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# W9c

**DATE:** July 19, 2019

**TO:** Commissioners and Interested Parties

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

**SUBJECT:** **City of Eureka LCP Amendment No. LCP-1-EUR-19-0004-1 (Cannabis)** For the Commission meeting of August 7, 2019 in Eureka

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## SUMMARY OF STAFF RECOMMENDATION

The City of Eureka (“City”) is proposing to amend its local coastal program’s (LCP) 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).

In December 2017, the Commission approved an amendment to the City’s certified IP to: (1) establish regulations for commercial cannabis facilities including indoor cultivation, manufacturing, testing, research and development, distribution, retail, and microbusiness facilities; and (2) to allow these uses in certain zoning districts (LCP Amendment No. LCP-1-EUR-17-0063-2). Cannabis retail facilities were added as a conditional use in the Neighborhood Commercial (CN), Service Commercial (CS), Limited Industrial (ML), and General Industrial (MD) Districts.

Under the proposed amendment, a proposed new more-limited cannabis retail facility use type (“on-site retail facilities selling cannabis topicals and edibles only”) would be established and allowed as a conditional use in the same districts where the broader cannabis retail facilities are conditionally allowed as well as in the Commercial Waterfront (CW) District, where currently no cannabis retail facilities are allowed. The purpose of the CW District and its corresponding land use designations is to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses. The proposed cannabis retail use type constitutes a visitor-serving commercial use that is similar to a bar or coffee house and consistent with this stated purpose, and thus the proposed amendment maintains consistency with and carries out the priority use provision of the certified land use plan (LUP). The proposed amendment would also

maintain consistency with and carry out the coastal resource protection policies of the certified LUP as the proposed amendment would not affect existing coastal development permitting requirements, development standards, and coastal resource protections in the certified IP.

Article 30 of the certified IP (“Cannabis”) includes regulations and licensing requirements for commercial cannabis facilities, while Article 29 of the certified IP (“Coastal Development Permit Procedures”) includes regulations specific to each of the City’s coastal zoning districts, including lists of permitted, conditional, and minor conditional uses. In reviewing the City’s ordinance of adoption for the proposed IP amendment, Commission staff noticed that the ordinance as adopted by the City amends the cannabis facility use table in Article 30 to (1) modify the existing cannabis retail facility use type to allow on-site consumption, and (2) add the new more-limited cannabis facility use type, but omits amendment to the corresponding lists of conditional and minor conditional uses in Article 29 for the CN, CS, MG, and ML Zoning Districts. City staff has requested that the Commission certify the LCP amendment with suggested modifications to address these omissions.

Therefore Commission staff recommends that the Commission reject the proposed LCP Amendment No. LCP-1-EUR-19-0004-1 as submitted, and approve it only as modified to ensure that the amended IP will be internally consistent and in conformance with and adequate to carry out the policies of the certified LUP.

**The appropriate motions and resolutions to adopt the staff recommendation are on [page 4](#).**

**DEADLINE FOR COMMISSION ACTION**

The LCP amendment submittal was determined to be complete and submitted by the North Coast District Office on March 20, 2019. On May 9, 2019, the Commission granted a one-year extension to the 60-day time limit for Commission action on the requested certification of the proposed LCP amendment application. The new date by which the Commission must act upon the amendment is June 14, 2020.

**ADDITIONAL INFORMATION**

For further information, please contact Cristin Kenyon at the Commission’s North Coast District Office in Arcata at (707) 826-8950. The proposed amendment to Eureka’s IP is available for review at the Arcata Office upon request.

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### EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – City of Eureka’s Coastal Zone](#)

[Exhibit 3 – Maps of Affected Coastal Zoning Districts](#)

[Exhibit 4 – Resolution of Transmittal of IP Amendment](#)

[Exhibit 5 – Ordinances of Adoption of IP Amendment](#)

[Exhibit 6 – Excerpts from Article 30 with Changes from the Proposed Amendment](#)

## **I. STAFF RECOMMENDATION, MOTIONS, and RESOLUTIONS**

### **A. Denial of IP Amendment No. LCP-1-EUR-19-0004-1, as submitted:**

#### **Motion 1:**

*I move that the Commission reject Implementation Plan Amendment No. LCP-1-EUR-19-0004-1 as submitted by the City of Eureka.*

Staff recommends a **YES** vote on the foregoing motion. Passage of the motion will result in rejection of the implementation plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **Resolution 1 to deny certification of the implementation plan amendment as submitted:**

The Commission hereby denies certification of the Implementation Plan Amendment No. LCP-1-EUR-19-0004-1 as submitted by the City of Eureka on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. Certification of the implementation plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation plan amendment as submitted.

### **B. Certification of IP Amendment No. LCP-1-EUR-19-0004-1, with Suggested Modifications:**

#### **Motion 2:**

*I move that the Commission certify Implementation Plan Amendment No. LCP-1-EUR-19-0004-1 for the City of Eureka if it is modified as suggested in this staff report.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **Resolution 2 to certify the implementation plan amendment with suggested modifications:**

The Commission hereby certifies Implementation Plan Amendment No. LCP-1-EUR-19-0004-1 for the City of Eureka if modified as suggested on grounds that the implementation plan as amended, conforms with and is adequate to carry out the provisions of the certified land use plan. Certification of the implementation plan amendment will comply with the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the

implementation plan amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## **II. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The standard of review for an implementation plan (IP) and its amendments is found in Section 30513 of the Coastal Act. This section states in part:

*The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...*

*...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)*

*The Commission may suggest modifications... (Section 30513)*

To certify the proposed amendment to the IP portion of the City of Eureka's certified local coastal program (LCP), the Commission must find that the IP as amended conforms with, and is adequate to carry out, the provisions of the certified land use plan (LUP).

### **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City's Planning Commission held a public hearing on the proposed amendment on September 10, 2018, and the City Council held public hearings on October 2 and 16, 2018. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for this LCP amendment has been distributed to all known interested parties.

### **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government's resolution for submittal to the Coastal Commission may specify that a LCP amendment will either require formal local government adoption after Commission approval, or take effect automatically upon the Commission's approval. In this case, the City's resolution of transmittal of the LCP amendment to the Commission for certification (Resolution No. 2018-51) states that it will take effect automatically upon the Commission's approval (Exhibit 4).

Therefore, if the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. Should the Commission certify the LCP amendment subject to suggested modifications, acceptance of these suggested modifications by the Eureka City Council and a determination by the Executive Director of compliance with Section 13544 of the Commission's regulations will be required in order for the amendment to take effect. Should the Commission deny the LCP Amendment as submitted without suggested modifications, no further action is required by either the Commission or the City, and the proposed LCP amendment will not become effective.

### **III. SUGGESTED MODIFICATIONS**

The Commission hereby suggests the following modification to the proposed IP amendment, which is necessary to make the requisite LUP consistency findings. If the City accepts the suggested modification within six months of Commission action, by formal resolution of the City Council, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

**Suggested Modification 1: Modify Article 29 of Eureka's Coastal Zoning Code Title 10, Chapter 5 to add the proposed cannabis retail use types to the lists of conditional and minor conditional uses allowed in the Neighborhood Commercial (CN), Service Commercial (CS), Limited Industrial (MG), and General Industrial (ML) Zoning Districts.**

More specifically, the suggested modification:

- (1) Modifies the existing cannabis retail facilities use type included in the lists of conditional uses allowed in the CN, CS, MG, and ML Zoning Districts to specify that both on-site and/or off-site cannabis retail facilities are allowed, subject to the provisions of Article 30; and
- (2) Adds "cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30" to the list of uses allowed with a minor conditional use permit in the CN, CS, MG, and ML Zoning Districts.

