

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# Th7a

**Prepared June 21, 2019 for July 11, 2019 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Jeannine Manna, District Manager  
Stephanie Rexing, District Supervisor  
**Subject:** **De Minimis Amendment Determination for City of Pacifica LCP Amendment Number LCP-2-PAC-19-0043-1 (Cannabis Regulations)**

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## **City of Pacifica's Proposed Amendment**

The City of Pacifica is proposing to modify the Local Coastal Program (LCP) Implementation Plan (IP) regulations related to allowable residential and commercial cannabis uses. Specifically, the proposed amendment would increase the maximum number of allowed cannabis retail operations in the Rockaway Beach and Shark Park Cannabis Operation Overlay Districts from 2 to 3; modify regulations related to use permit approvals for testing and manufacturing operations, including allowing mechanical extraction methods; add parking standards for retail operations; streamline the cannabis activity permitting process; and update definitions and references to conform with State law.

## **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 10 days after the date of the Commission meeting (in this case, on July 11, 2019).

**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 would refine the standards applicable to residential and commercial cannabis activities already allowed in certain overlay districts within the City. While the number of retail operations permitted within two of the overlay districts will be increased from 2 to 3, the total allowable number of retail operations City-wide will not change. Extraction methods will be limited to mechanical extraction and a limited ethanol refinement process subject to other state permit requirements. The amendment would not modify existing LCP provisions applicable to allowing new development nor criteria for same, and thus these standards would continue to adequately protect coastal resources in the City. Thus, the proposed amendment will not adversely affect coastal resources, and it 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 hearings (held on March 18, 2019 and April 1, 2019) and the City Council hearing (held on April 22, 2019) where the proposed amendment was considered. For the Planning Commission hearings, a newspaper advertisement notice was printed on March 6, 2019. For the City Council hearing, a newspaper advertisement notice was printed on April 10, 2019. In addition, the proposed text was made available at the City Planning Department's office and on the City's website for public inspection, all in advance of the City's hearings. The amendment submittal was subsequently received by the Commission on May 28, 2019 (and filed as complete on June 11, 2019), and therefore the 21-day noticing requirement has been satisfied.

**3. No change in use of land or allowable use of property:** No change in use is proposed by this amendment.

**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. The City, as the CEQA lead agency, exempted the proposed amendment from environmental review under CEQA pursuant to Section 15061(b)(3). This LCP amendment 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 July 11, 2019 meeting at the Embassy Suites Hotel located at 333 Madonna Road in San Luis Obispo. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Jeannine Manna at the North Central Coast District Office in San Francisco. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by July 5, 2019.

**Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on June 11, 2019. It amends the IP only and the 60-working day action deadline is September 3, 2019. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until September 5, 2019 to take a final action on this LCP amendment.

**Exhibit**

[Exhibit 1: Proposed Ordinance No. 844-C.S](#)