

Title:	Green Rush Cannabis Retail Facility
Projects:	Conditional Use Permit CUP-23-0002 and Coastal Development Permit CDP-23-0002
Location:	2742 Broadway
APN:	007-121-003
Applicant:	Tashina Benson
Property Owner:	Tashina Benson
Purpose/Use:	Cannabis Retail
Application Date:	May 2, 2023
General Plan:	General Service Commercial (GSC)
Zoning:	Service Commercial (CS)
CEQA:	Exempt under §15301, Class I Existing Facilities
Staff Contact:	Millisa Smith, Assistant Planner
Recommendation:	Hold a Public Hearing; and Adopt a Resolution finding the project is exempt from CEQA and approving with conditions.
Motion:	<i>"I move the Planning Commission adopt a resolution finding the project is exempt from CEQA and conditionally approving a Conditional Use Permit and a Coastal Development Permit for the Green Rush Cannabis Retail Facility at 2742 Broadway."</i>

Figure 1: Project Location

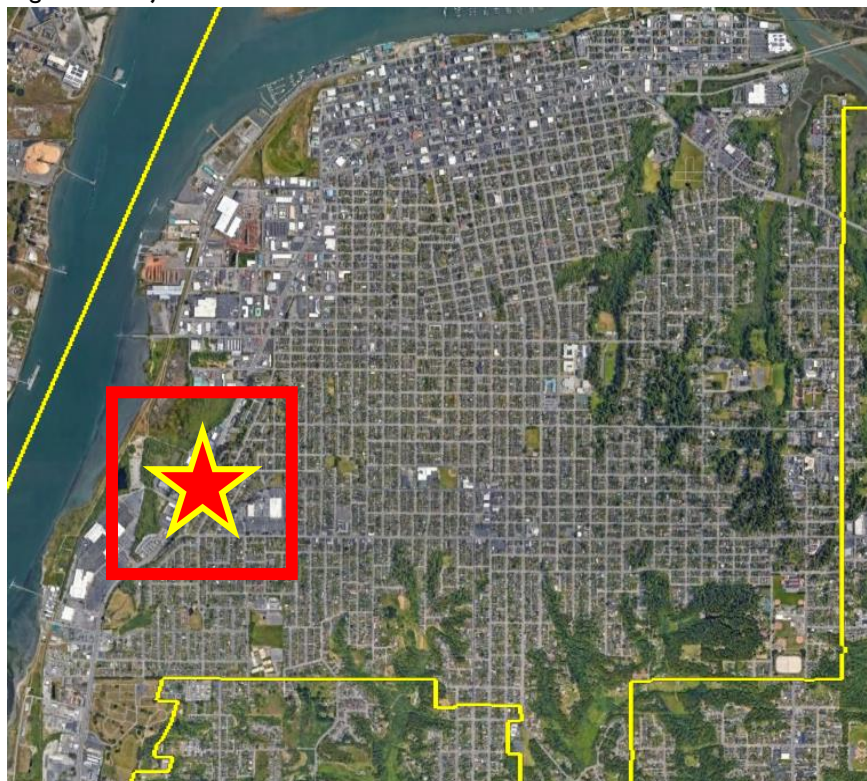


Figure 2: Site Map



PROJECT SUMMARY

The applicant, Tashina Benson, is requesting approval of a Conditional Use Permit and Coastal Development Permit to convert an existing portion of a commercial building (Gold Rush Coffee) at 2742 Broadway into a retail cannabis dispensary. The .51-acre site is an interior lot located on the west side of Broadway near the intersection of West Henderson Street and Broadway, in the Service

Commercial (CS) zone district. The proposed cannabis retail use is permitted in the CS zone district with a Conditional Use Permit (CUP), and all conditional uses in the City's coastal zones also require a Coastal Development Permit (CDP). City approval of the Coastal Development Permit is appealable to the Coastal Commission.

Figure 3: Street view



Background

The property contains an existing single story, 1,480-square-foot (sf) commercial building occupied by a drive-through and walk-in coffee shop (Gold Rush Coffee). Under the proposed project, the eastern 230-sf portion of the existing building, currently used as the walk-in lobby and service counter for Gold Rush Coffee, will be converted into a separate

tenant space for Green Rush Cannabis. Following the conversion, the only access to Gold Rush Coffee will be via the drive-through. Green Rush will only be accessible by walk-in; the drive-through will not service Green Rush customers. No changes to the existing building footprint or height are proposed and no ground disturbance will occur.

