NOTICE OF PUBLIC HEARING

EUREKA PLANNING COMMISSION

Notice is hereby given that the Eureka Planning Commission will hold a public hearing on Monday, May 10, 2021, at 5:30 p.m., or as soon thereafter as the matter can be heard. Pursuant to Executive Order N-29-20, by Governor Gavin Newsom, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

Project Title: Golden State Financial Services Indoor Cannabis Cultivation Use Permit and Coastal Development Permit

Project Applicant: Golden State Financial Services Inc.  Case No: CUP-21-0002 /CDP-21-0002

Project Location: 1735 2nd Street

APN: 002-054-007

Project Zoning and Land Use: Service Commercial (CS)/General Commercial (GC)

Project Description: The applicant, Golden State Financial Services Inc., is requesting approval of a Use Permit and a Coastal Development Permit to create and operate an indoor cultivation facility in an existing approximately 8,300 square foot metal building, located in the CS (Service Commercial) zone district. A Use Permit are required for indoor cultivation, 5,000 sq. ft. or less (conditional use permit) and since the site is located in the Coastal Zone, the use therefore requires a Coastal Development Permit per EMC §.10-5.2401(c). Date of Project Application: March 11, 2021

The public is invited to participate in the following manner:

1. You can view the Planning Commission meetings live on the City of Eureka’s website at www.ci.eureka.ca.gov or on Cable Channel 10. To view from the website, select Agendas, Meeting and Videos on the home page.

2. If you wish to speak and be heard during the hearing or oral communications, please submit your name, phone number and name of the item you would like to comment on by e-mail to planning@ci.eureka.ca.gov or leave a message at 707-441-4160 or on or before Monday, May 10, 2021 at 12 p.m. A Planning Division staff member will call you during the public hearing for the item.
3. If you don’t want to participate during the meeting but want to submit comment on a project or for oral communications, please submit your comment via email to planning@ci.eureka.ca.gov or you may leave a message at 707-441-4160 prior to Monday, May 10, 2021 at 12 p.m. to ensure that the Commission receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but will not be read aloud during the meeting.

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. Fees to appeal the Coastal Development Permit are waived. Action on the Coastal Development Permit is not appealable to the 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 or 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 Planning Division of the City Administration Department. If you have questions regarding the project or this notice, please contact Riley Topolewski, Senior Planner, rtopolewski@ci.eureka.ca.gov or (707) 268-1971.
Subject: Golden State Financial Services Conditional Use Permit CUP-21-0002 and Coastal Development Permit CDP-21-0002

Location: 1735 2nd Street

APN: 002-054-007

Applicant: Golden State Financial Services

Property Owner: Steenberg LLC

Purpose/Use: Cannabis Non-Volatile Manufacturing and Indoor Cultivation

Application Date: March 11, 2021

General Plan: GC- General Commercial

Zoning: CS- Service Commercial

CEQA: Exempt under §15301, Class 1 Existing Facilities

Staff Contact: Riley Topolewski, Senior Planner

Recommendation: Hold a Public Hearing; and
Adopt Resolutions to approve with conditions

Motion: “I move the Planning Commission adopt a Resolution, with conditions, approving a conditional use permit and a Coastal Development Permit allowing indoor cultivation at 1735 2nd Street, APN 002-054-007.”

Figure 1: Location Map

Figure 2: Site Map and Street View
PROJECT SUMMARY

The applicant, Golden State Financial Services, is requesting approval of a Use Permit and a Coastal Development Permit to create and operate an indoor cultivation facility in an existing approximately 8,300 square foot metal building, located in the CS (Service Commercial) zone district. A Use Permit is required for indoor cultivation, 5,000 sq. ft. or less (conditional use permit) and since the site is located in the Coastal Zone, the use therefore requires a Coastal Development Permit per EMC §.10-5.2401(c).

As there are no proposed exterior renovations, the applicant will not need to apply for Design Review. The applicant is not proposing any signage, but a Sign Permit would be required for any proposed signage for the business if the CUP/CDP is approved. If these permits are granted, the use of cannabis cultivation would apply to the entirety of the existing structures on the parcel.