Relevant excerpts from Article 29 with the friendly modifications included are shown in [Appendix B](#).

### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

#### **A. AMENDMENT DESCRIPTION**

The City of Eureka ("City") is proposing to amend its certified 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). This new cannabis retail use type would be allowed in the same districts where the broader cannabis retail facility use type is allowed as well

as in the Commercial Waterfront (CW) District. At the present time, the City does not allow on-site consumption of cannabis and cannabis products at cannabis retail facilities.

More specifically, the proposed amendment modifies Article 30 of the City's IP (entitled "Cannabis") to (1) add definitions of "cannabis edibles," "cannabis smoking," and "cannabis topicals;"<sup>1</sup> (2) amend the current definition of "cannabis retail facility" to distinguish between off-site and on-site retail facilities as described below; (3) modify the existing commercial cannabis retail facility use type to specify that off site and/or on-site consumption of cannabis topicals, edibles, and/or smoking are allowed; (4) add a second cannabis retail facility use type where the sale and on-site consumption of cannabis topicals and edibles only (not smoking products) is allowed; and (5) replace a prohibition on commercial cannabis facility signage with a requirement that signs comply with all City sign regulations contained in Section 10-5.1701 of the certified IP. See Exhibit 6 for excerpts of Article 30 with changes from the proposed amendment incorporated.

The proposed amendment also amends Article 29, Part 11 (CW Districts) of the certified IP to add "cannabis retail facilities, on-site only (cannabis topicals and edibles only)" to the list of uses conditionally allowed in the CW District.

Under the proposed amendment, an off-site cannabis retail facility would be defined as a physical retail establishment where cannabis or cannabis products are offered for retail sale and delivery to customers in sealed and packaged containers and not intended for consumption at the facility. In contrast, an on-site cannabis retail facility would be defined as a physical retail establishment where cannabis or cannabis products are offered for consumption at the location where they are purchased in conformance with State of California regulations for consumption. Customers may also leave the on-site cannabis retail facility with cannabis or cannabis products if they are in originally sealed and unopened packaging or have been transferred by the retailer for repackaging in a container that is compliant with all applicable state law and regulation.

Currently Article 30 specifies that cannabis retail facilities are a conditional use in the Neighborhood Commercial (CN), Service Commercial (CS), Limited Industrial (ML), and General Industrial (MD) Districts. The amendment would distinguish between on-site and off-site cannabis retail in the list of uses allowed in different districts under Article 30, and would clarify that both "off-site and on-site retail facilities selling cannabis topicals, edibles and/or smoking products" would be allowed as a conditional use in the same CN, CS, ML, and MD Districts. The proposed new more-limited cannabis retail facility use type ("on-site retail facilities selling cannabis topicals and edibles only") would be allowed as a minor conditional use in the CN, CS, ML, and MD Districts and as a conditional use in the CW District. See Exhibit 3 for a map of the affected zoning districts in the City's coastal zone.

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<sup>1</sup> Cannabis edibles is defined as cannabis products which are ingested by eating or drinking; cannabis smoking is defined as consumption of cannabis or cannabis products in a process which uses heat or combustion to create smoke or vapor; and cannabis topicals is defined as cannabis products which are applied to the skin or hair.

## **B. BACKGROUND**

### **1. Previous City Cannabis LCP Amendments**

In December 2017, the Commission approved an amendment to the City’s certified IP to: (1) establish regulations for commercial cannabis facilities including indoor cultivation, manufacturing, testing, research and development, distribution, retail, and microbusiness facilities; and (2) to allow these uses in certain zoning districts (LCP Amendment No. LCP-1-EUR-17-0063-2). The previous amendment (1) added Article 30 to the City’s IP entitled “Cannabis” that includes regulations and licensing requirements for commercial cannabis facilities; and (2) amended Article 29 (Coastal Development Permit Procedures) of the City’s certified IP to add twelve<sup>2</sup> commercial cannabis use types as either permitted or conditional uses in six<sup>3</sup> different commercial and industrial zoning districts.