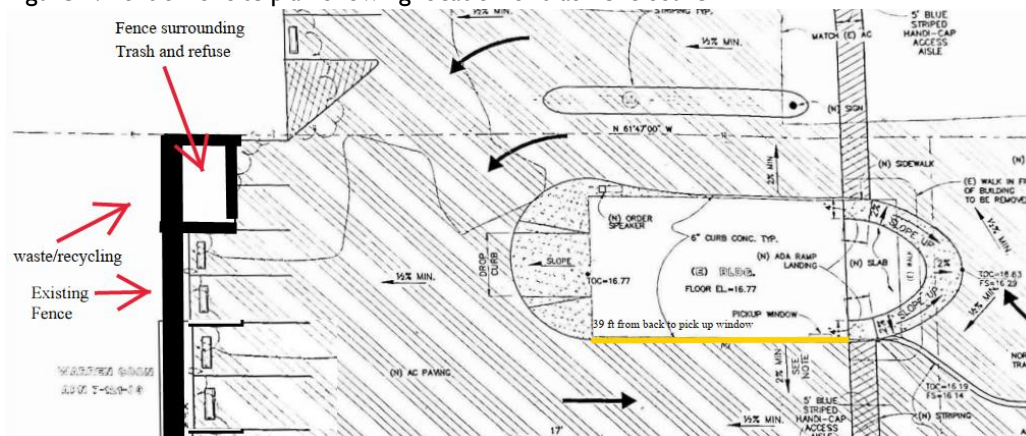
Proposed site improvements include one interior wall separating the cannabis dispensary from the coffee drive-through. Patrons of the cannabis dispensary will not have access to the coffee portion of the building and patrons of the coffee drive-through will not have access to the cannabis portion of the building. A new door will be installed in the new wall for Green Rush employees to access the restroom located in the Gold Rush portion of the building; Gold Rush employees will not have the access code for the door from the bathroom to the Green Rush tenant space. Gold Rush Coffee employees have a separate entrance to the restroom only accessible from the Gold Rush portion of the building.

Within the dispensary, a closet will be built housing a safe which will provide storage for cannabis products. Cannabis products will not be stored in the coffee portion of the building and employees for the dispensary will not need to access the coffee portion of the building to conduct business or retrieve products for sale. Additional site improvements will include modifications deemed necessary to meet requirements for security and odor control including the installation of five security cameras, an alarm system, security locks, and one air purifier. A security professional will be hired to monitor access into the storefront, checking identification, prohibiting patrons under the age of 21, and prohibiting access to potentially disruptive or destructive individuals.

Hours of operation will be Monday through Friday from 10 a.m. to 8 p.m. and Saturdays and Sundays from 10 a.m. to 9 p.m., with a maximum of three employees.

Gold Rush Coffee obtained their CDP (CDP-2-97) in June of 1997, at which time a trash enclosure was not included on the site plan. Upon review of aerial imagery, it was found a trash enclosure was constructed in the northwest corner of the disturbed area of the property in an existing paved area of the parking lot between 2019 and 2021, without the benefit of permits or reviews. A condition of approval was included in Gold Rush Coffee's CDP requiring a fence be built between the parking area and the adjacent vegetated area to the west. This fence, a chain link fence with wooden slats, was constructed in 1997, and since then the aforementioned trash enclosure was built attached to the east side of this fence (Figure 4). The trash enclosure is 6-foot (ft) tall, 16-ft by 9-ft in area, made of chain link fence with screening slats, and includes a locking mechanism. Although some ground disturbance occurred at the time the trash enclosure was installed, the work has already been completed and the extent of ground disturbance is unknown by the applicant.

Figure 4: Portion of site plan showing location of trash enclosure



Although the fencing erected for the trash enclosure would not typically be considered development, when a fence is erected between the first public road and the sea, which is the case here, the fence is considered development and requires a CDP. Since the trash enclosure was not previously permitted, it is included in this CDP and approval of this permit will legalize the structure.

USE PERMIT ANALYSIS

Pursuant to EMC § 10-5.2407.1, to approve a Use Permit, the Planning Commission must make all of the following findings:

- (a) The proposed location of the conditional use is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
- (b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (c) The proposed conditional use will comply with each of the applicable provisions of Chapter 5; and
- (d) The proposed conditional use is consistent with the certified Local Coastal Program.