The 12,600 sq. ft. parcel is located on the northwest corner of 2nd and S Streets, and is developed with an existing 8,300 sq. ft. metal building. The surrounding neighborhood is a mostly light-industrial and commercial area. As a result, the site is surrounded by other industrial buildings.

USE PERMIT ANALYSIS

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 the use will 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.

1. Code Consistency

Chapter 5 Objectives and Purpose
Pursuant to Eureka Municipal Code (EMC) § 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 site is located in the General Commercial (GC) land use designation which provides for a wide variety of uses, with emphasis on retail and wholesale commercial uses. The project will allow for a commercial business to locate into an existing metal building, which is suitable for the use. The proposed use is consistent with the General Plan’s GC land use designation, and the General Plan goals to promote an area for wholesale commercial and retail business locations.

(b) To foster a harmonious, convenient, workable relationship among land uses.
   The project will be located within an existing approximately 8,300 square metal building on a developed 12,600 sq. ft. parcel located on the northwest corner of 2nd and S Streets. Existing nearby uses include a commercial ice cream manufacturer, a costume rental business and a cannabis manufacturing facility. The site is surrounded by other commercial, retail or light industrial uses. There is no indication the project will impact other uses in the area, especially since the uses will operate within a fully enclosed, existing metal building. Granting the use permit will foster a harmonious, convenient, workable relationship among land uses by providing for another, similar use, in an existing, vacant metal building.

(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 proposed project location is in a part of town where commercial, warehouse-retail and light industrial uses abound. The City desires this part of town to continue to serve as a hub for commercial, light-industrial, and retail-related uses. The project will occupy a vacant metal building. Occupation of the metal building will reduce blight and crime, and the cannabis cultivation facility will utilize space for commercial manufacturers, like many adjacent uses. No referral comments were received which would indicate the proposed cannabis cultivation facility
would be problematic in the area, and referral responses from the Wiyot, Blue Lake and Bear River Band Tribes expressed no project concerns as there will be no ground disturbing activities to support the proposed uses.

(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 cultivation facility will occupy a vacant metal building on a developed lot, among other commercial, warehouse, and retail serving uses. The project will be operated in an area where Eureka’s commercial and light industrial 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 proposed cannabis cultivation facility will occupy a vacant metal building on a developed lot, among other commercial, light-industrial, warehouse, and retail serving uses. The project, if approved, will be one of only a few cannabis manufacturing facilities in the area, which due to its commercial and light industrial nature can accommodate an increase in the use. The proposed cultivation facility will utilize a previously vacant metal building, which will increase jobs and business, but will not contribute to population densities, and will not cause overcrowding of land with structures as the use will be conducted within an existing structure.

(f) To promote a safe, effective traffic circulation system.
The proposed use will be located in an existing metal building located on the northwest corner of 2nd and S Streets. Both 2nd and S Streets are minor arterial streets that have traditionally allowed for manufacturing and light industrial businesses, similar to the proposed cannabis cultivation facility. The proposed use of the project, a cannabis cultivation facility aligns with the historical uses of the area and is not expected to have an impact on the existing traffic circulation system due to the fact that there will be a lessened or similar number or vehicle trips related to the proposal.

(g) To foster the provision of adequate off-street parking and off-street truck loading facilities.
The proposed uses will be located in an existing metal building on a large (12,600 sq. ft.) parcel with ample parking for the proposed project. There is available on-street parking, and approximately eight on-site, parking spaces exist for the proposed use.

(h) To facilitate the appropriate location of community facilities and institutions.
No community facilities or institutions exist at the site, or are affected by the proposed uses.

(i) To promote commercial and industrial activities in order to strengthen the city’s tax base.
The proposed use will provide for another cannabis cultivation facility in the northeastern Eureka area which can strengthen the City’s tax base through sales tax. The applicant will also be required to obtain and maintain a City Business license.

