

<b>Title:</b>	1621 Broadway LLC Cannabis Retail Facility
<b>Projects:</b>	Conditional Use Permit CUP-22-0007 and Initial Study/Mitigated Negative Declaration ED-23-0003
<b>Locations:</b>	1621 and 1561 Broadway
<b>APNs:</b>	004-042-003 and -006
<b>Applicant:</b>	Same as owner
<b>Property Owner:</b>	1621 Broadway, LLC
<b>Purpose/Use:</b>	Cannabis retail use
<b>Application Date:</b>	October 4, 2022
<b>General Plan:</b>	GC – General Commercial
<b>Zoning:</b>	SC – Service Commercial
<b>CEQA:</b>	Initial Study/Mitigated Negative Declaration (SCH No. 2023070308)
<b>Staff Contact:</b>	Millisa Smith, Assistant Planner
<b>Recommendation:</b>	Hold a public hearing; and Adopt a resolution adopting the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Response to Comment, and approving the project with conditions.
<b>Motion:</b>	<i>“I move the Planning Commission adopt a resolution to adopt a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Response to Comment, and conditionally approve a cannabis retail use at 1621 and 1561 Broadway.”</i>

Figure 1: Location Map

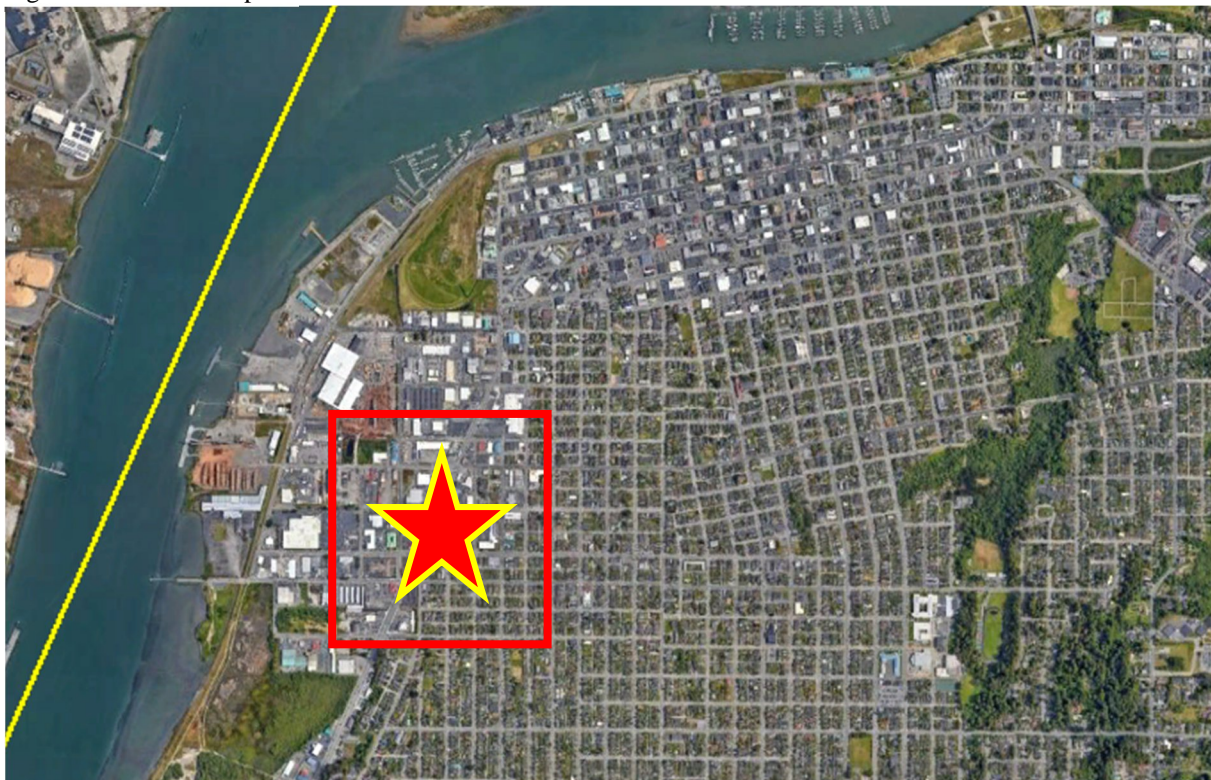


Figure 2: Site Map

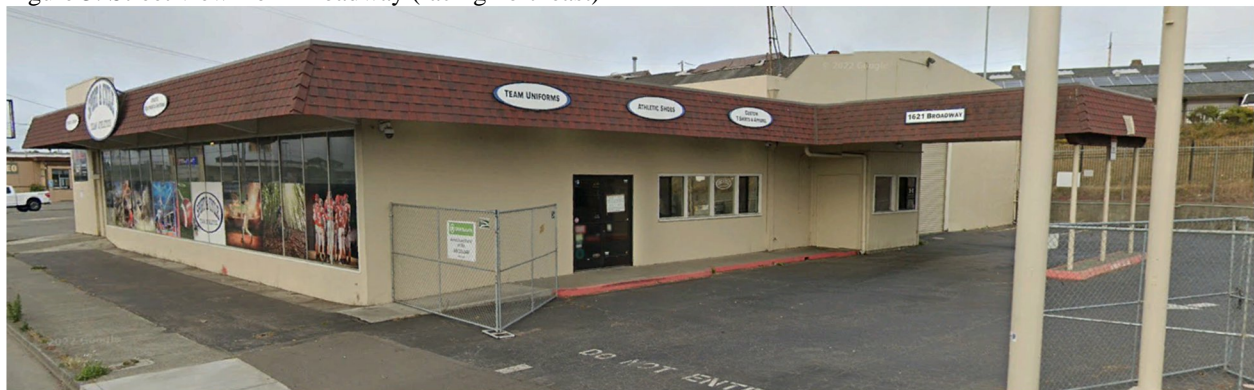


## **PROJECT SUMMARY**

The applicant is requesting approval to utilize an existing commercial building and parking lot as a cannabis retail facility with both indoor and car-side pick-up service. The hours of operation will be 9:00 a.m. to 9:00 p.m., seven days a week, with approximately four to eight employees. Proposed site improvements include new security fencing and gates, parking lot striping, bicycle parking and landscaping.. Ground disturbance between

12-24 inches is anticipated for installation of security fencing (and required future landscaping improvements). No changes to the existing building footprint or height are proposed.