The required findings are discussed below.

I. Code Consistency

Chapter 5 Objectives and Purpose

Pursuant to Eureka Municipal Code (EMC) Sec. 10-5.102, the zoning regulations are adopted by the City Council in accordance with the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the chapter is adopted in order to achieve the following objectives:

- (a) To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council.**

The subject parcel is located in the Service Commercial (CS) zone district and has a General Service Commercial (GSC) land use designation. The intent of the GSC designation is to provide appropriately located areas for retail and wholesale commercial establishments which offer commodities and services required by residents of the City and its surrounding market area. The cannabis retail business will provide cannabis products to residents of the City and surrounding area, consistent with the purpose of the GSC designation.

- (b) To foster a harmonious, convenient, workable relationship among land uses.**

The retail use will be located within a 230-sf portion of an existing 1,480-sf commercial building currently occupied by a coffee shop on the western side of Broadway (Highway 101) across from where West Henderson Street intersects Broadway. The parcel directly to the north contains a vacant storefront, formerly Mr. Fish Seafood, and the parcel to

the south contains a Chevron gas station. The surrounding area includes a mix of restaurants (including drive-through restaurants), hotels, several retail establishments, and other commercial uses. Other cannabis retail facilities in the area include Crisp Lounge .5-miles north, Humboldt's Premium 1-mile north, and Papa and Barkley 1.5-miles south. Granting the use permit will foster a harmonious, convenient, workable relationship among land uses by providing another similar and compatible use, within an existing storefront.

- (c) To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.**

The area where the project is located (Highway 101 corridor) includes a diverse mix of retail, service commercial, and light industrial uses. The area includes more intensive commercial uses including automobile service stations, hotels, drive-through fast food, and big box retail. The project will add a relatively small (approximately 230-sf) cannabis retail use within an existing storefront. The cannabis retail use is compatible with surrounding uses. No referral comments were received which would indicate the proposed retail facility would be problematic in the area. Therefore, the addition of a cannabis retail facility will not be an inharmonious influence or a harmful intrusion in the area.

- (d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.**

The proposed cannabis retail store will be located in a portion of an existing commercial building. The retail use will be operated in an area where a diverse mix of uses flourish, which will in turn benefit the City as a whole.

- (e) To prevent excessive population densities and overcrowding of the land with structures.**

The addition of the proposed cannabis retail use will not contribute to an increase in population densities, and will not cause overcrowding of land with structures, as the use will be conducted within an existing storefront. Thus, the proposed use is consistent with this objective.

- (f) To promote a safe, effective traffic circulation system.**

When the CDP for Gold Rush Coffee (CDP-2-97) was processed in 1997, the project scope included paving the front (east) 170 sf of the site, which included approximately 11,500-sf of paving, the installation of new drop curbs with handicap access along the west side of Broadway, and development of a combined ingress/egress onto Broadway between both the property to the north and the property to the south. These site improvements were conducted at that time and remain in place today along with a recorded reciprocal easement agreement with the adjacent properties to the north and south for ingress and egress, but not for parking. In total the site contains two driveway accesses onto Broadway, the parcel to the north (former Mr. Fish) contains one driveway access, and the parcel to the south (Chevron) contains two driveway accesses, all of which can serve the new use. The project was referred to Caltrans for review and no comments were

received regarding the cannabis retail use. It is important to note Caltrans is developing plans for complete street improvements on this portion of Broadway and have indicated the access to this parcel is expected to change. The proposed project will benefit from, and will not impact, future access improvements proposed under both of Caltrans' complete street improvement alternatives being developed.

The proposed cannabis retail use will be located in a portion of an existing commercial building currently occupied by the walk-in lobby and service counter for patrons of Gold Rush Coffee. The retail store will be serviced by three employees, will require two to three deliveries per week from distributors, and expects to serve between 25 to 40 cannabis customers per day. The location is currently, and will partially remain, a coffee shop, which already has employees, receives product deliveries, and serves a large number of customers per day. Gold Rush Coffee's hours of operation are 6 a.m. to 5 p.m. Monday through Friday and 7 a.m. to 5 p.m. on Saturdays and Sundays, with peak usage between 7 a.m. and 12 p.m. Green Rush Cannabis will have hours of operation from 10 a.m. to 8 p.m. Monday through Friday and 10 a.m. to 9 p.m. on Saturdays and Sundays, with anticipated peak usage from 3 p.m. to 8 p.m., based on the peak usage of other cannabis retail facilities in the area. The peak usage hours for the two tenant spaces are unlikely to overlap. As a result, the new use is not expected to have a significant impact on the existing traffic circulation system and is, thus, consistent with this objective.