Cannabis retail facilities are one of the twelve commercial cannabis use types that were added. Cannabis retail facilities were added as a conditional use in the CN, CS, ML, and MD Districts.

Article 30 only allows individuals and organizations invited by the Eureka City Council to submit applications for a City cannabis license and all required permits for cannabis retail facilities, and sets up a process for selecting who will receive invitations to apply. Under this process, the City issues a request for proposals, individuals or organizations interested in operating cannabis retail facilities prepare proposals, a committee reviews and evaluates the proposals and the committee’s recommendations are presented to the City Council by the Development Services Director. Based on the committee’s recommendations, the City Council invites individuals and organizations to submit license and permit applications. As originally certified, Article 30 limited the number of use permits that could be issued to operate cannabis retail facilities to two in a six month period. A subsequent amendment approved by the Commission in September 2018 (LCP-1-EUR-18-0057-1) modified Article 30 to remove the limit on the number of use permits that could be issued to operate cannabis retail facilities.

Under the proposed amendment, the existing request for proposal process and conditional use permit process for cannabis retail facilities would remain in place, allowing the City to continue control what type of on-site consumption, if any, is appropriate for individual locations.

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<sup>2</sup> The twelve types of commercial cannabis facilities include: retail facilities; testing facilities; distribution facilities with cannabis on site; distribution facilities with no cannabis on site (transportation only); two indoor cultivation facility types (not more than 10,000 square feet of cultivation area, and not more than 5,000 square feet); four manufacturing facility types (non-volatile, more than 5,000 square feet of floor area; non-volatile, 5,000 square feet or less; volatile, large; and volatile, small); and two mixed-use use types (“microbusiness” and “research and development”) which allow for combinations of other facility types.

<sup>3</sup> Zoning districts where commercial cannabis facilities are allowed include the Office and Multi-Family Residential, Waterfront Commercial, Neighborhood Commercial, Service Commercial, Limited Industrial and General Industrial Districts.



## 2. City of Eureka Coastal Zone

The City is located on the north coast of California in Humboldt County, approximately 300 miles north of San Francisco and 100 miles south of the Oregon border (Exhibit 1). The City sits on the eastern shore of Humboldt Bay, one of California's larger coastal estuaries and the only deep water port between San Francisco and Coos Bay, Oregon. The City has an estimated population of approximately 27,100 and occupies approximately 10,500 acres.<sup>4</sup>

The western, northern, and northeastern edges of the City are located within the coastal zone (Exhibit 2). The coastal zone boundary predominately follows Broadway (Highway 101), 3<sup>rd</sup> Street, and Myrtle Avenue along the western, northern, and eastern edges of the City, respectively. The City's coastal zone also includes Indian, Daby, and Woodley Islands. Commercial and industrial lands dominate the City's coastal zone in addition to large areas designated for natural resources and coastal agriculture.

Table 1. Parcels and acreage of each zoning district in the coastal zone<sup>5</sup> (zones affected by the subject amendment are highlighted in gray)

<b>Zoning District</b>	<b>Number of Parcels</b>	<b>Acreage of Parcels</b>
Coastal Agricultural (AC)	16	616
Neighborhood Commercial (CN)	9	7
Planned Shopping Center (CP)	9	52
Service Commercial (CS) & CS-Planned Development	340	259
Waterfront Commercial (CW)	139	80
Coastal Dependent Industrial (MC)	42	152
General Industrial (MG)	56	110
Limited Industrial (ML)	49	35
Natural Resources (NR)	88	834
Office and Multi-Family Residential (OR)	93	21
Public (Works) (P)	43	122
Multi-Family Residential (RM)	75	20
One-Family Residential (RS)	91	66
Conservation Water (WC)	19	1925
Development Water (WD)	30	90
<b>Totals</b>	<b>1,099 parcels</b>	<b>4,389 acres</b>

<sup>4</sup> Information in this section is sourced from:

ESA (2015, June). *City of Eureka Community Background Report*. Prepared for the City of Eureka General Plan Update.

