

# CALIFORNIA COASTAL COMMISSION

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# W16b

**APPLICATION/LCP AMENDMENT LCP-3-GRB-17-0046-1**

**(COMMERCIAL MEDICAL CANNABIS)**

**JULY 12, 2017**

## **EXHIBITS**

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**Exhibit 1: LCP Amendment (in strikethrough/underline)**

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:**

**SECTION 1.** Section 2.40.020 of Chapter 2 of Article IX, Purpose of the Industrial Zones, is amended as follows:

**2.40.020 Purpose of the Industrial Zones**

A. Industrial Zone (I). The Industrial Zone applies to areas of the City appropriate for light, medium and heavy manufacturing and assembly, industrial parks, warehouses, commercial cannabis uses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor's yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses.

B. Coastal Industrial Zone (CI). The Coastal Industrial Zone applies to areas of the City appropriate for light and medium manufacturing and assembly, industrial parks, warehouses, commercial cannabis uses, and similar and compatible uses. The area is also appropriate for smaller service businesses such as contractor's yards, vehicle repair and storage, and material sales and supplies. Live-work may be appropriate when compatible with surrounding uses. All development shall be consistent with the City's Local Coastal Program.

C. Coastal Industrial Commercial Zone (CIC). The Coastal Industrial Commercial Zone applies to the area adjacent to the Coastal Commercial Zone. The area is appropriate for technology businesses, custom and light manufacturing and assembly, commercial cannabis uses, and similar and compatible uses where all operations are conducted within the building. The area is also appropriate for office uses, live-work, recreational uses and similar and compatible uses. All development shall be consistent with the City's Local Coastal Program.

**SECTION 2.** Section 2.40.030 of Chapter 2, of Article IX, Industrial Zones Allowable Land Uses and Permit Requirements, is amended as follows:

**2.40.030 Industrial Zones Allowable Land Uses and Permit Requirements**

<b>Table 2.6 Industrial Zones Allowable Land Uses and Permit Requirements</b>				
<b>Land Use</b>	<b>CI<sup>1</sup></b>	<b>CIC<sup>1</sup></b>	<b>I</b>	<b>Specific Use Regulations</b>
<b>Industry, Manufacturing &amp; Processing</b>				
High Technology Uses	P	P	P	
Manufacturing, Artisan	P	P	P	Section 4.10.130
Manufacturing/Processing, Heavy	--	--	UP	Section 4.10.130
Manufacturing/Processing, Light	P	P	P	Section 4.10.130
Manufacturing/Processing, Medium	UP	--	UP	Section 4.10.130
Media Production	P	P	P	
<u>Commercial Cannabis Activity &amp; Uses</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>[Section 4.10.045]</u>
Printing and Publishing	P	P	P	
Recycling – Processing Facilities	--	--	UP	Section 4.10.150
Storage – Warehouse	P	P	P	
Storage – Outdoor	UP	--	UP	Section 4.10.130
Storage – Personal Storage Facility	P	--	P	Section 4.10.140
Storage - Vehicles	UP	--	UP	Section 4.10.130
Wholesaling & Distribution	P	P	P	
<b>Recreation, Education &amp; Public Assembly</b>				
Commercial Recreation Facility - Outdoor	UP	UP	UP	
Health/Fitness Facility	AUP	AUP	AUP	
Meeting Facility, public or private				
≤ 3,000 sf	AUP	AUP	AUP	
> 3,000 sf	UP	UP	UP	
Studio – Art, Dance, Martial Arts	AUP	AUP	AUP	
Public or Quasi-Public Facility	UP	UP	UP	
Specialized Education/Training	UP	UP	UP	
<b>Residential</b>				
Caretaker's Residence	AUP	AUP	AUP	Section 4.10.050
Home Occupation	P	--	P	Section 6.20.070
Live/work Unit	UP	UP	UP	Section 4.10.090
<b>Retail</b>				
Accessory Retail/Service Use	P	P	P	Section 4.10.020
Adult Business	UP	--	--	Section 4.20
Automobile Service Station	UP	--	UP	
Building/Landscape Materials, Indoor	P	--	P	
Building/Landscape Materials, Outdoor	UP	--	UP	Section 4.10.130
Fuel Dealer	UP	--	UP	
General Retail	P	P	P	
Plant Nursery	P	--	P	
Restaurant	UP	UP	UP	
Vehicle Sales	P	--	P	