(g) To foster the provision of adequate off-street parking and off-street truck loading facilities.

When the CDP for Gold Rush Coffee was processed in 1997 three parking spaces were required and 11 parking spaces were provided. Under the current zoning code retail sales and service establishments are required to provide one parking space for every 300-sf of gross floor area (EMC 10.5-1503.2[a]), requiring this site to provide five parking spaces; EMC 10-5.3004.(i) requires cannabis retail uses provide one parking space for every 500 sf of gross floor area, requiring the site to provide one parking space. The trash enclosure occupies a portion of two parking spaces, and the remaining length of the two parking spaces does not meet City parking space dimensions. With the trash enclosure occupying two parking spaces, nine parking spaces remain for both tenant spaces combined, and the site is compliant with existing parking standards.

(h) To facilitate the appropriate location of community facilities and institutions.

No community facilities or institution exist at the site or nearby.

(i) To promote commercial and industrial activities in order to strengthen the city's tax base.

The proposed project will create a multi-tenant space, where only one tenant exists now, and add a cannabis retail business to the City, which can strengthen the City's tax base through sales tax of retail product. The applicant will also be required to maintain their City business license and a cannabis license which require annual fees paid to the City. As a result, the proposed use is consistent with this objective.

(j) To protect and enhance real property values.

The proposed project will create a multi-tenant space, where only one tenant exists now, which will provide an additional source of revenue to the property owner and serve to enhance the vibrancy of the area. Thus, the project will protect and enhance property values consistent with this objective.

(k) To safeguard and enhance the appearance of the city.

No exterior modifications to the existing building are proposed. The trash enclosure built sometime between 2019 and 2021 without the benefit of permits or reviews was constructed in a previously disturbed paved portion of the site used for parking. This trash enclosure screens waste storage, improving the appearance of the site. Therefore, the proposed use will not impact the appearance of the City consistent with this objective.

Purposes of the Zone District

The CS Service Commercial Districts are included in the zoning regulations to achieve the following purposes:

- (a) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;
- (b) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- (c) To provide space for community facilities and institutions that appropriately may be located in commercial areas;
- (d) To provide adequate space to meet the needs of modern commercial development, including off- street parking and truck loading areas;
- (e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (f) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- (g) To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;
- (h) To permit additional development in mixed commercial areas containing both retail stores and commercial services; and,
- (j) To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.

The proposed project will add a cannabis retail use within an existing building in a zone which allows for this use. Many other cannabis-related businesses are located throughout the CS zone

district in other areas of Eureka, including some along the north and south Highway 101 corridor. The proposed location is in an existing commercial building in a commercial area on Highway 101 and has never been occupied by a community facility or community institution. As discussed above, there is adequate parking to serve the proposed use and the other use occupying the site. The proposed use will not generate an unusual risk of fire, explosion, noxious fumes, or other hazards. Pursuant to the City's cannabis regulations (EMC §10-5.3001 et seq. and §158.308 et seq.), any odors created by the retail store must be contained to the store and not detectable outside of the building. The applicant has developed an odor control plan which includes the installation of an air purifier with a HEPA filter. Any samples available for smelling or viewing will be stored in air-tight glass jars, and only one jar will be open at a time.

The proposed retail use is appropriate for the CS zone district, which allows for more intensive commercial uses. The surrounding area is a mix of hotels, restaurants (including drive-through), and other commercial uses. Directly to the west are parcels zoned Natural Resources (NR), separated from the subject parcel by the aforementioned chain link fence. For several blocks to the north and south all parcels are also zone Service Commercial. Across Broadway is the Inland Zone of the City, with nearby inland parcels zoned Service Commercial (SC) and Medium Density Residential (R2). The proposed use is compatible with the existing commercial uses within the immediate area. The proposed use will not constrain additional development of retail stores or commercial services, either on the site or in the vicinity. Based on the above analysis, the findings can be made that the proposed project is consistent with the purposes of the CS zone district.

