

1621 Broadway LLC Cannabis Retail Facility

Final Initial Study/Mitigated Negative Declaration (IS/MND)

SCH NO. 2023070308

Response to Comment

Project Title:	1621 Broadway LLC Cannabis Retail Facility
Project(s):	Conditional Use Permit CUP-22-0007 and Initial Study/Mitigated Negative Declaration ED-23-0003
Location:	1561 and 1621 Broadway
APN:	004-042-003 and -006
Applicant:	Same as owner
Property Owner:	1621 Broadway, LLC
Purpose/Use:	Cannabis retail use
General Plan:	October 4, 2022
Zoning:	GC – General Commercial
CEQA:	SC – Service Commercial
Staff Contact:	Initial Study/Mitigated Negative Declaration (SCH No. 2023070308)

Table of Contents

Section 1: Introduction..... 2

 1.1 Purpose of the Response to Comments Documentation..... 2

 1.2 Environmental Review Process 2

 1.3 CEQA Requirements..... 2-3

Section 2: Comment and Response 3

 2.1 Comment Received 3

 2.2 Response to Comment..... 3

Attachment I: Comment Letter – Department of Cannabis Control 4-5

Section I: Introduction

I.1 Purpose of the Response to Comments Documentation

This document provides responses to comments received on the 2023 circulated Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 1621 Broadway LLC Cannabis Retail Facility (Project). The IS/MND was circulated between July 17, 2023 and August 17, 2023. The IS/MND identified the likely environmental consequences associated with the Project, and recommended mitigation measures to reduce potentially significant impacts. This document, together with the IS/MND, constitutes the Final IS/MND if the City of Eureka (the City) adopts it as complete and adequate under the provisions of California Environmental Quality Act (CEQA).

I.2 Environmental Review Process

CEQA requires lead agencies to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the IS/MND. This Response to Comments has been prepared to respond to the comments received on the ISMND.

A Notice of Completion and a Notice of Intent (NOI) to Adopt, and the draft IS/MND, were filed with the Office of Planning and Research State Clearinghouse on July 17, 2023. The NOI (which included directions for how to access and review the IS/MND) was also 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 on July 17, 2023. The state and local review period ended at 5:00 pm on August 17, 2023. The IS/MND was distributed to responsible and trustee agencies via the Office of Planning and Research State Clearinghouse. The general public was advised of the IS/MND through the public notice posting as described above.

This IS/MND will be provided to the City for their review, and consideration as a full disclosure of potential impacts, and mitigation measures. If the Project is approved, the IS/MND will be adopted, and the recommended mitigation measures will be implemented as specified in the City's resolution and an accompanying Mitigation Monitoring and Reporting Program.

The information provided in this Response to Comment document of the IS/MND does not constitute "significant new information" requiring recirculation pursuant to Public Resources Code §21092.1 and CEQA Guidelines §15088.5. The Final IS/MND merely clarifies, amplifies, and makes insignificant modifications to the adequate IS/MND, per CEQA Guidelines Section 15088.5(b).

I.3 CEQA Requirements

The response to Comment is organized into the following sections:

- 1) Section 1 – Introduction. This section discusses the use and organization of this Final IS/MND, and the environmental review process.
- 2) Section 2 – Comment and Response. This section includes the name of the agency who commented on the IS/MND and a response to that comment.

Section 2: Comment and Response

2.1 Comment Received

During the public comment period for the IS/MND, the City received one comment letter which included one comment on the IS/MND. The comment letter was from Lindsay Rains of the Department of Cannabis Control (DCC). The unmarked comment letter is included as Attachment I to this document.

2.2 Response to Comment

It is noted that the DCC has requested the City advise the applicant to provide copies of all project-specific plans and supporting documentation with their state application packages for their annual retail license to DCC. These supporting documents may include, but are not limited to, project specific surveys, reports, and plans, including a Site Plan and the Soil and Groundwater Management Contingency Plan. The City has informed the applicant of DCC's request.

Attachment

Attachment I: Comment Letter – Department of Cannabis Control (received July 27, 2023)



July 27, 2023

Caitlin Castellano, Senior Planner
City of Eureka Planning Department
531 K Street
Eureka, CA 95501
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Re: 1621 Broadway LLC, Cannabis Retail Storefront (State Clearinghouse No. 2023070308)

Dear Ms. Castellano:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the City of Eureka for the proposed 1621 Broadway LLC, Cannabis Retail Storefront Project (Proposed Project).

DCC has jurisdiction over the issuance of state licenses for commercial cannabis businesses in California. DCC may issue a license to cannabis retail facilities that meet all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain an annual retail license from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis business license applications in the City of Eureka.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Project-specific Plans and Supporting Documentation

The IS/MND references project-specific surveys, reports, and plans, including a Site Plan and the Soil and Groundwater Management Contingency Plan, as well as other supporting license application materials. To ensure that DCC has supporting documentation for the IS/MND, the

Department requests that the City advise applicants to provide copies of all project-specific plans and supporting documentation with their state application packages for an annual retail license to DCC.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager