



**CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT**

Brian Gerving, Interim Director

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Notice of Public Hearing Eureka Planning Commission

NOTICE IS HEREBY GIVEN that the Eureka Planning Commission will hold a public hearing held at 5:30 p.m., or as soon thereafter as the matter can be heard, on Monday, March 9, 2020 in the Council Chamber of Eureka City Hall, 531 K Street, Eureka, California, to consider the following application:

Project Title: EcoCann Conditional Use Permit Modification

Project Applicant: Ray Markland **Case No.:** C-17-0002(mod)

Project Location: 300/306 F Street (aka 410 3rd Street) **APN:** 001-095-002

Project Description: The applicant seeks to modify and expand an existing Conditional Use Permit (CUP)(C-17-0002) from a cannabis “Retail facility” use to a cannabis “Retail facility, off-site and/or on-site consumption” use to allow for onsite consumption of cannabis, and to incorporate the adjoining tenant space at 300 F Street into the permit. The “Retail facility, off-site and/or on-site consumption” use, is listed as a conditional use in the subject zoning district. If this modification and expansion is granted, on-site consumption of cannabis would be allowed in both tenant spaces at 300 and 306 F Street, subject to any added conditions. Additionally, the applicant is proposing to remove the limitation on operating hours, currently 10 a.m. to 6 p.m., and instead will comply with the State’s regulations for hours of operation of 6 a.m. to 10 p.m. No ground disturbing activities are anticipated (above-ground addition of a HVAC odor control system only).

Environmental:

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 (Section 15301) from CEQA which exempts existing facilities. It qualifies for this exemption because the project involves only internal modifications to the existing building for addition of a HVAC odor control system.

All interested persons are invited to comment either in person at the scheduled public hearing, or in writing. Written comments on the project may be submitted prior to or during the hearing by mailing or delivering them to the Development Services Department, Third Floor, 531 “K” Street, Eureka, CA 95501. Appeals to the City Council of the action of the Planning Commission may be made within 10 calendar days of the action by filing a written Notice of Appeal with the City Clerk, along with the filing fees as set by the City Council.

If you challenge any decision made by a review authority through administrative appeal or in court, you may be limited to raising only those issues that you or someone else raised at the public hearing, or in written correspondence received during, or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. 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 the Development Services Department, phone: (707) 441-4160; e-mail: planning@ci.eureka.ca.gov



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EUREKA CITY PLANNING COMMISSION

STAFF REPORT

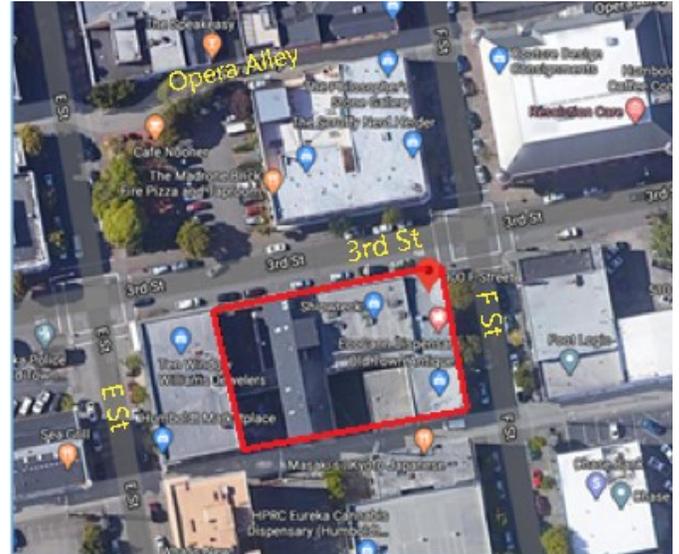
March 9, 2020

Project Title: EcoCann Conditional Use Permit Modification

Project Applicant: Ray Markland **Case No.:** C-17-0002(mod)

Project Location: 300/306 F Street (aka 410 3rd Street)

APN: 001-095-010



Zoning and General Plan Designations: Downtown (DT)/ Downtown Commercial (DC)

Project Description: The applicant seeks to modify and expand an existing Conditional Use Permit (CUP)(C-17-0002) from a cannabis “Retail facility” use to a cannabis “Retail facility, off-site and/or on-site consumption” use to allow for onsite consumption of cannabis, and to incorporate the adjoining tenant space at 300 F Street into the permit. The “Retail facility, off-site and/or on-site consumption” use, is listed as a conditional use in the subject zoning district. If this modification and expansion is granted, retail sales and on-site consumption of cannabis would be allowed in both tenant spaces at 300 and 306 F Street, subject to any added conditions. Additionally, the applicant is proposing to remove the limitation set in the original use permit on operating hours, currently 9 a.m. to 9 p.m., and instead will set operational hours within the State’s regulations for cannabis dispensaries. No ground disturbing activities are anticipated (above-ground addition of a HVAC odor control system only).