2. Public Health, Safety, and Welfare

Referrals were sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. No comments were received which would indicate the proposed cannabis retail store would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. Although comments were received stating the project's activities do not appear to represent a source of significant impact on cultural resources, a request was made that Tribal monitoring and inadvertent discovery protocols be in place for any unanticipated or future ground disturbing activities, and these conditions of approval have been added. Therefore, 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 enforcement of other existing City regulations; and based on the discussion herein, the finding can be made the project will not impact the public health, safety or welfare.

3. Provisions of Chapter 5

The applicable provisions of Chapter 5 include the development standards for yards, building height, size, and bulk, off-street parking and loading, landscaping, etc. The proposed use will be located in an existing storefront which meets applicable development standards with no additions or exterior modifications proposed. Additionally, no new off-street parking or loading facilities are required by the Municipal Code or proposed by the applicant.

EMC Chapter 5 Article 30 (Cannabis) establishes regulations for commercial cannabis uses in the Coastal Zone, including the requirement that such uses must also comply with EMC Chapter 158 (Cannabis), and these provisions include development standards for noise, lighting, parking, odor control, security and avoiding adverse impacts to public health and safety. The proposed use meets all applicable commercial cannabis development standards of Article 30 and Chapter 158.

Therefore, the proposed use and location comply with the applicable provisions of Chapter 5.

4. Local Coastal Program

The Local Coastal Program includes the 1997 Coastal General Plan land use designations and map, and the EMC zoning district regulations and map, among other provisions. The proposed conditional use is consistent with the GSC land use designation and CS zone district, as described in detail above. The proposed use meets the intent of the zoning designation as it will allow for a use, cannabis retail, located in an area where it will not have an adverse impact on commercial services or uses. The proposed retail use will utilize a portion of an existing commercial building, which is surrounded by other commercial uses.

The proposed use is also consistent with the Land Use policies of the 1997 Coastal General Plan and the CDP chapter of the EMC, as discussed below in the CDP analysis section of this report. For all these reasons, the conditional use described above is consistent with the certified Local Coastal Program.

COASTAL DEVELOPMENT PERMIT ANALYSIS

The proposed cannabis retail use and trash enclosure require a CDP from the City. To approve a CDP, the Planning Commission must find that the proposed development conforms to the policies of the Certified Local Coastal Program. The Local Coastal Program is divided into two components: the first component is the *Land Use Plan*, which is the General Plan specific to land in the Coastal Zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the Local Coastal Program is the *Implementation Plan*, which includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific Coastal Zone ordinances necessary to implement the policies of the Land Use Plan.

Land Use Plan Analysis

The purpose of the GSC – General Service Commercial land use designation is to provide appropriately located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and its surrounding market area. The project is consistent with the GSC land use designation as it will provide for another commercial business that offers a product for residents of the city and its surrounding market area.

Staff reviewed the goals and policies in the adopted and certified Land Use Plan (LUP) to determine whether the project conforms to the LUP. The review found the project does not conflict with any adopted LUP policies, and is consistent with and supported by the following:

Goal I.A: To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates logical and cost-effective service extensions, and protects valuable natural and ecological resources.

The proposed cannabis retail use will occupy an existing commercial building in a mixed-use area on the Highway 101 corridor, away from exclusively residential neighborhoods. The closest residences are located to the northwest, elevated above and across

Broadway, on Fairfield Street, approximately 450-ft from the subject property. The site is already connected to water, sewer, electrical, and gas utilities. As the proposed use will be located within an existing building and there are no proposed ground disturbing activities, there are no anticipated impacts to nearby wetlands and bay waters. The trash enclosure was installed sometime between 2019 and 2021 without the benefit of permits or review, but was installed in a previously disturbed paved area used for parking on the eastern side of the existing fence required as a mitigation measure (by Gold Rush Coffee's CDP from 1997) to protect bordering environmentally sensitive habitat area (ESHA). For all these reasons, the proposed project, as conditioned, is consistent with Goal 1.A and associated policies.

Goal 1.L: To ensure an adequate supply of commercial land for and promote the development of commercial uses to meet the present and future needs of Eureka residents and visitors and to maintain economic vitality.

