



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • Fx (707) 441-4202
planning@ci.eureka.ca.gov • www.ci.eureka.ca.gov

NOTICE OF PUBLIC HEARING

EUREKA CITY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the proposed development described below is within the coastal zone and, pursuant to the Eureka Municipal Code, the City of Eureka Planning Commission will decide whether to approve, conditionally approve, or disapprove the conditional use permit and coastal development permit application at a public hearing held at 5:30 p.m. on Monday, August 12, 2019 in the Council Chambers of Eureka City Hall (531 K Street) or as soon thereafter as the matter can be heard.

Project Title: *Kiskanu Mfg, LLC Conditional Use Permit and Coastal Development Permit*

Project Applicant: Kiskanu Mfg, LLC; Jason Miller

Case No: C-19-0006/CDP-19-0007

Project Location: 2200 4th Street; APN 002-133-003

Zoning: CS (Service Commercial)

Project Summary: The applicant is seeking a Conditional Use Permit (C) and Coastal Development Permit (CDP) for cannabis retail which is a conditional use in the subject zoning district. The parcel is located in the Coastal Zone, and a Coastal Development Permit is required (filed 6/3/2019). If these permits are granted, the use of cannabis retail would only apply to the portions of the parcel within the City of Eureka's permitting jurisdiction. Eureka Municipal Code Section 10-5.3007 lists cannabis retail facilities as a conditional use in the CS (Service Commercial) zone district. Commercial Cannabis Licenses for non-volatile manufacturing and distribution are already active at this location, and a cannabis retail license is being processed separately. For more information, see this website:

http://www.ci.eureka.ca.gov/depts/development_services/public_hearing_notices.asp

or contact Rob Dumouchel (Development Services Department) at 707-441-4164.

How to Comment: Written comments on the project may be submitted at the hearing, or prior to the hearing by mailing or delivering them to the Development Services Department, Third Floor, 531 K Street, Eureka, CA. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. Appeals to the City Council of the action of the Planning Commission on the project may be made within 10 calendar days of the action by filing a written Notice of Appeal, along with filing fees as set by the City Council, with the City Clerk. The City's final action is appealable to the California Coastal Commission. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The project file is available for review at the Development Services Department, Third Floor, City Hall. If you have questions regarding the project or this notice, please contact Rob Dumouchel, Acting Permit Manager, phone: (707) 441-4164; e-mail: rdumouchel@ci.eureka.ca.gov



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT

Rob Holmlund, AICP, Director

Rob Dumouchel, Associate Planner

531 K Street • Eureka, California 95501-1146

Ph (707) 441-4160 • Fx (707) 441-4202

planning@ci.eureka.ca.gov • www.ci.eureka.ca.gov

EUREKA CITY PLANNING COMMISSION

STAFF REPORT

August 12, 2019

Project Title: *Kiskanu Mfg., LLC Retail Conditional Use Permit and Coastal Development Permit*

Project Applicant: Kiskanu Mfg., LLC; Jason Miller **Case No.:** C-19-0006 & CDP-19-0007

Project Location: 2200 4th Street **APN:** 002-133-003

Zoning and General Plan Designations: Service Commercial (CS) & Highway Service Commercial (HSC)

Proposed Use: Cannabis retail facility

Project Description: The applicant is seeking a Conditional Use Permit (C) and Coastal Development Permit (CDP) for cannabis retail which is a conditional use in the subject zoning district. The parcel is located in the Coastal Zone, and a Coastal Development Permit is required (filed 6/3/2019). If these permits are granted, the use of cannabis retail would only apply to the portions of the parcel within the City of Eureka’s permitting jurisdiction. Eureka Municipal Code Section 10-5.3007 lists cannabis retail facilities as a conditional use in the CS (Service Commercial) zone district. Commercial Cannabis Licenses for non-volatile manufacturing and distribution are already active at this location, and a cannabis retail license is being processed separately. No exterior changes or signs are proposed; therefore, Design Review is not required.

Staff Recommendation:

1. Hold a Public Hearing; and
2. Adopt a Planning Commission Resolution approving, with conditions, a use permit and coastal development permit allowing cannabis retail at 2200 4th Street (APN 002-133-003).

Staff Contact Person: Rob Dumouchel, Acting Permit Manager; City of Eureka, Development Services Department; 531 “K” Street, Eureka, CA 95501; (707) 441-4164, Email: rdumouchel@ci.eureka.ca.gov

Environmental: The consideration of a conditional use permit and coastal development permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). This project qualifies for a Class 1 exemption (Section 15301) from CEQA because the proposed use will result in the conversion of a portion of an existing structure into a cannabis retail facility with no expansion of the structure, or the existing uses. The Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

Background:

Prospective cannabis retail facilities must participate in a request for proposal (RFP) process in order to be invited by the City Council to apply for the use permit required to open a cannabis retail facility. An RFP was issued January 28, 2019, for cannabis retail facilities; the RFP closed March 15, 2019, and 18 proposals covering 19 separate locations were received. The City Council invited all RFP respondents to apply for use permits in two phases. Phase 1 opened in June 2019, and Phase 2 will open in January, 2020. Kiskanu, located at 2200 4th Street, was invited in Phase 1 to apply for a cannabis retail use permit. Kiskanu is an existing cannabis business which holds licenses for distribution and non-volatile manufacturing.

Kiskanu is requesting a use permit for cannabis retail to include sales for on-site and off-site consumption. Approval of this use permit would allow a licensed cannabis business at this location to perform deliveries and would also allow licensees to host on-site consumption via edibles, topicals, and smokable cannabis and cannabis products. Cannabis retail is not new to the City, but on-site consumption of cannabis in retail facilities is new. Staff has created a policy document for on-site consumption operations (Attachment 3). The conditions of this use permit and coastal development permit will further guide how on-site consumption can be implemented at this specific location. Implementation of any on-site consumption is contingent upon the certification of a Local Coastal Program amendment by the California Coastal Commission (anticipated August 7, 2019).

The subject parcel is located on 4th Street on the north side of the city in a commercial corridor. The site has been a market and a car dealership in the past. The parcel upon which the applicant is proposing a cannabis retail facility is in both the City of Eureka’s and the California Coastal Commission’s permitting jurisdictions (see attachment 2). The cannabis retail use is limited to the portion of the parcel within the City’s jurisdiction. If the applicant ever wishes to expand that use beyond the City’s jurisdiction, they are required to modify their City use permit and obtain a Coastal Development Permit from the California Coastal Commission.

Project Analysis: Eureka Municipal Code §10-5.29310.1 requires that a Coastal Development Permit be approved only upon making the finding that the proposed development, within the City’s jurisdiction, conforms to the policies of the Local Coastal Program.

The zoning regulations are adopted to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. The purpose and objectives of the zone district are discussed below.

1. Overall objectives of the Coastal Zone (EMC §10-5.2902):

Objective 1	Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and human-created resources;
	The approval of the proposed use is anticipated to have no negative effects on the quality of the coastal zone environment.
Objective 2	Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this region, state, and nation;

	The proposed use will be contained within developable areas within in an already developed commercial area. The proposed development will not have a direct affect upon coastal resources. The project supports the social and economic needs of the region by supporting a business which has already repurposed a vacant commercial space into a small cannabis manufacturing and distribution facility and has created jobs. The approval of the proposed use will have no impact on the utilization and conservation of coastal zone resources.
Objective 3	Maximize public access to and along the Humboldt Bay shoreline, and maximize public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners;
	The site is not directly located along the Humboldt Bay shoreline, although a tidally influenced area is located to the south of the parking lot but is not currently used for recreation by the public. The introduction of cannabis retail is not anticipated to change the character of the access for recreation at this site.
Objective 4	Assure priority for coastal dependent and coastal-related development over other development on the shoreline;
	The property is not located along a shoreline or a waterway capable of handling coastal-dependent uses. The proposed use is not coastal-dependent, and the zone district (CS) does not call for coastal-dependent or coastal-related priority uses. The site is located in a longstanding commercial area and is surrounded by other non-coastal-dependent uses.
Objective 5	Provide a definite plan for development so as to guide the future growth of the City within the Coastal Zone;
	The Local Coastal Program provides for the development and growth of the City within the coastal zone; the proposed use is consistent with the purposes of the Coastal Land Use Plan and the Coastal Implementation Plan (zoning) and land use designations.
Objective 6	Protect the social and economic character and stability of residential, commercial, agricultural, and industrial areas within the City.
	The proposed use will not negatively affect the stability of the existing surrounding retail, industrial, office, or residential uses. Due to the fact the proposed use is compatible with and similar to existing uses, the proposed use will not be inharmonious with the existing commercial character of the area.

