

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th12b

Prepared June 22, 2018 (for July 12, 2018 Hearing)

To: Commissioners and Interested Persons

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

**Subject: City of Grover Beach LCP Amendment Number LCP-3-GRB-18-0045-2
(Cannabis Regulations 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 proposed amendment slightly modifies the certified cannabis ordinance by specifying that the ordinance's allowance for medical cannabis activities and uses may also apply for adult (i.e., recreational) use (i.e., medical *and* recreational cannabis activities would now be allowable in the City). The proposed amendment also allows the Planning Commission, as opposed to City Council, to serve as the reviewing body for all non-retail (e.g., manufacturing and indoor cultivation) cannabis permits, including those that require a coastal development permit (CDP). The City Council would serve as the review authority for all retail permits including those that require a CDP, and would also serve as the appeal body for other cannabis decisions, such as for manufacturing and cultivation facilities, made by the Planning Commission. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LCP amendment retains the entirety of the ordinance's regulatory structure with regard to where and what type of cannabis activities and uses are allowed in the coastal zone, as well as the applicable standards such uses must meet in order to ensure protection of coastal resources. The ordinance simply allows such cannabis activities to serve adult/recreational needs in addition to medical needs. The ordinance also allows the Planning Commission, as opposed to City Council, to act on permits for certain cannabis uses, thereby streamlining the review process. As such, the proposed amendment does not change the kind, location, intensity, or density of use of land, and qualifies under the regulatory definition of a minor LCP amendment. (14 CCR Section 13554(a).)

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. (*See* Pub. Res. Code Section 21080.5; 14 CCR Section 15251(f).) The City adopted a Negative Declaration for the original cannabis ordinance, finding that it had no potential for significant environmental impacts, and relied upon that determination for this amendment, finding that the revised ordinance would not have any additional impacts. As such, 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 minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its July 12, 2018 meeting in Scotts Valley. 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.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on May 29, 2018. It amends the IP only and the 60-day action deadline is July 28, 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 July 28, 2018 to take a final action on this LCP amendment.

Exhibit:

Exhibit 1: Proposed Amendment Text