Figure 3: Street view from Broadway (facing northeast)



## **BACKGROUND**

The applicant is proposing to operate a cannabis retail facility within an existing two-story, 9,615-square-foot (sf) commercial building, which was previously used as a sporting good retail store. A portion of the existing building's parking lot is located on the adjoining parcel to the south, and the applicant is also proposing to utilize up to seven designated parking spaces for car-side pick-up service.

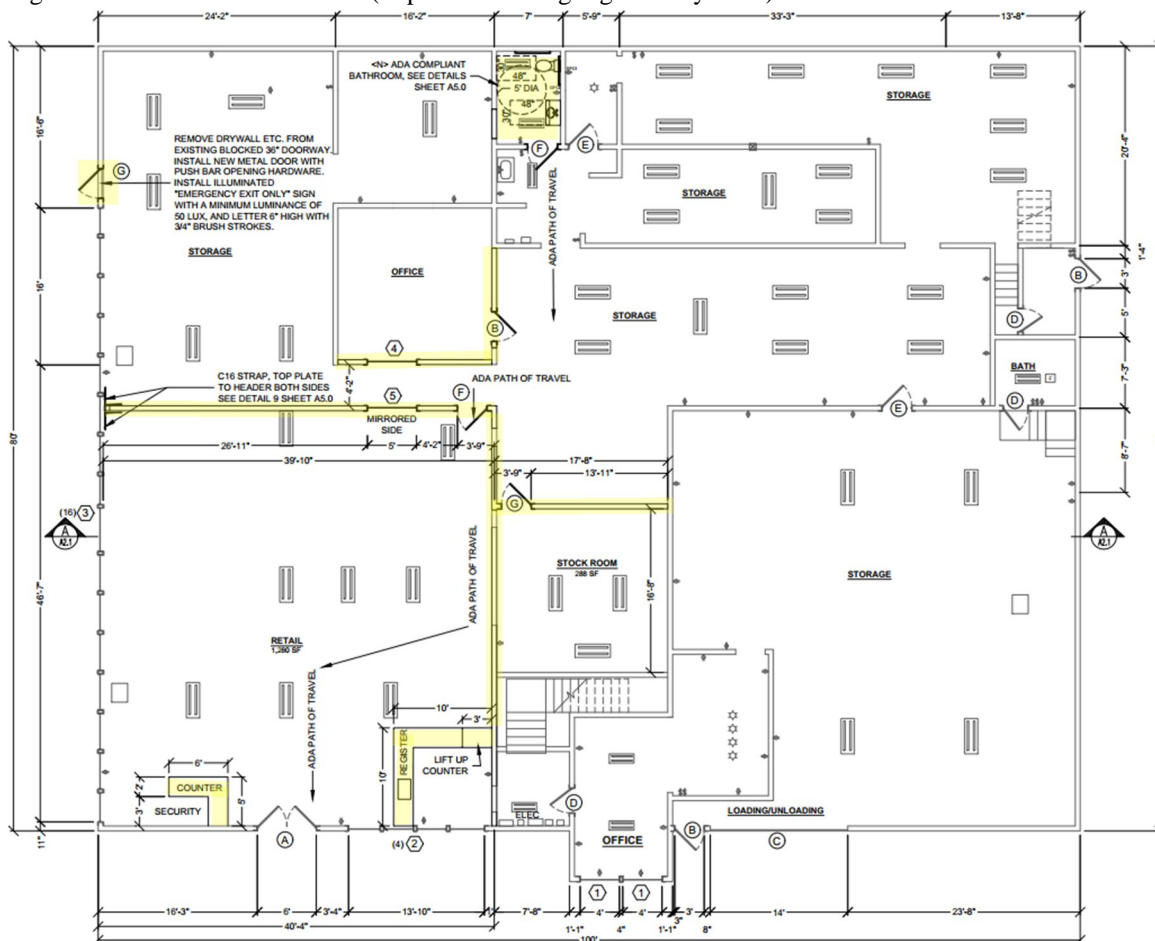


The applicant is requesting the following authorizations for the proposed cannabis retail facility:

1. Adoption of a Mitigated Negative Declaration (IS/MND), and Mitigation Monitoring and Reporting Program and Response to Comment (ED-23-0003); and
2. Approval of a Conditional Use Permit (CUP-22-0007) for a cannabis retail facility.