Laird, A., Trinity Associates (2016). *City of Eureka Sea Level Rise Assets Vulnerability and Risk Assessment, Appendix*. Prepared for the City of Eureka.

<sup>5</sup> Data provided by the City of Eureka's Development Services Department. Note: if a parcel is partially in the coastal zone, the whole area is included in the acreage total.

The City’s LCP was certified by the Commission on July 26, 1984, and a comprehensive update of the LUP was effectively certified on April 16, 1999. The City is currently preparing another comprehensive update to the entire LCP.

The vast majority of lands where commercial cannabis facilities are permitted are located in the portion of the city that is within the coastal zone. The City’s entire heavy industrial zoning district is in the coastal zone and all but three blocks of the light industrial district is located in the coastal zone. Three-quarters of the service commercial zone is in the coastal zone.

## C. CONSISTENCY ANALYSIS

### 1. Compatibility with Land Use Designations

#### Waterfront Commercial District

Table B-1 within Appendix B (Coastal Land Use Policy) of the City’s General Plan lists each of the General Plan land use designations that occur in the City’s coastal zone and “shows the corresponding LUP designation, the corresponding zoning district designation that implements the LUP designation, and the more detailed purpose descriptions and restrictive use prescriptions contained in the coastal resource policies and standards of the LUP” (Appendix B, Land Use Diagram). Below is an excerpt from Table B-1 showing the stated purpose and allowable uses of the land use designations that are implemented by the Waterfront Commercial Zoning District [*emphasis added*]:

TABLE B-1 GENERAL PLAN LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PLAN (IP) DESIGNATION CORRESPONDENCE				
LCP-LUP Designation(s)	LCP-IP (Zoning) Designation(s)	Purpose(s)	Principal Use(s)	Conditional Uses
WFC Waterfront Commercial	CW Waterfront Commercial	<u>To protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses</u> that relate to the presence of coastal resources.	Hotels, motels, and <u>visitor-serving developments, such as antique shops, art galleries, restaurants, taverns, commercial recreational facilities,</u> and commercial fishing industry facilities.	Professional offices, multiple-family units, residential uses on the upper floors of multi-story structures, oil and gas pipelines, public works projects, warehouses.
C-WFC Core Waterfront Commercial				
C-RC Core Retail Commercial				

The CW District implements the Core – Commercial Waterfront (C-WFC), Waterfront Commercial (WFC), and Core Retail Commercial (C-RC) land use designations. The purpose of the WFC, C-WFC, and C-RC designations in part is to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses. As such, visitor-serving commercial uses are principally permitted uses in these land use designations.

In addition, LUP Core Area Waterfront Policy 1.D.5 states [*emphasis added*]:

*The City shall expand and enhance opportunities for recreational and visitor-serving uses and activities along the waterfront, including visitor accommodations, boating facilities, water transportation, fishing, and other similar attractions.*

The City's LUP, consistent with the Coastal Act, prioritizes visitor-serving land uses over private residential, general industrial, and general commercial development in the coastal zone. The City implements this priority in part through the Waterfront Commercial District, which encourages development of recreational and visitor-serving uses.

Currently, cannabis testing facilities, distribution facilities (transportation only with no-cannabis on-site), and research and development facilities (where no plants or manufacturing processes occur) are conditional uses in the CW District, provided that the facilities are located above the ground floor of commercial structures. The ground floors of buildings in the CW District are intended for businesses catering to visitors, while office, residential, and other uses that are not visitor serving are permitted above the ground floor. This mixed-use configuration ensures a vibrant, pedestrian-oriented commercial center by providing storefronts with visual interest and destinations at the street level, and allowing homes and businesses above the ground floor of buildings whose residents and employees can support the ground floor commercial uses and generate foot traffic around the clock. As defined, cannabis testing, distribution (transportation only), and research and development facilities are essentially professional offices that provide laboratory and delivery services that are not visitor-serving, and as a result, these uses are relegated to the upper floors of buildings in the CW District.