2. Purposes of the Coastal CS District (EMC §10-5.29130): (Findings in bold)

Purpose 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;
-----------	--

	The proposed use brings retail back to a facility which formerly hosted retail uses and is currently used for wholesale cannabis manufacturing and distribution.
Purpose 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;
	If approved, the proposed use would reactivate this parcel as a site for retail which expands the number public-facing businesses along this corridor. A concentration of occupied business facilities helps reduce blight, minimizes vandalism, and can reduce crime.
Purpose c	To provide space for community facilities and institutions that appropriately may be located in commercial areas;
	The proposed location is a commercial area and has never been occupied as a community facility or community institution.
Purpose d	To provide adequate space to meet the needs of modern commercial development, including off- street parking and truck loading areas;
	The location was formerly a used car lot, and before that a neighborhood market, and has plenty of room for off-street parking and loading.
Purpose 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;
	No expansion in the size of the existing building is proposed at this time.
Purpose f	To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
	The proposed use will not generate an unusual risk of fire, explosion, noxious fumes, or other hazards. Any odors created by on-site consumption of cannabis products must be contained to the parcel and not detectable from public rights-of-way or neighboring parcels.
Purpose g	To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;
	The proposed use is a retail shop. A cannabis manufacturing use is also contained within the building, and although this combination may not be appropriate for other commercial districts (such as Henderson Center or Old Town), the subject site is in an area of commercial and light industrial uses and is appropriate for the proposed use. The business is neighbored by another parcel permitted for non-volatile manufacturing and a restaurant. Other nearby businesses include a gas station, an automotive repair shop, hotel, and car dealership. The proposed retail use is a compatible mix with existing commercial uses within the immediate area.
Purpose h	To permit additional development in mixed commercial areas containing both retail stores and commercial services; and,
	The proposed retail use will not constrain additional development of retail stores or commercial services. The only development constraints on the site are related to its geographic location and physical geography.

Purpose i	To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.
	The site is already host to a small non-volatile manufacturing operation. The manufacturing and/or retail use is compatible with each other and the surrounding commercial uses. The proposed use will not produce excessive noise, light or noxious odors.

3. No detrimental effect to public health, safety, welfare, or materially injurious to properties or improvements in the vicinity (EMC §10-5.2407.1):

Through the application of the conditions of approval and enforcement of other existing City regulations, and based on the discussion above, the facility will operate without creating a detrimental effect to public health, safety, and welfare, or to the properties in the vicinity.

4. Local Coastal Program (EMC §§ 10-5.2407.1 and 10-5.29300)

The site of the proposed use is located in the Coastal Zone and the Eureka Municipal Code requires a Conditional Use Permit and Coastal Development Permit to be approved by the Planning Commission. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, with the project being appealable to the state Coastal Commission.

The property is zoned Service Commercial (CS), which is intended to permit development of both retail stores and commercial services in commercial areas, and to allow a wider choice of location for certain light industrial uses that do not have an adverse impact on commercial services. The proposed use meets the intention of the zoning designation, as it is a proposed retail use.

The subject property has a Land Use designation of Highway Service Commercial (HSC) which is intended to provide appropriately located areas for uses oriented primarily to traffic on Highway 101. The business has easy access to Highway 101 and can serve those interested in cannabis products traveling along the Highway.