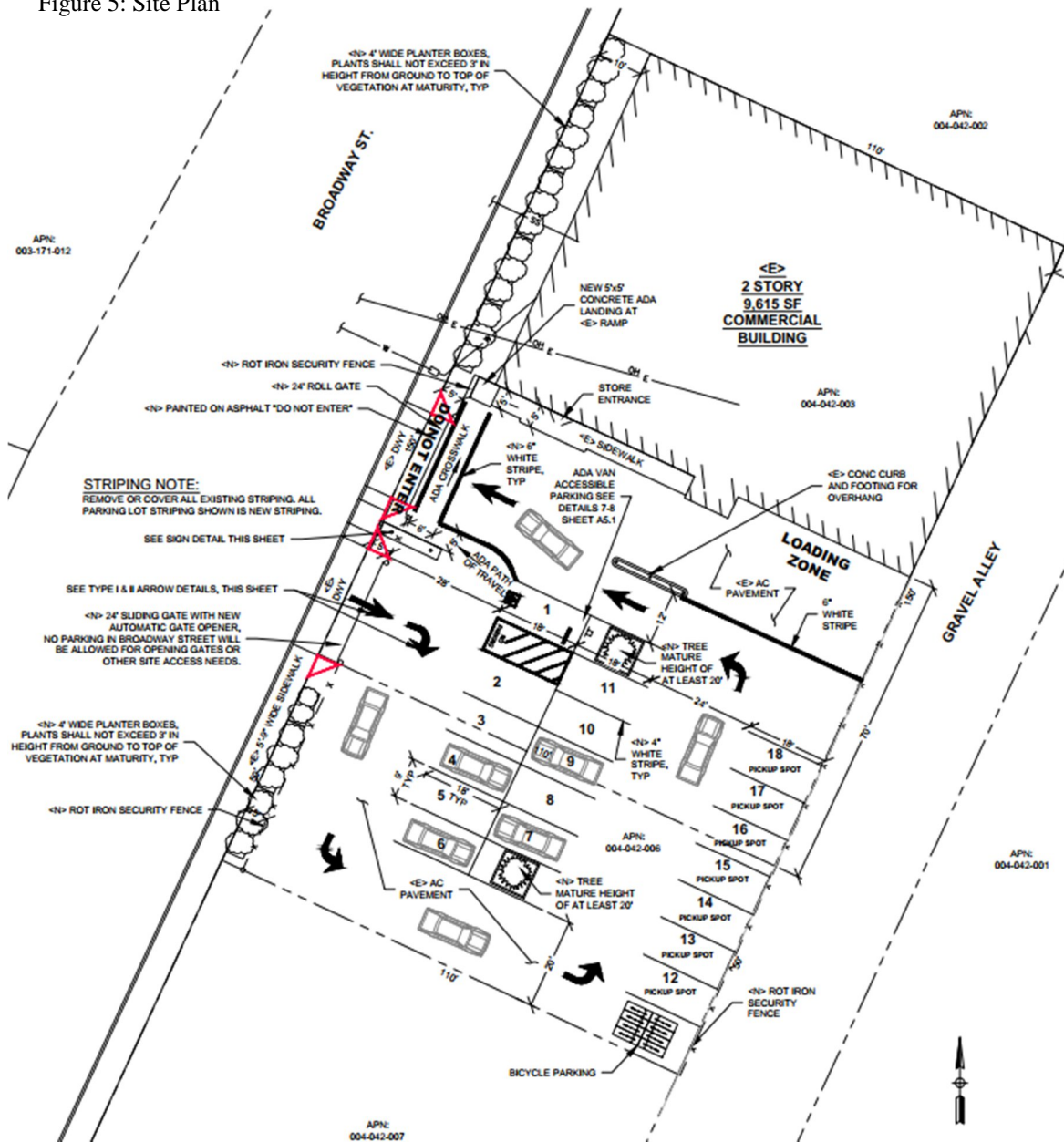
Cannabis retail is a conditionally permitted use in the Service Commercial (SC) zoning district requiring a CUP. Although the applicant is not proposing any other cannabis uses at this time, a general cannabis use, which includes cultivation, mechanical extraction, edible production, processing, and distribution, but does not include chemical cannabis extraction, is principally permitted in the SC zoning district. Although no additional City use permits are required in order to operate portions of this facility with a general cannabis use, all necessary City and State cannabis licenses would need to be obtained prior to the operation of such uses. The CUP is only applicable to the proposed cannabis retail use, which will allow the applicant, and any future operators, upon securing necessary City and State cannabis licenses, to conduct retail sales of cannabis products in the front portion of the first floor, and storage for products intended for retail sale in the remaining storage areas. A City-approved cannabis license and regular business license are required, and a condition has been added to this CUP to ensure the applicant is aware of the requirements to obtain said licenses and a State of California Cannabis License prior to operation.

Figure 4: Floor Plan – First Floor (improvements highlighted in yellow)



The project site is located on land designated as hazardous waste property and is regulated by the North Coast Regional Water Quality Control Board (NCRWQCB). As a result, the proposed project does not qualify for an Existing Facilities CEQA exemption, and therefore an IS/MND has been prepared (Attachment 2: IS/MND and MMRP), pursuant to the California Environmental Quality Act (CEQA) Guidelines §15072(g)(5) and §153002.2.

Figure 5: Site Plan



The cannabis retail use will operate in a 1,280-sf portion of the first floor, with the remaining first floor occupied by a 297-sf office, a 258-sf office, five storage rooms totaling 4,797 sf, a 288-sf stock room, 370-sf stock room, two bathrooms, entryways, an electrical room, and two stairwells (Figure 4 and Appendix B: Project Plan Set of Attachment 2: IS/MND and MMRP). The second floor of the facility will contain a 576-sf storage room, a 330-sf storage room, a bathroom, and a 175-sf office (Appendix B: Project Plan Set of Attachment 2: IS/MND and MMRP).

### Interior Improvements

The existing commercial building will undergo an interior renovation which will include the construction of five walls to separate the existing open floor plan into retail space, office space, storage space, and a stock room; the addition of two service counters; as well as, improvements deemed necessary to upgrade one existing bathroom to be compliant with the Americans with Disabilities Act (ADA) and improvements necessary for security and odor control (Figure 4).

