

CALIFORNIA COASTAL COMMISSION

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Prepared January 19, 2018 for February 7, 2018 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor

**Subject: De Minimis Amendment Determination for City of Grover Beach LCP
Amendment Number LCP-3-GRB-18-0005-1 (Cannabis Updates)**

Proposed Amendment

The City of Grover Beach proposes to modify the Local Coastal Program (LCP) Implementation Plan (IP) to update standards for commercial cannabis activities and uses. The City adopted and the Commission approved a cannabis ordinance in July 2017 regulating the type of cannabis uses allowed, as well as location and performance standards such uses must meet. This amendment slightly modifies that ordinance, including to reflect changes in State law that recently took effect in January 2018 regarding recreational cannabis use. Specifically, in addition to minor cleanup to reflect new terminology, the proposed amendment would allow up to four cannabis retailers in the City, while the current ordinance allows two. See **Exhibit A** for the proposed amendment text.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is “de minimis.” In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (in this case, on February 17, 2018).

The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act: The proposed amendment slightly modifies terminology for consistency with State law (i.e., replacing the term “dispensary” with “retailer”), and allows up to four cannabis retailers in the City, up from the existing two. All other LCP and cannabis-specific standards are unchanged by the amendment and remain in effect, thereby ensuring continued protection of coastal resources.

The proposed amendment, as submitted, does not raise issues with regard to coastal resources, including public access. As such, the proposed amendment is consistent with the policies of Chapter 3 of the Coastal Act.

2. Provision of public notice: The City provided public notice in advance of the Planning Commission hearing (held on November 8, 2017) and City Council hearings (held on December 4, 2017 and January 8, 2018) where the proposed amendment was considered. For the Planning Commission hearing, a newspaper advertisement notice was printed on October 27, 2017. For the City Council hearings, a newspaper advertisement notice was printed on November 24, 2017. The amendment submittal was subsequently received by the Commission on January 12, 2018, and therefore, the 21-day noticing requirement has been satisfied.

3. No change in use of land or allowable use of property: Given that cannabis retailers are already an allowed use in the LCP, and this amendment simply allows for up to two additional retailers in the same zoning districts as currently allowed (i.e., the Coastal Industrial and Coastal Industrial Commercial zoning districts), the amendment does not change the allowable use of land or property.

California Environmental Quality Act (CEQA)

The Coastal Commission’s review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA (14 California Code of Regulations Section 15251(f)). The City adopted a Negative Declaration on the amendment, finding that it would not have any significant environmental impact. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse

environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its February 7, 2018 meeting in Cambria. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Kevin Kahn at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by February 2, 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 12, 2018. It amends the IP only and the 60-day action deadline is March 13, 2018 (see Pub. Res. Code Sections 30513, 30514(b).) Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Pub. Res. Code Section 30517), the Commission has until March 13, 2018 to take a final action on this LCP amendment.

Exhibit

Exhibit A: Proposed Amendment Text