Table 2.6 Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	CI <sup>1</sup>	CIC <sup>1</sup>	I	Specific Use Regulations
<b>Services</b>				
ATM	P	P	P	
Animal Boarding	AUP	--	AUP	
Animal Care Facilities	P	--	P	
Business Support Services	P	P	P	
Catering Service	P	P	P	
Equipment Rental	P	--	P	Section 4.10.130
Maintenance Service – Client Site Services	P	P	P	Section 4.10.130
Medical services – Clinic/Urgent Care	P	--	P	
Mortuary/Funeral Home	UP	--	UP	
Office – Business/Service	P	P	P	
Office – Processing	P	P	P	
Office – Professional	P	P	P	
Recycling – Large Collection Facilities	AUP	AUP	AUP	Section 4.10.150
Recycling – Reverse Vending Machine	P	P	P	Section 4.10.150
Recycling – Small Collection Facilities	P	P	P	Section 4.10.150
Repair Services – Large Equipment	P	--	P	Section 3.10.020
Repair Services – Small Equipment	P	P	P	
Vehicle Rental	P	--	P	
Vehicle Repair & Services	AUP	--	P	Section 4.10.130
<b>Transportation &amp; Infrastructure</b>				
Freight Terminal	--	--	UP	
Parking Facility	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	Section 4.40
<b>End Note</b>				
1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).				
<b>Legend</b>				
P Permitted Use				
AUP Administrative Use Permit Required				
UP Use Permit Required				
-- Use Not Allowed				

**SECTION 3.** Section 4.10.045 of Chapter 4, of Article IX, Commercial Cannabis Uses, is hereby added as follows:

4.10.045 Commercial Cannabis Activity and Uses

A. Purpose. This Section provides standards for Commercial Cannabis Uses, where allowed by Chapter 2 (Zones and Allowable Land Uses). These standards apply in addition to the regulatory requirements in Municipal Code Article III Chapter 18 and the State's licensing requirements. Commercial Cannabis Uses shall include those uses licensed in Business and Professions Code section 19300.7 and defined in Public

Resource Code Section 19300.5 or as modified hereafter and Chapter 18 of Article III of the Grover Beach Municipal Code. No uses licensed under Chapter 5 of Division 10 of the California Business and Professions Code, specifically Section 26050 et seq. shall be allowed unless otherwise such restriction is precluded by the Control, Regulate and Tax Adult Use of Marijuana Act.

