

RESOLUTION NO. 2023-xx

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (CUP-23-0003) TO
ALLOW CANNABIS RETAIL WITHIN AN EXISTING STOREFRONT AT 12 W 4TH
STREET (APN 001-023-005)**

WHEREAS, Kuda Bros Distro, LLC proposes to operate a 250-sf cannabis retail store, in an existing building that is already permitted for General Cannabis (distribution), and is also requesting a second General Cannabis Use (manufacturing); and

WHEREAS, the project site is zoned Hinge Industrial (HN), and has a land use designation of Light Industrial (LI); and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §158.021, the proposed Cannabis Retail Use is allowed with a Conditional Use Permit in the HN zone district; and

WHEREAS, the Conditional Use Permit approval for the Cannabis Retail Use is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on July 10, 2023 at 5:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with EMC Chapters 155 and 158, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The location of the Cannabis Retail Use, is consistent with the General Plan, Zoning Code, and any applicable specific plan, or area plan adopted by the City Council.
2. The site is suitable for the size, design, and operating characteristics of the proposed Cannabis Retail Use.
3. The proposed Cannabis Retail Use is compatible with existing and planned land uses in the vicinity of the property.
4. The proposed location of the Cannabis Retail Use and the conditions under which the conditional use will be operated and maintained will not be detrimental to the public health, safety, or welfare.
5. The proposed Cannabis Retail Use is properly located within the City and adequately served by existing or planned services and infrastructure.
6. The project is categorically exempt from the provisions of the CEQA, in accordance 15301 (Existing Facilities) of the CEQA Guidelines, as the project will be located entirely within an existing building with no proposed expansion or enlargement of the building.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions.

- A. **Building and Fire Department Approvals.** Prior to commencement of any construction, the applicant shall obtain all required Building and Fire permits to the satisfaction of Development Services - Building and Humboldt Bay Fire.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 10th day of July, 2023 by the following vote:

AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary