

**RESOLUTION NO. 2023-xx**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (CUP-22-0005) AND COASTAL DEVELOPMENT PERMIT (CDP-22-0006), TO ALLOW CANNABIS RETAIL WITHIN AN EXISTING STOREFRONT AT 1628 BROADWAY STREET (APN 003-171-014)

WHEREAS, Element 7 proposes to operate a cannabis retail store, and cannabis distribution facility; and

WHEREAS, the project site is zoned Service Commercial (CS), and has a land use designation of General Service Commercial (GCS); and

WHEREAS, pursuant to (Eureka Municipal Code) EMC § 10-5.29132, the proposed cannabis distribution use is a principally permitted use in the CS zone district (falling under the listed use category “cannabis general use”); and

WHEREAS, pursuant to EMC §10-5.29133, cannabis retail is allowed with a conditional use permit in the CS zone district; and

WHEREAS, the proposed cannabis retail use is located within the coastal zone and, pursuant to EMC §10-5.2401(c), projects requiring a use permit in the coastal zone also require a coastal development permit; and

WHEREAS, the conditional use permit, and coastal development permit approvals for the cannabis retail use are 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 Title 10, Chapter 5, 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 in accord with the objectives of Chapter 5 and the purposes and intent of the CS zone district.
2. 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 or materially injurious to properties or improvements in the vicinity.
3. The cannabis retail use will comply with each of the applicable provisions of Chapter 5.
4. The project as conditioned will avoid impacts to coastal resources and priority uses, will be served by adequate services, and will minimize risks to hazards.

5. The project as conditioned conforms to the policies of the Local Coastal Program.
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. Compliance with conditions will be to the satisfaction of Development Services – Planning unless noted otherwise.

- 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.
- B. **Tsunami Safety Plan.** Prior to the issuance of the final certificate of occupancy, the Permittee shall submit a Tsunami Safety Plan to Development Services – Planning for review and approval. The Tsunami Safety Plan shall be implemented and enforced for the life of the development. The plan shall demonstrate that the tsunami threat and evacuation route will be adequately communicated to customers and employees, procedures will be in place for the safe evacuation of all occupants in the event of a tsunami, and staff will be adequately trained to carry out the plan. The plan shall include:
  - a. A Tsunami Evacuation Route Map for the project site informed by community-wide emergency response plans, showing egress direction(s) and expected assembly area(s) for safe evacuation.
  - b. Hazard risk notification procedures, including details on where placards, flyers, or other materials will be posted at conspicuous locations within the building, provided in English and Spanish, explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes; and
  - c. Training procedures for staff, detailing the instruction to be provided to all staff to ensure that the Tsunami Safety Plan is effectively implemented.

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 10<sup>th</sup> day of July, 2023 by the following vote:

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

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Meredith Maier, Chair, Planning Commission

*Attest:*

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Cristin Kenyon, Executive Secretary