(j) To protect and enhance real property values.  
The proposed uses will occupy a vacant metal building, which will decrease blight and vandalism, and help contribute to a vibrant, lively and well-used area which will protect and enhance property values.

(k) To safeguard and enhance the appearance of the city.  
No exterior modifications to the existing building are proposed. However, if a sign is proposed in the future, it will require Design Review and a Sign Permit. Therefore, the proposed uses will not impact the appearance of the City.

Purposes of the Zone District  
In addition to the objectives prescribed in Sections10-5.102 (Objectives) and 10-5.2902 (Objectives and purposes), 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,
(i) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;

(j) To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.

The proposed use would allow for the manufacturing of value-added cannabis products created via an indoor cultivation facility 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. If approved, the proposed use would keep an existing commercial structure occupied and full of activity with as many as ten employees. A concentration of occupied business facilities helps reduce blight, minimizes vandalism, and can reduce crime. The proposed location is in a commercial area and has never been occupied as a community facility or community institution. The existing structure at this location has an existing area for off-street parking to the north side of the building. No expansion in the size of the existing building is proposed at this time. The proposed use will not generate an unusual risk of fire, explosion, noxious fumes, or other hazards. Any odors created by the indoor cannabis cultivation process must be contained to the parcel and not detectable from public rights-of-way or neighboring parcels. The applicant has proposed a robust odor control system including a number of charcoal filters, designed to eliminate any odors. The proposed uses are not appropriate for some commercial districts (such as Henderson Center or Old Town), but the subject site is in an area of existing service commercial uses and is appropriate for the proposed uses. Other nearby businesses include heavy equipment sales and rentals, a commercial ice cream manufacturing facility, a costume rental shop, and a moving and storage facility. The proposed use is a compatible mix with 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. The indoor cultivation use is compatible with the surrounding commercial uses. The proposed use, with conditions, will not produce excessive noise, light or noxious odors.

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 that indicated the proposed cannabis cultivation facility use would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. 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 that the project will not impact the public health, safety or welfare.

3. **Provisions of Chapter 5**

The applicable provisions include the development standards specified in the Eureka Municipal Code for yards, building height, size, and bulk, off-street parking and loading, landscaping, etc. The proposed use would be located in an existing building with no additions or exterior modifications proposed to the existing building. Additionally, no new
off-street parking or loading facilities are required by the Municipal Code. Therefore, the proposed use and location comply with the applicable provisions of Chapter 5.

4. **Local Coastal Program**
The site of the proposed uses is located in the Coastal Zone and the Eureka Municipal Code requires a Use Permit and Coastal Development Permit be approved by the Planning Commission. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, which is not appealable to the State Coastal Commission.

The site is zoned CS - Service Commercial which is intended 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 intent of the zoning designation as it will allow for a use, indoor cannabis cultivation, that is a light industrial activity that does not have an adverse impact on commercial services. The proposed use will occupy a vacant metal building, which is surrounded by other commercial and light industrial uses.

Discussion of the project’s conformance with the land use plan and purposes of the Coastal Zone are provided under the Coastal Development Permit analysis. Based on the discussion in the Use Permit analysis, the project conforms with the purposes of the zone district and the CS – Service Commercial zone district.

**DESIGN REVIEW ANALYSIS**

The project is subject to Design Review; however, no new construction is being proposed that would trigger Architectural Review or Site Plan Review (Design Review). Also, the proposed project does not include any proposed signage at this time. If signs or exterior modification are proposed in the future, a Sign Permit and Design Review may be required.

**COASTAL DEVELOPMENT PERMIT ANALYSIS**

To approve a Coastal Development Permit, the Planning Commission must make all of the following findings:

(a) The proposed development conforms to the policies of the Certified Local Coastal Program.

The Local Coastal Program is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City’s physical and economic resources in the coastal zone are to be developed, managed and utilized. 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
Below are the purposes of the GC General Commercial land use, and the goals and policies of the Land Use Plan portion of the adopted and certified LCP applicable to the project, followed by a brief discussion how the project conforms to each goal or policy.