The proposed project will result in a new cannabis retail store in an existing building, in a zone which allows for this use. Additionally, a single-tenant space is being converted into a multi-tenant space allowing for increased economic revenue without increasing the area of land used. By allowing for the use in an existing building, at an appropriate location, the proposed project will have a positive effect on the City's economic vitality and will not adversely impact available commercial land. For all the reasons described above, the proposed project is consistent with Goal 1.L and associated policies.

Goal 5.B To provide public open space and shoreline accessways throughout the Coastal Zone, consistent with protecting environmentally sensitive habitats and other coastal priority land uses.

The proposed project will occupy a portion of an existing commercial building, which will be converted from a single-tenant space to a multi-tenant space, on the west side of Broadway (Highway 101), approximately 1,500 feet from Humboldt Bay, separated from the Humboldt Bay waterfront by marsh (zoned Natural Resources), the overflow parking lot for the Bayshore Mall (zoned Coastal Dependent Industrial), and a railroad easement which is occupied by the Eureka Waterfront Trail (zoned Public). The waterfront at this location is accessible via the Eureka Waterfront Trail, with the nearest access to the trail from Broadway located approximately .3-miles to the northwest at the terminus of Vigo Street, and .3-miles to the south, via Bayshore Way and the overflow Bayshore Mall parking lot. The project will not impact the Eureka Waterfront Trail or any other existing access facilities either through direct conflict or anticipated increases in demand. Therefore, the project will have no significant adverse effect on public access, and the project, as proposed without new public access, can be found consistent with this goal and associated policies.

Goal 6.A: To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.

Policy 6.A.7: Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that

development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

Policy 6.A.8: Within the Coastal Zone, prior to approval of a development, the City shall require that all development on lots or parcels designated NR (Natural Resources) on the Land Use Diagram or within 250 feet of such designation, or development potentially affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced or restored.

Policy 6.A.19: The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site-specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.

The project site is located in the Coastal Zone adjacent to the Maurer and PALCO Marsh and parcels zoned NR, to the east, and contains a small portion of wetlands on the property, within 100-ft of the proposed site improvements. When the original CDP for Gold Rush Coffee (CDP-2-97) was processed, an Initial Study and a Mitigated Negative Declaration were prepared. At the time it was determined no development was proposed that would encroach into the marsh, and no loss of habitat to/within the marsh was proposed. However, because the marsh is a significant habitat area, the California Department of Fish and Game (now the California Department of Fish and Wildlife [CDFW]) recommended two mitigation measures to assure the project would not indirectly impact the marsh area. These included the installation of an oil/water separator where the site run-off drains to the marsh, and the construction of a chain link fence with wooden slats at the dripline of march vegetation. Both of these mitigation measures were satisfied at the time of the previous site development in 1997 and remain in place today. The trash enclosure was installed sometime between 2019 and 2021 without the benefit of permits or reviews, but was installed in a previously disturbed paved area used for parking on the eastern side of the required fencing. The enclosure helps screen the development and contain trash, which furthers the protection of the adjacent marsh complex.

With the previously required mitigation measures satisfied, and the proposed project not including any grading or any expansion of the existing building footprint or paved area, no adverse effects on adjacent ESHA are anticipated and the proposed project is consistent with Goal 6.A and associated policies.

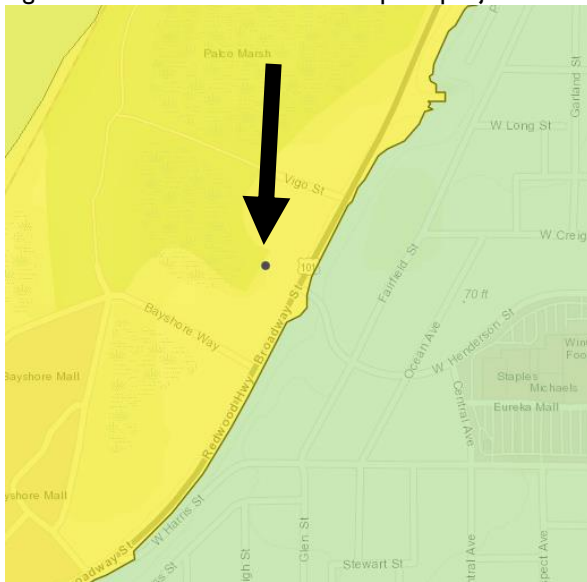
Goal 7.A: To minimize loss of life, injury, and property damage due to seismic hazards.