### Exterior Improvements

Proposed site improvements include the installation of entry and exit security gates and perimeter wrought iron or chain-link security fencing around both parcels. Additionally, the parking lot will be restriped to City standards and will include 17 standard parking spaces and one ADA-compliant van accessible parking space. Eureka Municipal Code (EMC) §155.324.020.C.6 exempts parking requirements when a change from an existing non-residential use to a different non-residential use within an existing building is proposed; therefore no parking is required by the code.

The proposed interior and exterior site improvements are anticipated by the applicant to have a total construction value of over \$50,000, and pursuant to EMC §155.424.030, projects with a building permits valued over \$50,000 require the site to be brought into compliance with certain nonconforming site features. In order to comply with the anticipated nonconforming site feature trigger, additional site improvements will include a bicycle parking area, landscaping improvements including the installation of planter boxes for vegetation along the western property line abutting Broadway, and interior parking lot landscaping including at least two trees (Figure 5 and Appendix B: Project Plan Set of Attachment 2: IS/MND and MMRP).

### Location and Surrounding Uses

The subject property (comprised of two parcels) is an approximately 0.51-acre (22,216-sf) site located on the east side of Broadway, between West 15<sup>th</sup> Street to the north, and West Wabash Avenue to the south. The northern 0.38-acre parcel (APN 004-042-003) contains the existing two-story commercial building and a portion of the property's parking area, and the southern 0.13-acre parcel (APN 004-042-006) contains the other portion of the parking area. The site is surrounded by a mix of existing service and retail commercial uses. An existing gas station adjoins the project site to the south, and a vehicle detailing business adjoins the project site to the north. California Department of Transportation (Caltrans) offices and storage yard are located to the east across an alley, and Broadway/Highway 101 is immediately to the west, with other commercial retail and restaurant uses further west across Broadway (fast food drive-through, auto parts store, beverage store, etc). A residential neighborhood is located approximately 365 feet (ft) south of the site (south of Wabash Avenue and east of Broadway). An existing cannabis retail business, Humboldt's Premium, is located on the east side of Broadway approximately 1,360 ft north between West Clark and Cedar Streets, and another, Crisp Lounge, is located approximately 1,088 ft to the south on the northeast corner of Broadway and West Hawthorne Street. One additional permitted cannabis retail business is located approximately 280 ft directly west of the site, across Broadway, but is not yet operational. Access to the site is via two driveways on Broadway (one for ingress and one for egress). An existing east/west Class II bike lane is located 190 ft south on West Wabash Avenue, and an existing north/south Class III bike route is located 0.25 miles east on California Street. Bus stops associated with the Eureka Transit System, Redwood Transit System and Southern Humboldt Intercity are within a short walking distance from the site.

The commercial building was originally constructed in 1958 as a garage for vehicle service and sales for the Volkswagen Auto Agency. The building operated as an auto servicing center from 1958 until the mid-1980s when the site was converted to a commercial bakery and food production facility. When the property was originally developed, two underground storage tanks were installed (one 550-gallon gasoline-storage tank and one 550-gallon waste-oil storage tank), which eventually resulted in soil and groundwater contamination from the two tanks leaking. Cleanup activities under NCRWQCB Case #1THU424 and Humboldt County LOP Case #12424 were completed and the site was granted No Further Action Required status by the Humboldt County Department of Environmental Health (DEH) in 2010, contingent on the preparation and submittal of a Soil and Groundwater Management Contingency Plan (SGMCP). A SGMCP was prepared by LACO Associates (Appendix C of Attachment 2) and was approved by the NCRWQCB in January 2023. The SGMCP details worker safety and special handling requirements of impacted soil and groundwater if hazardous materials are encountered during ground disturbing activities. The IS/MND (Attachment 2) Section IX (Hazards and Hazardous Materials) summarizes past site investigation and remediation efforts and provides detailed information on the topic.

## **ANALYSIS**

To approve a Use Permit, the Planning Commission must make all of the following findings:

1. The proposed 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 use.
3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
4. The proposed use will not be detrimental to the public health, safety, and welfare.
5. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