Based on the discussion above, the proposed use is consistent with the Local Coastal Program’s Land Use Plan and Implementation Plan.

Design Review: Pursuant to EMC §10-5.29137 and 10-2421, conditional uses in the CS zone district require Design (Architectural) Review. No exterior modifications of the existing structure are proposed to allow the cannabis retail facility. If signs are proposed in the future, Design Review and a Sign Permit may be required. Therefore, based on the fact no exterior changes are proposed for the use, no Design Review is required to approve the use permit at this time.

Agency and Departmental Comments: Referrals were sent to several agencies and City departments with interest or jurisdiction over the property or the intended use of the property. The following Agencies/Departments commented:

1. Tribal: Tribal Historic Preservation Officers (THPOs) representing three local tribes agreed that appropriate protocols that include inadvertent archeological discovery of cultural or historical artifacts should be followed in the event of any future ground disturbing activities.

Support Material:

Attachment 1	Director of Development Services Resolution	page	7-9
Attachment 2	Coastal Commission Boundary Determination Map	page	11
Attachment 3	On-Site Consumption Policy Document.....	page	13-14

PLANNING COMMISSION RESOLUTION NO. 2019-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING A CONDITIONAL USE PERMIT (C-19-0006) AND COASTAL DEVELOPMENT PERMIT (CDP-19-0007) ALLOWING CANNABIS RETAIL AT 2200 4TH STREET; APN 002-133-003

WHEREAS, the applicant is planning to operate a cannabis retail facility;

WHEREAS, the retail facility will include off-site sales which include dispensary-style retail and delivery of cannabis and cannabis products, and on-site sales which includes consumption of topical, edible, and smokable cannabis and cannabis products; and

WHEREAS, the proposed site is located at 2200 4th Street, zoned Service Commercial (CS) with a land use designation of HSC (Highway Service Commercial), and is located in the Coastal Zone; and

WHEREAS, cannabis retail facilities are conditionally permitted in the CS district and require a Conditional Use Permit; and

WHEREAS, conditionally permitted uses in the Coastal Zone also require a Coastal Development Permit; and

WHEREAS, the Eureka Municipal Code §10-5.29310.1 prescribes the findings required to be made by the Planning Commission prior to granting a Coastal Development Permit; and

WHEREAS, the Eureka Municipal Code §10-5.2407.1 prescribes the findings required to be made by the Planning Commission prior to granting a Conditional Use Permit.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Eureka that the project, as conditioned below and described in the Staff Report, is approved and the decision was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, the evidence submitted with the application. The findings of fact listed below “bridge the analytical gap” between the raw evidence in the record and the Director’s decision:

1. The Conditional Use Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 1 exemption from CEQA which exempts the conversion and minor alteration of existing structures.
2. The proposed cannabis retail facility and its proposed location are in accord with the objectives of Title 5, Chapter 10 of the Eureka Municipal Code and the purposes of the CS district in which the site is located, as documented in the staff report.

3. The project location 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 as documented in the staff report.
4. The proposed facility, with the implementation of the On-Site Consumption of Cannabis and Cannabis Products dated May 21, 2019 or as amended, and as conditioned, conforms to all required development standards as contained in the Eureka Municipal Code.
5. The site is located in the Coastal Zone and the Eureka Municipal Code requires a Coastal Development Permit be approved by the Planning Commission. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit. The project is appealable to the state Coastal Commission.

FURTHER approval of both the Use Permit and Coastal Development Permit is conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