Staff Contact Person: Caitlin Castellano, Senior Planner; City of Eureka, Development Services Department; 531 K Street, Eureka, CA 95501; (707) 268-5265, Email:ccastellano@ci.eureka.ca.gov.

Staff Recommendation:

1. Hold a Public Hearing; and
2. Adopt a Planning Commission Resolution approving, with conditions, the modification of use permit C-17-0002 to allow retail sales and on-site consumption of cannabis at both 300 and 306 F Street (APN 011-095-002), and allow operating hours to conform to State regulations.

Suggested Motion:

“I move the Planning Commission adopt a Resolution approving, with conditions, the modification of use permit C-17-0002 to allow on-site consumption of cannabis and to modify the hours of operation at 300 and 306 F Street (aka 410 3rd Street) APN 001-095-002.”

Environmental: 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 (Section 15301) from CEQA which exempts existing facilities. The project qualifies for this exemption because only internal modifications to the existing building are proposed.

Background: In 2015, EcoCann participated in the City’s first Request for Qualifications (RFQ) process to establish what was then referred to as a medical cannabis dispensary. They were one of four groups interviewed and evaluated by the City of Eureka’s Medical Cannabis Selection Committee. The Committee recommended the City Council invite EcoCann to apply for a use permit to operate a cannabis dispensary. In late 2016, the City Council extended an invitation to EcoCann to initiate the first cannabis dispensary use permit process. On August 14, 2017, the Planning Commission conditionally approved the original CUP (C-17-0002) at 306 F Street (aka 410 3rd Street) for a medical cannabis dispensary (later changed from “medical cannabis” to “adult-use” by the State) and EcoCann has been fully operational since September 2017. Under that use, customers enter the building, purchase packaged cannabis products, leave the site, and then consume cannabis elsewhere.

In 2019, the City Council amended Eureka Municipal Code (EMC) Chapter 158 to allow on-site consumption in “eligible cannabis retail facilities” by modifying the “Retail Facility” use to “Retail Facility, Off-Site and/or On-Site.” Subsequently, the City Council adopted modifications to EMC Chapter 97 to allow smoking in designated smoking rooms and designated smoking areas. Per EMC § 158.004, the use of “On-site Cannabis Consumption” may consist of the use of cannabis topicals, cannabis edibles, cannabis vaping, and cannabis smoking. Per City regulations and policies, facilities approved to engage in the use of On-site Cannabis Consumption must comply with multiple requirements, each of which could be enhanced or expanded upon through conditions adopted by the Planning Commission through the CUP process. A copy of the City’s required policies for on-site consumption of cannabis are included as Attachment 2.

At this time, the applicant is seeking modification of the original permit to allow “On-site Cannabis Consumption” in the existing retail facility, and to incorporate the adjoining tenant space at 300 F Street. If the modification is approved, retail sales for both off-site and on-site cannabis consumption would be permitted, subject to State and local licensure, at both tenant spaces at 300 and 306 F Street.

Use Permit

To approve a Use Permit, the Planning Commission must make the following five findings pursuant to EMC §155.412.110:

Finding 1	<p>The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.</p>
	<p><u>General Plan</u>: This use is consistent with the underlying land use designation Downtown Commercial (DC) in the Eureka 2040 General Plan. The DC land use designation is intended to have a “mix of retail, restaurants, lodging, entertainment, cultural, visitor services, offices, and upper floor residential uses” as well as “promote a vibrant pedestrian environment.” The proposed project is in line with the desire for dense, mixed-use with retail, visitor-serving businesses on the first floor in the downtown area. The expansion of the existing cannabis retail facility to include on-site consumption would also support the intent of the DC area by bringing visitors and locals to the downtown area, increasing pedestrian use.</p> <p>The proposed use implements the adopted land use map and is consistent with the goals and policies of the General Plan and the proposed permit modification, with conditions, would not conflict with any General Plan policies.</p> <p><u>Zoning Code</u>: The proposed use of cannabis “Retail facility, off-site and/or on-site consumption” is a conditionally permitted use in the Downtown (DT) zone per EMC § 158.021 (A) and therefore implements the adopted zoning. Per EMC § 155.208 (B) (1), the “Downtown (DT) zoning district maintains, promotes, enhances, and builds upon Eureka’s Downtown as a vibrant center for residents, businesses, the arts, local/regional visitors, and out-of-town tourists. Existing buildings are fully utilized with uses that serve residents, employees, visitors, and the broader region.” The proposed modification expands an existing business, further serving local residents and out-of-town visitors who desire to have a legal place for cannabis consumption. Creating legal and safe spaces for cannabis consumption was a City Council priority in 2019 when they adopted modifications to Chapter 158 and Chapter 97 to allow on-site consumption of cannabis.</p> <p>The site is located in a Pedestrian-Focused Frontage area; however, no exterior modifications to the building façade are proposed to support the new use, thus no Design Review is required and the proposed modification is compliant with EMC § 155.208.040 (Pedestrian-Focused Frontages).</p> <p><u>Other Plans</u>: The proposed modification 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 modification supports three of four EDSP Sub-Goals because it proposes to expand an existing business (<i>Sub Goal A: Maintain and Create High</i></p>