The proposed amendment would add cannabis retail facilities (on-site consumption only; cannabis topicals and/or edibles only) as a conditional use in the CW District. Unlike the other currently permitted commercial cannabis use types in the CW District, cannabis retail facilities would be allowed on the ground floor of commercial structures.

The sale of cannabis topicals and edibles for on-site consumption constitutes a visitor-serving commercial use consistent with the WFC, C-WFC, and C-RC land use designations. This use type is similar to other retail use types already allowed in the CW District that sell food and drink for on-site consumption (such as restaurants, bars, candy shops, and bakeries) or sell products that are applied on-site to the skin or hair (such as day or destination spas and message studios).

Therefore, the Commission finds the proposed IP amendment, as submitted, conforms with and is adequate to carry out the C-WFC, WFC, and C-RC land use designations of the certified LUP.

#### Other Districts

Cannabis retail facilities are already a conditional use in the CN, CS, ML, and MD Districts. The proposed amendment would modify this use by explicitly allowing on-site consumption of cannabis products at those cannabis retail facilities and would establish and add a second, more-limited cannabis retail use to these districts that allows the sale and on-site consumption of cannabis edibles and topicals only (not smoking products) as a minor conditional use.

Cannabis retail facilities were added as a conditional use in the CN, CS, ML, and MD Districts under LCP Amendment No. LCP-1-EUR-17-0063-2. In its findings for certification of that LCP amendment, the Commission found that adding cannabis retail facilities in these districts conformed with and adequately carried out the corresponding land use designations of the LUP as those land use designations already allow for retail uses.<sup>6</sup> Cannabis retail facilities are a commercial retail use that was found to be consistent with and adequate to carry out the Neighborhood Commercial and General Service Commercial land use designations which allow commercial retail uses. The purpose of the Light Industrial (LI) and General Industrial (GI) land use designations is to provide sites for industries that can operate in close proximity to commercial uses with minimum adverse impact, and to provide sites suitable for development of general and heavy industrial uses, respectively. Similar and broader use types than the cannabis retail facility use types are allowed in the corresponding ML and MG zoning districts, including wholesale stores and retail establishments. Thus adding cannabis retail facilities to the ML and MG zoning districts was found to be consistent with and adequate to carry out the LI and GI land use designations of the certified LUP. The addition of cannabis retail facilities for on-site consumption under the current amendment similarly conforms with the applicable land use designations.

Therefore the Commission finds the proposed IP amendment, as submitted, conforms with and is adequate to carry out the Neighborhood Commercial, General Service Commercial, Light Industrial, and General Industrial land use designations of the certified LUP.

## 2. Protection of Coastal Resources

Potential coastal resource impacts of commercial cannabis facilities include impacts to coastal access parking, visual resources, and water quality. The City's certified LUP includes a number of policies related to preserving public access to and along the waterfront, including the provision of adequate off-street parking facilities. LUP Coastal Recreation and Access Policies 5.B.4, 5.B.9, and 5.B.10 state in applicable part [*emphasis added*]:

5.B.4. ***The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline***, consistent with protecting environmentally sensitive habitats, by:

...

c. ***Allowing only such development as will not interfere with the public's right of access to the sea***, where such right was acquired through use or legislative authorization.

5.B.9. *The City shall ensure that public access support facilities are distributed throughout the Eureka Coastal Zone. **Off-street parking shall be provided in the waterfront area**; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.*

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<sup>6</sup> The findings for LCP Amendment No. LCP-1-EUR-17-0063-2 can be accessed online at <https://www.coastal.ca.gov/meetings/agenda/#/2017/12>

5.B.10. **To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.**

LUP Core Area, Waterfront Policy 1.D.1 and Coastal Recreation and Access Policy 5.B.1 include relevant visual resource protections [**emphasis added**]:

1.D.1. **The City shall retain the historic waterfront building scale, building form, and general character in waterfront revitalization and development** as a means of creating a “Victorian Seaport” identity for the waterfront area...