1. Initiation of any on-site consumption of cannabis and cannabis products is contingent upon the certification of LCP Amendment No. LCP-1-EUR-19-0004-1 by the California Coastal Commission and the acquisition of a Commercial Cannabis License which allows for on-site consumption.
2. The cannabis retail use shall not be extended into the Coastal Commission's permit jurisdiction along the southern edge of the property, without applying for and receiving a Coastal Development Permit from the Coastal Commission, and a modification of the City's use permit if required.
3. The retail facility operator will install, operate, and maintain odor control measures that will be reviewed and approved by the City Building Department prior to operation. The odor control measures are required to be effective at controlling cannabis odors such that no cannabis odors are detectable beyond the parcel, including the public right-of-way and neighboring parcels.
4. The cannabis retail facility operator, through the commercial cannabis licensing process, shall meet with the City of Eureka Fire Department, Building Department, and Police Department and shall implement safety, security, and other related requirements imposed by those Departments.
5. The property owner, or retail facility operator, will install, operate, and maintain a security system at the subject property which covers the interior and exterior of the existing building and any future buildings. The security system(s) shall be designed as a means of deterring and discouraging criminal activity at the property for as long as any business is engaged in the proposed use.
6. Prior to commencement of any demolition, remodeling or construction, the applicant will obtain all required Building and Fire permits to the satisfaction of the City of Eureka Public Works Building and Humboldt Bay Fire Departments.
7. In the event a building permit involving any ground disturbing activity is issued, the City's standard protocol for incidental archeological discovery (cultural or historical artifacts) shall be followed:
 - a) If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement

an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

- b) If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.
- c) In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code Section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.98. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the twelfth day of July 2019 by the following vote:

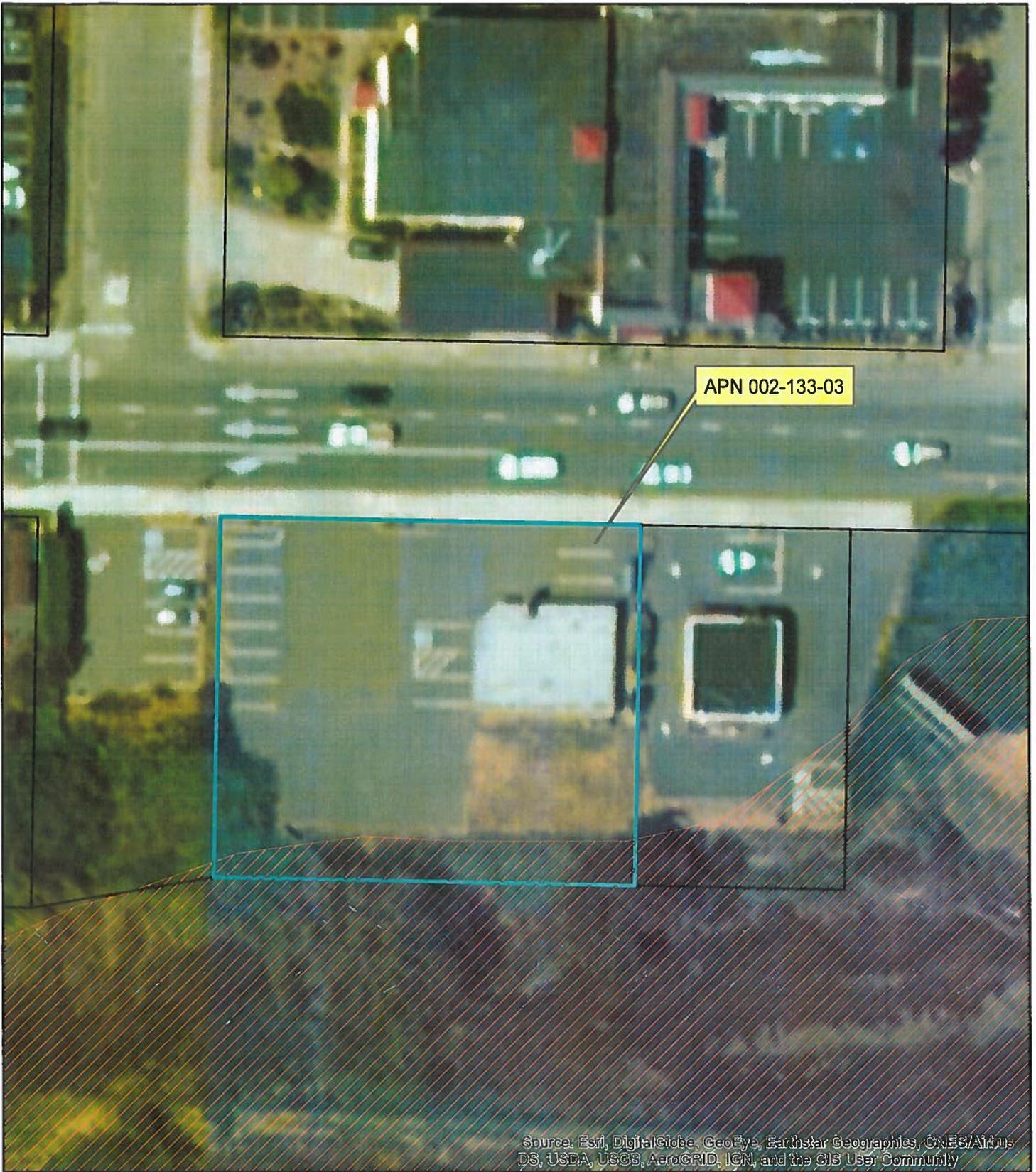
AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Jeff Ragan, Chair, Planning Commission