### **1. Plan and Code Consistency**

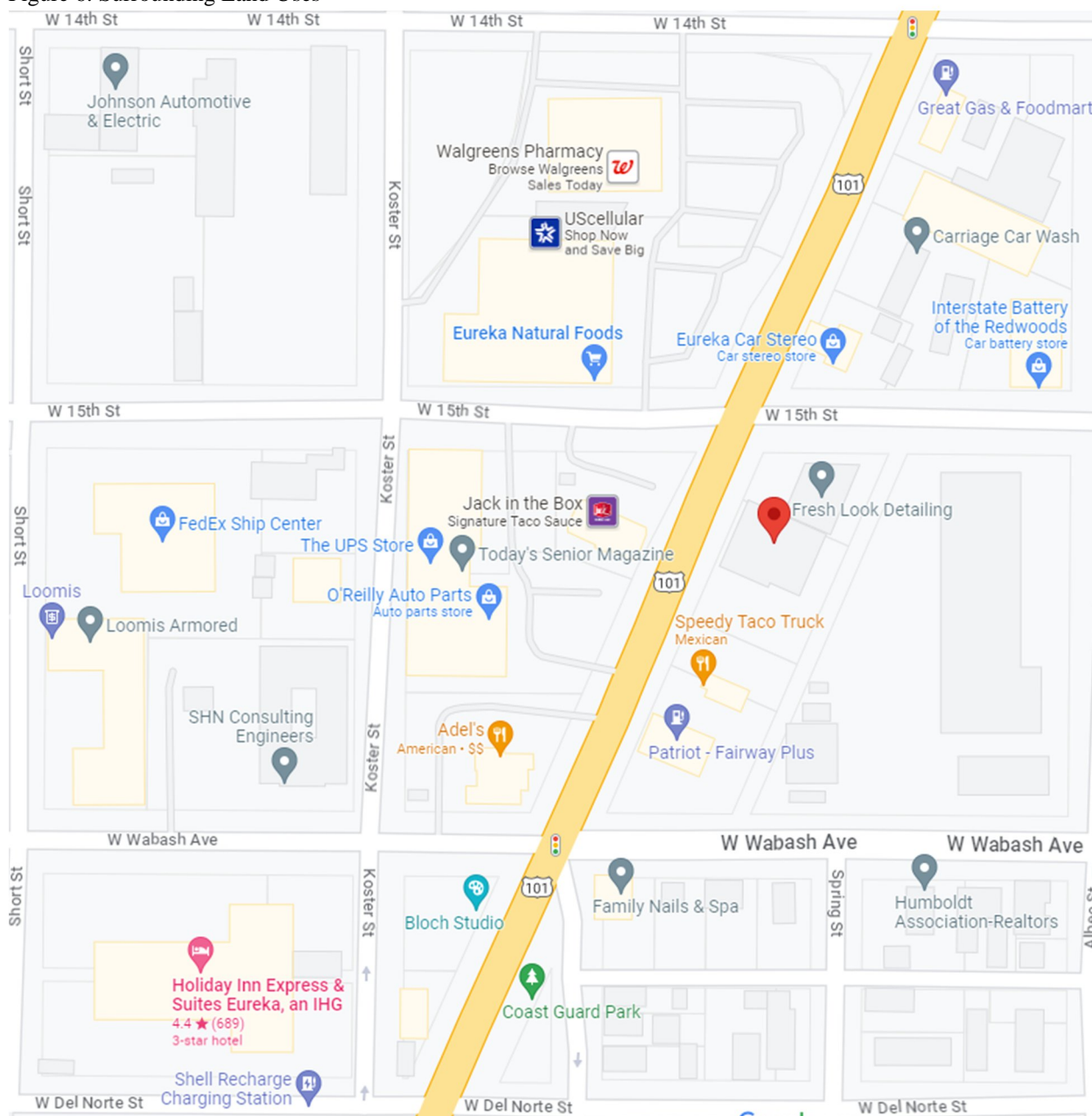
#### **General Plan**

The General Commercial (GC) land use designation provides for a “broad variety and scale of retail, office, restaurants, lodging, entertainment, outdoor sales, large product retail sales, storage, warehousing, wholesale, and residential uses. Intended to be an intensive auto- and pedestrian-oriented commercial district primarily located in or adjacent to highly visible areas, and provide for local, regional and visitor needs. Residential and office uses are primarily allowed only on upper floors and non-street-facing portions of buildings, and only as provided by the applied zoning district.” The maximum Floor Area Ratio is 2.5.

The proposed cannabis retail use will be located in an area occupied by a gas station, restaurants, a grocery store, and a variety of retail establishments (Figure 6). The proposed cannabis retail use will serve both locals and visitors, contributing to the mix of desired commercial retail and service uses in the GC land use designation. By occupying a vacant commercial building, the new use will help revitalize this portion of Broadway and reduce blight, which can deter vandalism and increase property values.

The existing commercial building and associated parking area was constructed in 1958 as a garage for automotive sales and service, and was most recently utilized as a retail sporting goods store. Utilizing the vacant property for a cannabis retail use will allow for adaptive reuse of the project site in a highly visible area (along Broadway/Highway 101) which maintains the City's urban form and Broadway's identity as the key retail and service-commercial corridor. The proposed use will

Figure 6: Surrounding Land Uses



enhance the pedestrian environment by activating a currently vacant storefront and adding trees and other landscaping and bicycle parking to an existing paved parking lot.

Review of the 2040 General Plan found there are no goals or policies in conflict with the proposed use, and also found the proposed use is consistent with the following relevant policies:

*Policy LU-1.3 (Beneficial Development) Support development that affords benefits to all segments of the community that: [...] d. Reuses and expands upon underutilized or dilapidated buildings; and [...]*

*Policy LU-1.9 (Existing Buildings and Sites) Support economic investment in and incentives for improvements to existing buildings and sites including facade improvements, new paint and signage, retrofitting, adaptive reuse, and upgraded landscaping and paving.*

The existing building where the cannabis retail use is proposed was constructed in 1958 for vehicle service and sales, and has evolved over time to meet the needs of the community. Vacant since 2021, the structure's most recent use was as a sporting goods store. The proposed cannabis retail use will allow for the adaptive reuse of an underutilized building. A cannabis retail use on the subject property supports development, economic investment, and reuse of an underutilized building, consistent with Policies LU-1.3 and LU-1.9.

*Policy E-3.16 (A Well-Regulated Cannabis Industry) Maintain regulations for an evolving cannabis market; protect health and safety while allowing cannabis commerce that is consistent with our community vision.*

Until the recent update of the City's cannabis regulations in 2022, prospective cannabis retail facilities were limited, and had to participate in a request for proposal (RFP) process in order to be invited by the City Council to apply for a use permit. This process was removed by City Council in part because it was determined cannabis retail facilities did not pose a threat to health and safety, or the community vision. Under the new regulations, anyone can apply for a cannabis retail use permit. The evolution of the area's cannabis market is directly reflected in the recent update of the City's cannabis regulations, and the proposed cannabis retail use will allow for cannabis commerce consistent with these regulations. The City of Eureka now has approximately 10 operating cannabis retail facilities, two of which are within a quarter-mile of the subject property. These existing cannabis retail businesses are relatively well dispersed throughout the City's commercially-zoned land, and many occupy previously vacant storefronts. The addition of another cannabis retail business within another vacant storefront is not anticipated to result in a threat to health or safety or an overconcentration of cannabis retail businesses in a manner contrary to the community vision.