The purpose of the GC General 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. Examples of conditionally permitted uses include but are not limited to drive-in theaters, drive-in restaurants, and mobilehome and trailer parks.

The project is consistent with the GC land use designation as it will provide for another commercial business that offers commodities required by residents of the city and its surrounding market area. The proposed cannabis cultivation and manufacturing facility is conditionally permitted to allow additional scrutiny to insure it is properly located within the GC-designated area of Jacobs Avenue.

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 supports the following adopted goals and 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.

Policies
1.L.1 The City shall discourage new commercial development within the city that will adversely affect the economic vitality of the Core Area. This City shall also encourage Humboldt County to discourage such development in adjacent unincorporated areas.

1.L.2 The City shall promote high quality design, visual attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated areas of the city.

1.L.4 The City shall encourage consolidation and upgrading of established commercial centers over the development of new shopping center within the Planning Area. The City shall also encourage Humboldt County to do likewise.

1.L.10 The City shall work with property owners in deteriorated and deteriorating commercial areas to either rehabilitate their properties or convert them to productive uses that are consistent with this General Plan.

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

Implementation Plan Analysis
The Coastal Development Permit must be found to conform with the purposes and objectives of the zoning code (EMC §10-5.102), the CS – Service Commercial zone district (EMC §10-5.29110), and the overall objectives of the Coastal Zone (EMC §10-5.2902). Discussion of the project’s conformance with the zoning code and CS zone district are provided under the Use Permit analysis. Analysis of conformance to the overall objectives of the Coastal Zone is below:

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and human-created resources.
The proposed use will be conducted exclusively within an existing commercial metal building. Approval of the proposed use is anticipated to have no negative effects on the quality of the coastal zone environment and its natural and human-created resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources, considering the social and economic needs of the people of this region, state, and nation.
The proposed use will be contained within an existing structure within an already developed commercial area, which is located approximately 730 feet from the Humboldt Bay shoreline. The project supports the social and economic needs of the region by occupying a vacant commercial space and adding a business within the City. Approval of the proposed uses will have no impact on the utilization and conservation of coastal zone resources.

(c) 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 proposed use will be contained within an existing structure within an already developed commercial area, which is located approximately 730 feet from the Humboldt Bay shoreline, and is not anticipated to impact coastal access or conservation.

(d) Assure priority for coastal dependent and coastal-related development over other development on the shoreline.
The property is located approximately 730 feet from the Humboldt Bay shoreline. There is no access to the Slough or Bay from the site; therefore the project does not take property away from coastal-related or coastal-dependent uses.

(e) 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 uses are consistent with the purposes of the Coastal Land Use Plan and the Coastal Implementation Plan (zoning) because a cannabis cultivation facility, which is specifically listed in the Coastal Implementation Plan, is a use which is allowed in the CS zone with a use permit, and it will not impact coastal resources.
Protect the social and economic character and stability of residential, commercial, agricultural, and industrial areas within the City.

The proposed cannabis cultivation facility will be contained within an existing commercial metal building and will not negatively affect the stability of the existing surrounding uses. Due to the fact the proposed use is compatible with and similar to the surrounding uses, the proposed use will not be inharmonious with the existing commercial character, nor the long-standing businesses and light-industrial uses, of the area.

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, in accordance with CEQA Guidelines pursuant to Section 15301, Existing Facilities, Class 1 of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. As there is no proposed expansion to the existing building or proposed tenant space, the Use Permit and Coastal Development Permit for the proposed cannabis cultivation facility use is exempt from the California Environmental Quality Act.

PUBLIC HEARING NOTICE
Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on April 30, 2021. In addition, the notice was published in the Times Standard newspaper on Friday, April 30, 2021, and posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on April 30, 2021.

CONCLUSION
Based on the analysis above, the proposed cannabis cultivation facility use is consistent with the General Plan, Zoning Code, and Local Coastal Program. The project is suitable for the site, and is compatible with existing and planned land uses in the vicinity. The proposed cannabis cultivation facility will be located within an existing metal building. 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. Further, the project conforms with the Local Coastal Program.

