

CALIFORNIA COASTAL COMMISSION

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DATE: October 25, 2019

TO: Coastal Commissioners and Interested Persons

FROM: Jack Ainsworth, Executive Director
Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Cristin Kenyon, Supervising Analyst

SUBJECT: Concurrence with the Executive Director's determination that the action of the City of Eureka accepting the Commission's certification, with one suggested modification, of LCP Amendment No. LCP-1-EUR-19-0004-1 (Cannabis) is legally adequate.

For the Commission meeting of November 14, 2019 in Half Moon Bay, CA

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

The Commission acted on City of Eureka LCP Amendment (LCPA) Application No. LCP-1-EUR-19-0004-1 on August 7, 2019. The LCP amendment amends the City's Implementation Plan (IP) to modify the regulation of commercial cannabis facilities to (1) remove a prohibition on signs for cannabis businesses; (2) allow on-site consumption of cannabis products at cannabis retail facilities including consumption of cannabis topicals, edibles, and/or smoking products; and (3) add a new more-limited cannabis retail facility use type that allows the sale and on-site consumption of cannabis edibles and topicals only (not smoking products). By a series of unanimous votes, the Commission: (1) rejected the amendment to the IP as submitted; and (2) approved the IP amendment with one suggested modification.

The City's amendment as submitted omitted necessary corresponding amendments to conditional use tables for the commercial and industrial districts where cannabis retail facilities are allowed to reflect the changes proposed in the amendment. At the request of City staff, the Commission certified the LCP amendment with one suggested modification to address these omissions, to

ensure that the IP will conform with and adequately carry out all applicable policies of the City's certified Land Use Plan (LUP).

EFFECTIVE CERTIFICATION

On September 17, 2019, the Eureka City Council held a public hearing and adopted Resolution No. 2019-50 acknowledging receipt of the Commission's resolution of certification, accepting and agreeing to the Coastal Commission's suggested modification, agreeing to issue permits in conformance with the modified LCP (Exhibit 2). Additionally, at the same hearing, the Council adopted Ordinance No. 888-C.S. amending the IP consistent with the accepted suggested modifications (Exhibit 3). The full amended text of Article 29 with the Commission's suggested modifications can be found in Appendix B of the Commission's staff report available on the Commission's website under the August 7, 2019 agenda.¹

As provided in Section 13544 of Title 14 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Eureka's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to that determination, the certification of LCP Amendment No. LCP-1-EUR-19-0004-1 shall become effective upon the filing of a Notice of Certification for the LCPA with the Secretary of Natural Resources, as provided in Public Resources Code Section 21080.5(d)(2)(E).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Eureka to accept the Commission's certification, with one suggested modification, of LCP Amendment No. LCP-1-EUR-19-0004-1 to adopt the necessary changes to the City's Local Coastal Program are legally adequate, as noted in the attached letter, Exhibit 1 (to be sent after Commission concurrence).

EXHIBITS

1. [Notification of Effective Certification Letter \(to be sent after Commission endorsement\)](#)
2. [Resolution No. 2019-50](#)
3. [Ordinance No. 888-C.S.](#)

¹ <https://documents.coastal.ca.gov/reports/2019/8/W9c/w9c-8-2019-report.pdf>