The proposed use is well beyond the required 600-foot radius from any schools, with the closest school being the Winzler Children's Center approximately 0.6-miles to the south.

A condition has been added to ensure the facility operator is aware of the requirement to obtain necessary local and State cannabis licenses. The applicant has proposed numerous security cameras and one odor filter, and these security and odor control measures will



receive additional review during the licensing process. For these reasons, the proposed use will protect health and safety while allowing increased retail cannabis commerce, consistent with the community vision and Policy E-3.16.

### **Zoning Code**

In General, the purpose of the Zoning Code is to implement the General Plan and to protect public health, safety, and welfare. The cannabis retail use is proposed in the Service Commercial zoning district, which is one of the City's mixed-use zoning districts. The general purposes of the mixed-use zoning districts are to:

1. *Protect, enhance, and build upon Eureka's unique identity, historic character, and sense of community;*
2. *Promote a compact development pattern with high-intensity activity centers, infill development, adaptive reuse of existing buildings, and redevelopment of vacant lots and underutilized properties;*
3. *Encourage a mix of commercial, residential, professional office, and civic land uses;*
4. *Accommodate a broad range of commercial uses to serve the community and allow properties to quickly respond to evolving market opportunities over time;*
5. *Promote a diversity of multi-family housing choices in higher density mixed-use settings, especially on upper floors;*
6. *Provide a pedestrian-friendly environment while accommodating the needs of automobiles where appropriate;*
7. *Promote transportation alternatives, reduce the reliance on automobiles, and increase opportunities to walk, bike, or take transit to destinations;*
8. *Foster a diverse and resilient local economy, friendly to new business investment and the creation and retention of quality jobs;*
9. *Encourage growth in the City's tax base to support City services and infrastructure; and*
10. *Provide attractive and well-designed streetscapes, buildings, parking, and public spaces.*

The specific purpose of the Service Commercial (SC) zoning district is to provide an "intensive commercial district primarily located in or adjacent to highly visible areas, and provides for local, regional, and visitor needs. Development accommodates vehicles in a manner that supports an attractive streetscape and pedestrian-friendly environment. The SC zoning district allows a broad variety and scale of retail, office, restaurants, lodging, entertainment, outdoor sales, large product retail sales, storage, warehousing, wholesale, and limited residential uses."

The applicant will operate a new commercial cannabis retail use in the SC zoning district. The cannabis retail use is proposed in a vacant building, which was previously occupied by a retail sporting goods store. The proposed use will sell products on-site and create jobs (estimated to be approximately four to eight employees), contributing to Eureka as the economic hub and major employment center of the region and to the City's tax base. A concentration of occupied storefronts also helps reduce blight, which can deter vandalism and increase property values. The subject site is centrally located, served by 6-ft-wide sidewalks, and has nearby access to Class II and III bike lanes and several bus routes, which can encourage employees and customers to walk, bike or use

transit to the site. The project is proposing new landscaping along the site's western property line abutting Broadway as well as bicycle parking (to meet future nonconforming site features requirements), which will contribute to an inviting pedestrian environment. For these reasons, the proposed use will enhance the appearance and economic vitality of the surrounding mixed-use neighborhood, and provide a pedestrian-friendly environment while accommodating the needs of cannabis users. Lastly, the proposed cannabis use will occupy an existing vacant commercial structure, surrounded by buildings developed for commercial service and retail uses. Therefore, the proposed cannabis retail use at this location will not affect existing or future housing options in the vicinity, and will contribute to a diversity of uses in this mixed-use zoning district.

### **Specific or Area Plan**

Although no specific or area plan has been adopted for this area, the proposed cannabis retail use is consistent with the Economic Development Strategic Plan's (EDSP) overarching goal to "Improve the quality of life for Eureka's residents, businesses and employees, and visitors through positive actions to attract, retain, and expand businesses within the city." The proposed use and improvements support two of four EDSP Sub-Goals because it proposes to create a new retail business (Sub Goal A: Maintain and Create High Quality Jobs), and it supports the local cannabis community (Sub-Goal C: Create a Diverse and Resilient Economy).

## **2. Site Suitability**

The 0.51-acre project site is comprised of two interior parcels and contains an existing vacant two-story approximately 9,615-sf commercial building and parking area. The building and parking area are sufficiently sized to accommodate the proposed use. Although EMC §155.324.020.C.6 states a change from an existing non-residential use to a different non-residential use within an existing building in all mixed-use zoning districts are exempt from on-site parking requirements, the applicant has elected to restripe and use the existing parking area, providing 17 standard parking spaces and one ADA-compliant van accessible parking space (18 spaces total). Thus, ample parking will be available for employees and visitors. .

The project site previously housed a sporting goods store, and will be repurposed for the proposed cannabis retail use where cannabis products will be sold for off-site consumption. The proposed operations are not anticipated to be more intense than the previous retail use, and the previous use functioned effectively at the site. At peak operation, the estimated number of employees will be between four and eight, with potential for future growth in staff, and hours of operation will be 9:00 a.m. to 9:00 p.m., seven days a week.