Attest:

Rob Holmlund, Director of Development Services

Attachment 2
Coastal Commission Boundary Determination
Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BD 04-2018
APN 002-133-03
Humboldt County



Coastal Commission Permit Jurisdiction



Technical Services



Attachment 3

On-Site Consumption Policy Document



CITY OF EUREKA DEVELOPMENT SERVICES DEPARTMENT

Rob Holmlund, AICP, Director

Rob Dumouchel, Associate Planner

531 K Street • Eureka, California 95501-1146

Ph (707) 441-4160

DevelopmentServices@ci.eureka.ca.gov • www.ci.eureka.ca.gov

DEVELOPMENT SERVICES MEMO

DATE: May 21, 2019
ISSUED BY: Rob Holmlund, Director
DEVELOPED BY: Rob Dumouchel, Associate Planner
SUBJECT: On-site Consumption of Cannabis and Cannabis Products (v1)

Background

In early 2019, City Council adopted modifications to the Eureka Municipal Code (EMC) Chapter 158 and Article 30 allowing for on-site consumption of cannabis and cannabis products at permitted and licensed cannabis retail facilities. At the date of this memo, the changes to Chapter 158 have taken effect in non-coastal areas of the City and it is anticipated that the California Coastal Commission will certify the changes to the EMC in August 2019. City Council also adopted modifications to EMC Chapter 97 to allow smoking in designated smoking rooms and designated smoking areas.

This memo sets City policies for on-site consumption within permitted and licensed spaces. On-site consumption may consist of the use of cannabis topicals, cannabis edibles, and cannabis smoking (as defined in ECM § 158.004). These policies are subject to change at the direction of the Development Services Director. These policies may be superseded by State-level regulations, Building Code regulations, and County-level Health Department regulations/requirements. If any of the following policies are included as conditions of approval in a use permit, businesses operating under that permit must continue to adhere to the condition unless removed or modified by a discretionary body with authority to modify the use permit.

General Policies

- Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older.
- Sale or consumption of alcohol or tobacco is not allowed on the premises.
- Licensed on-site consumption businesses must adopt/create and implement a program to educate employees and patrons on the appropriate use and suggested dosing of their products. Multiple on-site cannabis retailers may work together to create education programs and materials that can be deployed at multiple locations throughout the City. Examples of such campaigns and materials can be found at the following links:
 - <https://cannabis.ca.gov/2017/08/09/media-start-low-and-go-slow-3-steps-to-safely-consume-marijuana-edibles/>
 - <https://www.leafly.com/news/cannabis-101/cannabis-edibles-dosage-guide-chart>
 - <https://www.projectcbd.org/sites/projectcbd/files/downloads/cbd-dosing-guide.pdf>
- Licensed on-site consumption businesses must display inside the facility educational/informational materials regarding appropriate use and suggested dosing of their products.
- Licensed on-site consumption businesses must provide training to all employees regarding methods to prevent customers from over-consuming cannabis. A person may be considered intoxicated for the purposes of Penal Code 647(f) if they have consumed cannabis to the point that they 1. Are unable to exercise care for their safety or the safety of others, or 2. Interfere with, obstruct, or prevent others from using streets, sidewalks, or other public ways.
- Licensed on-site consumption businesses must develop written protocols regarding how to assist incapacitated or overly-intoxicated patrons who have consumed too much cannabis.
- Licensed on-site consumption businesses must display information inside the facility reminding patrons that driving under the influence of cannabis is illegal.
- Licensed on-site consumption businesses must display information regarding local bus services (bus schedule and map of nearby bus stops) as well as information regarding locally-available ride services (including contact information for local taxi services).