	<p><i>Quality Jobs</i>), it supports the local cannabis community (<i>Sub-Goal C: Create a Diverse and Resilient Economy</i>), and it will contribute to sales tax revenue and may indirectly contribute to the Transient Occupancy Tax by out-of-town visitors (<i>Sub-Goal D: Strengthen the City’s Revenue Base</i>).</p>
<p>Finding 2</p>	<p>The site is suitable for the size, design, and operating characteristics of the proposed use.</p>
	<p>The existing licensed cannabis “Retail facility” known as 306 F Street is an 830 square foot retail space within an existing commercial structure known as 410 3rd Street. The proposed modification will expand the existing permit to include an adjacent 630 square foot retail space at 300 F Street and will allow for operation of an on-site consumption lounge. Although there are currently three City-owned public parking lots, with a combined total of 76 off-street parking spaces, within 300 feet of the site, the site is located within the Parking Assessment District and is not required to provide any new off-street parking spaces.</p> <p>Per the applicant, patrons will be limited to 30-60 minutes of lounge access in order to help manage their experience, and to reduce over consumption, and EcoCann will maintain a list of available taxi services and other safe transportation options, as required by City policy. As a result, the flow of customers visiting the site is expected to be relatively comparable to other neighboring businesses such as restaurants, coffee shops, art galleries, book stores, clothing stores and gift shops.</p> <p>No ground-disturbing activities or exterior modification are proposed to accommodate the use, only interior modifications are proposed to install a HVAC odor control system. Therefore, the site is suitable for the size, design and operating characteristics to support the proposed modification from a “Retail facility” use to a cannabis “Retail facility, off-site and/or on-site consumption” use and to expand to the adjacent tenant space at 300 F Street for an on-site cannabis consumption lounge.</p>
<p>Finding 3</p>	<p>The proposed use will be compatible with existing and planned land uses in the vicinity of the property.</p>
	<p>The site is in the Downtown (DT) zoning district (south of 3rd Street) and adjacent to the Waterfront Commercial (CW) zoning district (north of 3rd street). The area includes existing and planned vertical, mixed-use development with a diversity of uses that promote daytime and evening activity, including residential, cultural, lodging, civic, professional office, entertainment, retail and other customer-serving and employment-intensive uses. The proposed use of on-site cannabis consumption is inherently a retail use and is therefore similar to existing nearby uses. The uses are similar in that customers arrive on site, purchase a good or service, which can include on-site consumption, and depart the site, typically within a limited amount of time. The proposed use is conditioned to adhere to the City’s On-site Cannabis Consumption Policy (Attachment 2) which requires cannabis odors to not be detectable outside of the facility through installation of a HVAC odor control system, as well as requiring</p>

	<p>the operation to implement a number of on-site consumption safety policies, intended to prevent overconsumption and driving while intoxicated. Therefore, the proposed use is compatible with the existing and proposed land uses in the vicinity.</p>
<p>Finding 4</p>	<p>The proposed use will not be detrimental to the public health, safety, and welfare.</p>
	<p>The proposed use does not involve hazardous or explosive materials, nor does it create dangerous noise or vibration. The proposed use is conditioned to adhere to the City’s On-site Cannabis Consumption Policy (Attachment 2) which requires cannabis odors not be detectable outside of the facility through installation of a HVAC odor control system, as well as requiring the operation to implement on-site consumption safety policies, intended to prevent overconsumption and driving while intoxicated. Therefore, the proposed use will not pose a risk to public health, safety, or welfare. Additionally, the proposed use is not anticipated to create parking impacts to the surrounding neighborhood because three public city-owned parking lots with a combined total of 76 off-street spaces are available within a 300-foot radius. As previously discussed, patrons will be limited to 30-60 minutes of lounge access in order to help manage their experience to reduce over consumption. As a result, parking turn-over is expected to be relatively comparable to other neighboring businesses such as restaurants, coffee shops, art galleries, book stores, clothing stores and gift shops.</p> <p>While the act of cannabis consumption can create certain personal health risks, these risks are taken willingly by the individual who chooses to enter the premises and consume cannabis or a cannabis product. Also, the City policies regarding on-site cannabis consumption (Attachment 2), are intended to mitigate for and lessen the dangers of second-hand smoke inhalation through robust, indoor ventilation systems. The odor control system will meet all applicable standards and conditions set by the Eureka Cannabis Review Panel.</p> <p>The proposed permit modification was referred to various City departments and agencies for comment. Minimal comments were received and none indicated the proposed use would pose a risk to public wellbeing.</p>
<p>Finding 5</p>	<p>The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.</p>
	<p>The site is a developed urban location and is fully served by water, sewer, power, telecommunications, and transportation infrastructure. No additional public infrastructure is required for the proposed use; however, above-ground installation of an HVAC system is proposed for required odor control.</p>