5.B.1. *The City shall provide public open space and shoreline access throughout the Coastal Zone, particularly along the waterfront First Street, through all of the following:*

...  
(d) **Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways.**  
...

LUP Natural Resource Policies 6.A.1 and 6.A.3 include relevant water quality protections [**emphasis added**]:

6.A.1. **The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources**, with special protection given to areas and species of special biological or economic significance. The City shall require that uses of the marine environment are carried out in the manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

6.A.3. **The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment**, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Commercial cannabis facilities generate demand for off-street parking in the City’s coastal zone. As the City’s coastal zone is largely less than a quarter mile wide from the shoreline of Humboldt Bay to its inland boundary, any increase in demand for parking has the potential to impact public access parking near the waterfront. By adding cannabis retail facilities as an allowable use in the CW District, the proposed amendment expands the potential area of public

access parking impacts. The proposed allowance for on-site consumption of cannabis products at cannabis retail facilities may also result in greater parking impacts with customers remaining at cannabis retail facilities for longer periods of time. However, as discussed in the findings for LCP Amendment No. LCP-1-EUR-17-0063-2, Article 30 includes a requirement that each cannabis retail facility comply with the off-street parking standards of the district in which the facility is located [§10-5.3010(f)]. These parking standards, found in Article 15 of Chapter 5 of the certified IP (“Off-Street Parking Facilities”), require off-street parking spaces to be provided incidental to new uses and major alterations and enlargements of existing uses, and include a schedule for calculating the number of required off-street parking spaces for different use types. One space for every three hundred square feet of gross floor area is required for retail sales and services. These parking requirements will ensure that new commercial cannabis facilities are served by an adequate supply of parking and thus will prevent overflow into public access parking facilities, preserving public access parking consistent with LUP Coastal Recreation and Access Policies 5.B.4, 5.B.9, and 5.B.10.

The proposed amendment has the potential to impact visual resources, as the amendment removes a prohibition on exterior signs for cannabis businesses. However, as proposed to be amended, Article 30 [§10-5.3010(e)] would require proposed signs for cannabis businesses to comply with City sign standards. These sign standards, found in Article 17 of Chapter 5 of the certified IP, include a maximum permitted sign area in commercial and industrial districts and other restrictions including limitations on sign height, location, illumination, movement, and maintenance to ensure compatibility with the character of the area. These sign requirements will ensure that the scenic and visual qualities of coastal areas are protected consistent with Waterfront Policy 1.D.1 and Coastal Recreation and Access Policy 5.B.1.

The currently proposed amendment should not affect the potential water quality impacts of cannabis retail facilities. As currently certified, Article 30 includes protective standards to address cannabis-specific concerns to ensure the protection of water quality, and none of these standards are being removed by the proposed amendment. Article 30 includes requirements that (1) commercial cannabis facility operators refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide [§10-5.3010(h)]; and (2) applications for use permits and cannabis licenses specify the chemicals stored or used at the premises and the type and quantity of all effluent discharged into the city’s wastewater and/or stormwater system (§10-5.3011.4). In addition, Article 30 includes a broad requirement that the operation of commercial cannabis facilities shall not adversely affect the health and safety of residents, occupants, employees, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts; be hazardous because of the use or storage of materials, processes, products or wastes; nor create odors that are detectable outside the walls of the facility [§10-5.3010(d)].