- Licensed on-site consumption businesses must educate employees about the availability of local bus services and locally-available ride services (taxi, Uber, Lyft, other ride-sharing services, etc.) and must train employees to discourage customers from driving under the influence of cannabis.
- Licensed on-site consumption businesses must display information inside the facility reminding patrons that consumption of cannabis in California is not legal in public places such as sidewalks and parks, or inside motor vehicles.

Cannabis Smoking Policies (Indoor and Outdoor)

- Per ECM § 158.004, “cannabis smoking” is defined as “Consumption of cannabis or cannabis products in a process which uses heat or combustion to create smoke or vapor.” Accordingly, all “smoking” policies also apply to “vaping” and other similar processes.
- Businesses that allow smoking of cannabis and cannabis products must post signage about the dangers of smoking to include: Proposition 65 warning signs, “smoking is prohibited except in designated areas” signs, signage recommending that pregnant and breastfeeding women avoid cannabis consumption, and any other signs that may be required per State law – some of these signs may be available from Humboldt County Department of Health and Human Services’ Tobacco Free Humboldt program.
- Odors from the designated smoking area may not be detectable from public rights-of-way or other parcels. In cases of parcels with more than one leasable space, cannabis odors may not be detectable from other leased spaces.
- Licensed on-site consumption businesses must provide a narrative description of how smoking will be managed and how it will keep cannabis odors from being detected off-site.
- If the City receives substantiated odor complaints (confirmed by staff from Planning, Code Enforcement, or Police) related to smoking, the business must cease smoking operations until a solution can be devised that would mitigate the odor problem.
- Pursuant to the 2016 California Fire Code section 310.6: Ash Trays: “Where smoking is permitted, suitable noncombustible ash trays or match receivers shall be provided on each table and at other appropriate locations.”

Additional Indoor Cannabis Smoking Policies

- Designated smoking rooms must be located in a non-work area where employees are not required to enter while consumption is in process.
- The designated smoking room is required to have an HVAC ventilation system that meets the following requirements:
 - The ventilation system must be capable of achieving protection from particulate matter at 2.5 microns consistent with MERV 11 filtration (Minimum Efficiency Reporting Value).
 - The ventilation system must provide at least 10 Air Changes per Hour (ACH) or at least 60 cubic feet/minute of air supply per smoker.
 - Negative pressure must be maintained in the designated smoking room while the room is in use.
 - None of the air in the designated smoking room may be recirculated into other parts of the building.
 - 100% of air must be exhausted directly to the outside through filters that remove all detectable odor, smoke, and by-products of combustion.
 - The designated smoking room must be completely sealed and separated from the remainder of the premises by solid partitions, non-operable windows, or glass/glazing.
 - All doors, windows, and other openings leading to the designated smoking room must be designed such that air/smoke cannot leave the designated smoking room (such as a self-closing door with a gasket to fully seal where the door meets the stop). Airlocks are encouraged (such as a two-part window with a pass-through space between).
- An alternate HVAC system/design that deviates from one or more of the above requirements may be approved by the Chief Building Official on a case-by-case basis. Approved deviations must satisfy the intent of the above standards, which are to:
 - Prevent the escape of all detectable odors, smokes, vapors, and by-products of combustion from the designated smoking room, and
 - Reduce the potentially-harmful effects of smoke and other by-products of combustion for those people within the designated smoking area by providing thorough ventilation and air-exchange.