STAFF CONTACT
Riley Topolewski, Senior Planner, 531 K Street, Eureka, CA 95501; planning@ci.eureka.ca.gov; (707) 441-4160

DOCUMENTS ATTACHED
Attachment 1: Planning Commission CUP Resolution ........................................on pages 11-13
Attachment 2: Planning Commission CDP Resolution ........................................on pages 14-15
Attachment 3: Applicant submitted material .......................................................on pages 16-18
PLANNING COMMISSION RESOLUTION NO. 2021-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING A USE PERMIT (CUP-21-0002) TO ALLOW INDOOR CANNABIS CULTIVATION, 5,000 SQ. FT. OR LESS AT 1735 2nd Street; APN 002-054-007

WHEREAS, 1735 2nd Street is a vacant metal building which is located within the Coastal Zone, with Service Commercial (CS) zoning, and a coastal land use designation of General Commercial (GC); and

WHEREAS, the applicant is planning to operate an indoor cannabis cultivation facility 5,000 sq. ft. or less which is included in the “cannabis” use category; and

WHEREAS, indoor cannabis cultivation facilities, 5,000 sq. ft. or less are conditionally permitted and require a Use Permit; and

WHEREAS, conditionally permitted uses in the Coastal Zone require a Coastal Development Permit and CDP-21-0002 is being processed separately; 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 Use Permit; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed Public Hearing on Ma7 10, 2021, telephonically through Zoom; and

WHEREAS, the Planning Commission has reviewed the proposed project in accordance with Eureka Municipal Code Title 10 Chapter 5 and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

(a) The proposed location of the indoor cannabis cultivation facility 5,000 sq. ft. or less at 1735 2nd Street 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 indoor cannabis cultivation facility 5,000 sq. ft. or less 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 indoor cannabis cultivation facility 5,000 sq. ft. or less will comply with each of the applicable provisions of Chapter 5; and

(d) The proposed indoor cannabis cultivation facility 5,000 sq. ft. or less is consistent with the certified Local Coastal Program.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions:
1. Prior to commencement of any demolition, remodeling or construction, the applicant will obtain all required Building and Fire permits to the satisfaction of City of Eureka Development Services - Building and Humboldt Bay Fire Departments.

2. Prior to the installation of any signage, the applicant must obtain Design Review and a Sign Permit to the satisfaction of Development Services - Planning.

3. In the event of any necessary ground disturbing activities, if archaeological resources are encountered, 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.

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.

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 Use Permit application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 10th day of May, 2021 by the following vote:

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

Tiana Arriaga, Vice-Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary
PLANNING COMMISSION RESOLUTION NO. 2021-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING A COASTAL DEVELOPMENT PERMIT (CDP-21-0002) TO ALLOW INDOOR CANNABIS CULTIVATION, 5,000 SQ. FT. OR LESS AT 1735 2ND STREET; APN 002-054-007.

WHEREAS, 1735 2nd Street is a vacant metal building which is located within the Coastal Zone, with Service Commercial (CS) zoning, and a coastal land use designation of General Commercial (GC); and

WHEREAS, the applicant is planning to operate an indoor cannabis cultivation facility and the use is included in the “cannabis” use; and

WHEREAS, an indoor cannabis cultivation facility is conditionally permitted and requires a Conditional Use Permit and conditionally permitted uses located 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 Planning Commission has reviewed the proposed cannabis use in accordance with Eureka Municipal Code Title 10 Chapter 5 and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts.

(a) The proposed indoor cannabis cultivation facility use conforms to the policies of the Local Coastal Program.

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

1. Any indoor cannabis cultivation facility use operating at the site will comply with the Conditions of Approval of the Use Permit (CUP-21-0002).

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the coastal development permit application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 10th day of May, 2021 by the following vote:
AYES: COMMISSIONERS RAGAN, BENSON, ARIAGA, MAIER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Tiana Arriaga, Vice-Chair, Planning

Attest:

Kristen M. Goetz, Executive Secretary