- B. Review Authority. The Council is authorized to approve Use Permits for commercial cannabis uses. The Planning Commission shall make a recommendation to the Council.
- C. Permit requirements. A land Use Permit shall be approved by the Council to ensure compliance with this Section and a Coastal Development Permit shall be required when located in the Coastal Zone. Approval of a land Use Permit does not allow the applicant to operate until a Commercial Cannabis Permit is approved in accordance with Municipal Code Article III Chapter 18.
- D. Limitation on number of dispensaries. The maximum number of dispensaries is two.
- E. Limitation on manufacturing uses. Level 1 and Level 2 manufacturing (State Licenses Types 6 and 7) shall be authorized subject to Municipal Code Article III Chapter 18.
- F. Setbacks. Commercial Cannabis Uses shall comply with the following minimum setbacks:
1. All dispensaries shall be located a minimum of 100 feet from all residential zones as measured from the residential lot boundary to the public entrance of the dispensary, except on Farroll Road where no minimum setback is required from residential zones.
  2. All dispensaries and cultivation with storefronts shall be located a minimum of 600 feet from public and private schools grades kindergarten through 12<sup>th</sup> grade consistent with State law.
  3. All commercial cannabis uses shall be located a minimum of 100 feet from the CR2 Zone on the north side of Atlantic City Avenue as measured from the residential lot boundary to the industrial lot boundary.
- G. Development standards. Commercial Cannabis Uses shall comply with the following standards:
1. All dispensaries may be open to the public between the hours of 9:00 a.m. and 7:00 p.m. and make and receive deliveries between the hours of 9:00 a.m. and 9:00 p.m. All other non-dispensary uses may operate at any time, but shall only receive deliveries between the hours of 7:00 a.m. and 9:00 p.m.
  2. Cultivation and nursery uses shall prepare a Water Recycling Management Plan that demonstrates that irrigation water is recycled to the maximum extent feasible using best management practices. A separate water meter shall be installed for irrigation uses.
  3. All cultivation and nursery uses shall be within an enclosed building. Cultivation and nursery uses are prohibited outdoors.
  4. Cultivation and nursery uses may use mixed-light buildings when issued a local license consistent with State licensing that allows for mixed-light buildings when no light is visible through the roof and windows of grow areas from dusk to dawn.

5. All delivery areas and loading/unloading areas shall be conducted within a secured area.
6. Odor control devices and techniques shall be incorporated to ensure that marijuana odors are not detectable from the property boundary and public right-of-way. In multi-tenant buildings marijuana odors shall not be detectable from the building exterior, or from exterior and/or interior common areas such as walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. Odor control systems shall include, but are not limited to, ventilation and exhaust systems that provide sufficient odor absorbing to meet the above requirements.
7. An Operations and Security Plan shall be prepared as required by Municipal Code Article III Chapter 18.
8. Design standards in Section 2.40.050 and any other Council adopted design guidelines.
9. All applicable regulatory requirements of Municipal Code Article III Chapter 18.

**SECTION 4.** Section 6.10.020 of Chapter 6, of Article IX, Permit Application Filing and Processing, is amended as follows:

Table 6.1 (Review Authority), below, identifies the Review Authority responsible for reviewing and making decisions on each type of development application required by this Development Code.

Type of Action	Code Section	Review Authority		
		Director	Commission	Council
General Plan Amendment	7.30	Recommend	Recommend	Decision
Local Coastal Program Amendment	7.30	Recommend	Recommend	Decision <sup>1</sup>
Development Code Amendment	7.30	Recommend	Recommend	Decision
Coastal Development Permit	6.20.040	Recommend <sup>2</sup>	Decision	Appeal
Development Permit	6.20.060	Recommend	Decision	Appeal
Use Permit	6.20.090	Recommend	Decision <sup>3</sup>	Appeal <sup>3</sup>
Variance	6.20.100	Recommend	Decision	Appeal
Administrative Development Permit	6.20.020	Decision	Appeal	Appeal
Administrative Use Permit	6.20.030	Decision	Appeal	Appeal
Home Occupation Permit	6.20.070	Decision	Appeal	Appeal
Temporary Use Permit	6.20.080	Decision	Appeal	Appeal
Interpretations	1.10.050	Decision	Appeal	Appeal

Note:

1. The decision by the City Council does not take effect until it is certified by the California Coastal Commission.
2. The Director may approve a Coastal Development Permit in compliance with Section 6.20.040.
3. The City Council shall be the Review Authority for Use Permits for Commercial Cannabis Uses.

**SECTION 5.** Section 9.10.020 of Chapter 9, of Article IX Definitions is amended to add the following definition:

Commercial Cannabis Uses. The uses are solely limited to the cultivation, nursery, manufacturing, testing laboratories, transportation, delivery, distribution (includes storage), and dispensaries as defined in Public Resources Code Section 19300.5 or as modified hereafter, and Municipal Code Article III Chapter 18.