Upon submittal of a building permit application with a construction value greater than \$50,000 (as anticipated by the applicant), nonconforming site features will be brought into compliance, including: landscaping, outdoor lighting, vision clearance areas, waste storage, and short-term bicycle parking. The submitted site plan shows proposed landscaping in the form of planter boxes along the western property line abutting Broadway, and two planter boxes within the parking lot which will each contain at least one tree (two trees total) which will meet a mature height of at least 20 ft. EMC §155.324.070 Table 324-3 (Required Bicycle Parking Spaces) requires commercial uses in the SC zoning district provide one bicycle parking space for every 2,000 sf of floor area, requiring this site to provide five short-term bicycle parking spaces. The site plan indicates eight bicycle parking spaces will be provided, exceeding the City's requirement. Additionally, vision clearance areas have been shown on the site plan in compliance with City standards. Although no outdoor lighting or waste storage is proposed at this time, the proposed

cannabis retail use may require these site features for security purposes; therefore, any outdoor lighting or waste storage will need to conform to City standards (i.e. dark sky compliant lighting, and waste storage be screened from view from the parking lot and street) which ensures the project site is suitable for proposed use. A condition has been included requiring all necessary building permits are obtained, and when the building permit plans are submitted with a construction value over \$50,000, they will need to be compliant with the nonconforming site feature requirements of EMC §155.424.030 (Nonconforming Site Features). Upon review of any submitted building plans, Staff will confirm compliance with all nonconforming site feature requirements, ensuring the project site and proposed use contribute in a positive manner to Eureka's unique sense of place and quality of life.

Based on the above analysis, the project site and the building, with proposed upgrades, are of sufficient size and design to accommodate the proposed cannabis retail use, but not so large the proposed use would be out of scale with the neighborhood. Therefore, the site is suitable for the proposed use.

### **3. Existing and Proposed Uses**

The subject property is located in the SC zoning district, and is primarily surrounded by a mix of existing commercial service and retail uses. An auto detailing business adjoins the project site to the north, and further north across West 15<sup>th</sup> Street, is a car stereo store and a carwash. An existing gas station adjoins the project site to the south. Directly to the east, across an alley are Caltrans offices and storage yard. Broadway/Highway 101 is immediately to the west, with other commercial and restaurant uses further west across Broadway (Figure 6). A residential neighborhood is located approximately 365 feet (ft) south and east of the site. An existing cannabis retail business, Humboldt's Premium, is located on the east side of Broadway approximately 1,360 ft north, and another, Crisp Lounge, is located approximately 1,088 ft to the south of the project site on the northeast corner of Broadway and West Hawthorne Street. One additional permitted cannabis retail business is located approximately 280 ft directly west of the site, across Broadway, but is not yet operational. The proposed cannabis retail use is considered a commercial retail use, similar to existing nearby retail sales and service uses where customers arrive on-site, purchase a good or service, and depart the site, typically within a limited amount of time. Furthermore, with a commercial lodging establishment (Holiday Inn) being in close proximity to the site, and the fact the project site is located along Broadway (a major regional thoroughfare and state highway), and Humboldt County has long been known as a hub for cannabis production and consumption, a cannabis retail facility at this location will be both a visitor- and local-serving use. The project will add security and odor control measures deemed necessary by both City and State cannabis licenses, and the security and odor plan will be reviewed and improved as necessary as part of the City licensing process which requires a pre-operational inspection.

### **4. Public Health, Safety, and Welfare**

Previously approved and operating cannabis retail facilities in the surrounding area have not proved to be a nuisance or negatively impacted public health, safety, or welfare. There is no indication the addition of a similar cannabis retail facility in the same zoning district would be different. As required by EMC §158.021H.1 (Distance from schools), the project site is located outside of the required 600-foot radius from any City schools, with the closest school being Winzler Children's Center approximately 0.6-miles to the south. A condition has been included requiring notices be posted at all building entrances indicating persons under the age of 21 are precluded from entering the premises, except for qualified patients, unless accompanied by a

parent or legal guardian, as required by EMC §158.021.G (Entrance notice). While the act of cannabis consumption can create certain personal health risks, these risks are taken willingly by the individual who chooses to consume cannabis or a cannabis product. The use permit will not allow for consumption of cannabis products on-site. Customers will arrive on-site, purchase products, and depart in a relatively short amount of time, with consumption of products conducted elsewhere. Odor control systems and security plans are required to meet all applicable standards and conditions set by the Eureka Cannabis Review Panel (ECRP), and will be reviewed by the ECRP upon application for required City cannabis licenses.

Referrals were sent to agencies and City departments with interest or jurisdiction over the property or intended use of the property. Caltrans expressed concerns on the initial site plan in regards to access, site circulation and location of proposed fencing and gates, and requested assurances the fences and gates would be setback a minimum of five ft from the front lot line adjoining Broadway to avoid potential site distance issues. Following a site visit conducted with representatives from the City, the applicant and Caltrans in February 2023, the site plan was updated (Figure 5 and Appendix B: Project Plan Set of Attachment 2: IS/MND and MMRP) to address Caltrans' concerns. Development Services – Building requested a door be added to the west-facing building façade to meet emergency exit requirements, and the site plan was updated to show compliance with this request.

Public Works – Engineering indicated that due to the small amount of anticipated ground disturbance to install fencing, the project is exempt from the City's Phase II Municipal Separate Storm Water Sewer System (MS4) Permit pursuant to the Humboldt County Low Impact Development (LID) Stormwater Manual; therefore, the applicant is only required to submit a Stormwater Information Sheet during the building permit phase, and if the project results in 50 cubic yards or more of ground disturbance, an Erosion and Sediment Control Plan (ESCP) will be required. A condition has been included requiring the project obtain all necessary building permits, and at the time a building permit is reviewed, Staff will confirm compliance with these requirements.