Goal 7.B: To minimize loss of life, injury, and property damage due to geological hazards.

7.B.5?

The project site is within a seismically active area in which large earthquakes are expected to occur during the lifespan of the proposed use. The portion of existing structure to be occupied by the new cannabis use was legally constructed in the late 1990s pursuant to a City building permit, consistent with California Building and Fire Codes which ensure seismic safety. A condition has been included to ensure the applicant obtains all required Building and Fire permits for the currently proposed tenant improvements and any future

Figure 5: Tsunami Hazard Area Map for project area



improvements to the satisfaction of Development Services - Building and Humboldt Bay Fire.

The project site is located outside of the FEMA mapped 100- and 500-year flood zones but is located in the mapped tsunami inundation area on the Tsunami Inundation Map for Emergency Planning (Figure 5; California Geological Survey, August 13, 2020) and is at risk of tsunami inundation from waves generated from a variety of local and distant sources. If the region were to suffer a major earthquake along the Cascadia Subduction Zone, a local tsunami could hit the Humboldt Bay shoreline within minutes and tsunami run-up could affect the project site.

The tsunamis risk can best be minimized through timely evacuation from the tsunami inundation zone. Therefore, a condition has been added requiring the applicant to submit a “Tsunami Safety Plan” for review and approval by Development Services – Planning. The plan is required to demonstrate that 1) the tsunami threat and evacuation route will be adequately communicated to customers and employees, 2) procedures will be in place for the safe evacuation of all occupants in the event of a tsunami, and 3) staff will be adequately trained to carry out the plan. The plan is required to include 1) a map of the evacuation route; 2) hazard risk notification procedures, including information on where tsunami evacuation information will be conspicuously posted; and 3) training procedures for staff to ensure the plan is effectively implemented for the life of the development.

Additionally, given the project involves occupation of an existing building and after-the-fact permitting of an existing trash enclosure located on a paved, level surface, no impact on, or to, erosion, geologic instability, or destruction of the site or surrounding area will result from the project.

For all the reasons discussed above, the project, as conditioned, will minimize risk to life and property from geologic hazards consistent with Goals 7.A and 7.B and associated policies.

Based on the above analysis, the project does not conflict with any, and is supported by several of the adopted goals and policies of the certified LUP; therefore, the finding the project conforms with the LUP can be made.

Implementation Plan Analysis

The project must be found to conform with the entire Local Coastal Program, including the Implementation Plan. The Implementation Plan (IP) includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific coastal zoning ordinances necessary to implement the policies of the Land Use Plan. The project site is zoned CS – Service Commercial which allows cannabis retail as a conditional use. The proposed cannabis retail use will conform with the zoning code and CS zone district as described under the Use Permit analyses above.

In addition to specifying the regulations pertaining to specific zoning districts, IP Sec. 10-5.2940 et. seq., specifies development standards that apply to all development in the Coastal Zone, including standards for public access, environmental resources, natural hazards, visual resources, public works, and new development. These standards largely reiterate certified LUP goals and policies discussed in the LUP policy analysis above, and the applicable findings are incorporated as if set forth in full herein. As a result, the proposed project as conditioned conforms with the certified IP.

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with Sec.15301, Existing Facilities, Class I of the CEQA Guidelines, which covers the operating of private structures involving negligible or no expansion of use. Since the proposed project will be located entirely within an existing building with no proposed expansion or enlargement of the building, the project qualifies for the Class I exemption.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners and residents within a 300-foot radius of the site on or before June 30, 2023. In addition, the notice was posted on the City's website and bulletin boards, and a public hearing notice sign was posted on the site on or before June 30, 2023.

CONCLUSION

Based on the analysis above, the proposed retail cannabis use is consistent with the General Plan, Zoning Code, and Local Coastal Program. The project is suitable for the site and for the existing building in which it will be located, and is compatible with existing and planned land uses in the vicinity. The project is not detrimental to the public health, safety, and welfare, and is properly located within the City and adequately served by existing utilities and infrastructure.

STAFF CONTACT

Millisa Smith, Assistant Planer; 531 K Street, Eureka, CA 95501; planning@eureka.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolutionpages 15-18
Attachment 2: Site Plan and Floor Planpages 19-20