Agency and Departmental Comments: Referrals were sent to several Tribes, 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:** The Blue Lake Tribal Historic Preservation Officer (THPO), Bear River Band THPO and Wiyot THPO agreed that because no ground disturbing activities are associated with the permit modification, they have no concerns.
2. **PG&E:** A standard form letter indicating that, if any existing gas and electric facilities are within current or proposed development areas, PG&E must be contacted prior to commencing any work.

No other comments were received which indicate the proposed modification to allow on-site consumption and expand to the adjoining tenant space will be detrimental to the public health, safety, and welfare.

Applicant's Proposed Project:

The applicant currently holds all necessary approved licenses and permits to conduct an off-site cannabis retail facility (approved, licensed, and operational) at 306 F Street. The applicant is proposing to modify the existing CUP at 306 F Street (aka 410 3rd Street) to expand to the adjoining tenant space at 300 F Street in order to be allowed to operate an on-site cannabis consumption lounge. The two tenant spaces have separate outside public accesses, allowing the retail sales and onsite consumption uses to remain separate. If this CUP is approved, the proposed on-site consumption use is limited to the tenant spaces at 300 and 306 F Street. The applicant only intends to utilize 300 F Street as the smoking lounge at this time; however, both tenant spaces would become eligible for on-site and/or off-site retail. While EcoCann is the current applicant, this use would run with the land and other cannabis businesses could operate in these tenant spaces in the future, provided they can acquire the appropriate State and local licensure.

Support Material:

Attachment 1: Planning Commission Resolution

Attachment 2: On-site Cannabis Consumption Policy

PLANNING COMMISSION RESOLUTION NO. 2020-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING, WITH CONDITIONS, THE MODIFICATION OF USE PERMIT C-17-0002 TO ALLOW ON-SITE CONSUMPTION OF CANNABIS AND TO MODIFY THE HOURS OF OPERATION AT 300 AND 306 F STREET (AKA 410 3RD STREET) APN 001-095-002

WHEREAS, the applicant is proposing to modify and expand the existing cannabis retail facility use at 306 F Street to include on-site consumption of cannabis, to incorporate the adjacent tenant space at 300 F Street for a proposed retail facility and on-site consumption lounge, and to modify the allowed hours of operation; and

WHEREAS, the tenant spaces at 300 and 306 F Street are located within an existing commercial structure known as 410 3rd Street and is in an area zoned Downtown (DT) with a land use designation of Downtown Commercial (DC); and

WHEREAS, “Retail facility, off-site and/or on-site consumption” is conditionally permitted in the DT district and requires a Use Permit; 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 March 9, 2020, at 5:30 p.m. in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code Chapters 155 and 158, 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 proposed use meets all applicable development standards contained in the Zoning Code, all requirements and conditions set by the Eureka Cannabis Review Panel, and the Use Permit required findings contained in §155.412.110; and
2. Action on the Use Permit is discretionary subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 1 exemption (Section 15301) from CEQA which exempts existing facilities. It qualifies for this exemption because the project involves only internal modifications to the existing building to install an above-ground HVAC odor control system.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions:

CONDITION 1: No cannabis plant materials may be visible from the exterior of the property. This includes cannabis plant materials that are present onsite, in any buildings at the site, or in any vehicles at the site. The only exception to this condition is during brief periods of loading and unloading.

CONDITION 2: 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.

CONDITION 3: The operation will comply with the State’s regulations on operating hours for cannabis dispensaries and/or consumption facilities.

CONDITION 4: The operation will comply with all requirements contained in Attachment A, the On-site Cannabis Consumption Policy.

CONDITION 5: Unless specifically modified by the Planning Commission, all conditions of approval associated with the original Use Permit (C-17-0002), approved September 8, 2017, remain in effect, except for the limitation on operating hours which is modified by Condition 3, above. Any new conditions of approval placed upon this application (C-17-0002(mod)) will be considered additive to the existing conditions of approval.

CONDITION 6: 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.

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. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

EcoCann Conditional Use Permit Modification
Project Number: C-17-0002 (mod)

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on March 9, 2020 by the following vote:

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

Jeff Ragan, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary



CITY OF EUREKA DEVELOPMENT SERVICES DEPARTMENT

Rob Holmlund, AICP, Director

Rob Dumouchel, Associate Planner

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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.