Furthermore, comments were received from the Tribal Historic Preservation Officers (THPOs) for the Wiyot Tribe, Blue Lake Rancheria, and the Bear River Band of Rohnerville Rancheria. The Bear River Band THPO had no comment, and although the Wiyot Tribe and Blue Lake Rancheria THPOs expressed no concerns with the proposed project, they requested inadvertent archeological discovery protocol be in place for any ground disturbing activities and a condition has been added requiring such. This condition is also echoed in the Mitigation Monitoring and Reporting Program (MMRP) (Appendix A of Attachment 2), which outlines three mitigation measures related to cultural resources (CUL-1, CUL-2, and CUL-2) for inadvertent archeological discovery protocol.

Lastly, the MMRP includes one additional mitigation measure: HAZ-1 which requires all implementation measures included in the Soil and Groundwater Management Contingency Plan be followed for any ground disturbing activities, which ensures protection of public health, safety, and welfare; and, the California Department of Fish and Wildlife (CDFW) determined, through the CEQA review process (outlined below), the proposed project has no effect on fish, wildlife or their habitat through the issuance of a No Effect Determination (NED).

Because no potential impacts were identified by any agency, by City Staff, or through analysis; and, through the application of the conditions of approval and mitigation measures described



throughout the report, and enforcement of existing City regulations; and based on the discussion herein, the finding can be made that the project will not impact the public health, safety or welfare.

## **5. Location**

The subject property is located mid-block on Broadway (Highway 101) between West 15<sup>th</sup> Street to the north, and West Wabash Avenue to the south. The building's public entrance is located on the south-facing façade, adjacent to the site's off-street parking area which is accessed via two driveways (one each for ingress and egress), and 18 off-street parking spaces will be available for customers, some of which will be designated parking spaces for car-side pick-up service. An existing east/west Class II bike lane is located 190 ft south on West Wabash Avenue, and an existing north/south Class III bike route is located 0.25 miles (1,320 ft) east on California Street. Bus stops associated with the Eureka Transit System, Redwood Transit System and Southern Humboldt Intercity are within a short walking distance from the site. The site is a developed urban parcel and is fully served by water, sewer, power, telecommunications, and transportation infrastructure. Therefore, for these reasons, the location is appropriate for the proposed cannabis retail use.

## **ENVIRONMENTAL ASSESSEMENT**

The City of Eureka, as Lead Agency, has determined the proposed project required an Initial Study (IS) pursuant to §15300.2(e) of the California Environmental Quality Act (CEQA) Guidelines because the project is located on land designated as hazardous waste property and therefore could not qualify for a categorically exemption (such as Existing Facilities in §15301). An IS and Mitigated Negative Declaration (MND) were prepared and posted for review and comment in accordance with the provisions of CEQA. The draft IS/MND concludes that with mitigation, no substantial adverse environmental impact will result from the proposed project (Attachment 2: ISMND and MMRP).

The City submitted the draft IS/MND to the State Clearinghouse (SCH No. 2023070308) for a 30-day comment period on July 17, 2023, which ended on August 17, 2023. A notice of the 30-day local comment period for the draft IS/MND (which also ended on August 17, 2023), and a Notice of Intent (NOI) to adopt the MND, was posted at the Humboldt County Clerk's office on July 17, 2023. The document was made available for review at Eureka City Hall and on the City's website. The NOI was posted at the Humboldt County Recorder's Office, the City's website, the City's bulletin board at City Hall, and at the project site. One comment letter during the CEQA public comment period was received.

Prior to approving a project, CEQA requires the Planning Commission consider the proposed MND, together with any comments received during the public review process, and then adopt the MND if the Commission finds, on the basis of the whole record before it, including the IS and any comments received, there is no substantial evidence the project will have a significant effect on the environment, and the MND reflects the City's independent judgment and analysis of the proposed project.

The City received comments in response to the proposed MND from one agency: the California Department of Cannabis Control (DCC). The submitted comments and the response to comments are contained in Attachment 3: Response to Comment. No Errata was prepared as no corrections or clarifications to the IS/MND were needed. CEQA requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts

associated with the project, and Staff recommends the Planning Commissions adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and Response to Comment, included as Attachments 2 and 3.

### **PUBLIC HEARING NOTICE**

The Public Hearing Notice and Notice of Intent to adopt a Mitigated Negative Declaration was posted on the City's website and bulletin boards on or before September 1, 2023. In addition, a public hearing notice sign was posted on the site on or before September 1, 2023.

### **CONCLUSION**

Based on the analysis above, the proposed cannabis retail use, as conditioned, is consistent with the General Plan and Zoning Code. The proposed use within an existing developed commercial retail property is suitable for the site, and is compatible with existing and planned land uses in the vicinity. The use, as conditioned, will not be detrimental to the public health, safety, and welfare, is properly located within the City, and adequately served by existing utilities and infrastructure. Furthermore, the IS/MND was prepared for this project pursuant to the provisions of CEQA and reflects the City of Eureka's independent judgement, and the IS/MND concluded that with mitigation, no substantial adverse environmental impact will result from the proposed project.

### **STAFF CONTACT**

Millisa Smith, Assistant Planner; 531 K Street, Eureka, CA 95501; [planning@eurekaca.gov](mailto:planning@eurekaca.gov); (707) 441-4160

### **DOCUMENTS ATTACHED**

- Attachment 1: Planning Commission Resolution 2023-\_\_\_\_
- Attachment 2: Draft IS/MND and MMRP
- Attachment 3: IS/MND Response to Comment