 60-day time limit to act on the City of Imperial Beach LCP Amendment No. 3-12 for one year.

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. An affirmative vote of the majority of the Commissioners present is needed to pass the motion.