The proposed amendment also does not affect coastal development permitting requirements. Pursuant to Article 29, Section 10-5.29302 of the certified IP, development in the coastal zone requires a coastal development permit. Article 29, Section 10-5.2906.2 of the certified IP defines development consistent with the Coastal Act to include, among other activities, the construction of any structure and a change in the density or intensity of use of land. In addition, the City’s IP expressly states that projects requiring a use permit in the coastal zone also require a coastal

development permit (Title 10, Chapter 5, Article 24, Section 10-5.2401). As cannabis retail facilities require a use permit in all districts in which they are an allowable use, all proposed cannabis retail facilities will require coastal development permit authorization. Coastal development permit application review will evaluate specific impacts to coastal access parking and visual and water resources that would result from individual cannabis retail facilities, and ensure that projects comply with the resource protection policies and regulations of the certified LCP.

For all of the above reasons, the Commission finds the proposed IP amendment, as submitted, conforms with and is adequate to carry out the coastal access, visual, and water resource protection provisions of the certified LUP.

### **3. Friendly Modifications**

Article 29 of the certified IP includes subparts dedicated to each of the zoning districts in the coastal zone, including the district's purpose and required conditions, and lists of the district's permitted, conditional, and minor conditional uses. During initial review of the proposed ordinance (Ordinance No 880-C.S.), Commission staff noticed that the conditional and minor conditional use lists in Article 29 for the CN, CS, MG, and ML Zoning Districts are not proposed to be updated to reflect the changes to the cannabis retail facility use type proposed by the amendment (See Exhibit 5 for a copy of the ordinance).

Currently, "cannabis retail facilities, subject to the provisions of Article 30 of this chapter (Cannabis)" is listed as a conditional use in the CN, CS, MG, and ML Zoning Districts (see Article 29, §§10-5.29123, 10-5.29123.1, 10-5.29133, 10-5.29133.1, 10-5.29163, 10-5.29163.1, 10-5.29173, and 10-5.29173.1). The intent of the proposed amendment is to (1) modify this conditional use type to allow "on-site and/or off-site" cannabis retail facilities as a listed conditional use, and (2) add a new cannabis use type ["cannabis retail facilities, on-site only (cannabis topicals and edibles only)"] to the list of minor condition uses in the CN, CS, MG, and ML Zoning Districts. City staff requested that the Commission certify the LCP amendment with suggested modifications to address these omissions.

At the City's request, **Suggested Modification 1** amends Article 29 to (1) modify the existing cannabis retail facilities use type included in the lists of conditional uses allowed in the CN, CS, MG, and ML Zoning Districts to specify that both on-site and/or off-site cannabis retail facilities are allowed, subject to the provisions of Article 30; and (2) add "cannabis retail facilities, on-site only (cannabis topicals and edibles only), subject to the provisions of Article 30" to the list of uses allowed with a minor conditional use permit in the CN, CS, MG, and ML Zoning Districts.

### **D. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As set forth in Section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a LCP. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP

review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

The City's LCP amendment consists of an IP amendment. The Commission incorporates its findings on LUP conformity into this CEQA finding as it is set forth in full. The IP amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the IP amendment into full conformance with the certified LUP. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

The Commission finds that the LCP amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of CEQA. Further, future individual projects would require CDPs, issued by the City. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would further reduce the potential for significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].



**APPENDIX A:  
SUBSTANTIVE FILE DOCUMENTS**

Application Files for LCP-1-EUR-19-0004-1, LCP-1-EUR-18-0057-1, and LCP-1-EUR-17-0063-2

City of Eureka certified Local Coastal Program

**APPENDIX B:  
ARTICLE 29 EXCERPTS WITH CHANGES FROM PROPOSED  
AMENDMENT & COMMISSION SUGGESTED MODIFICATIONS**

Article 29 excerpts are included below to show the context of the City's proposed changes to the article in concert with the Commission staff's suggested modifications.

Language of the currently certified Article 29 is shown in plain text.

The City's proposed additions are shown in underlined text.

The Commission's suggested additions are shown in **bold, double-underlined text**.

The Commission's suggested deletions are shown in ~~**bold, double-strike-out text**~~.

**Article 29. Coastal Development Permit Procedures**

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**Part 11 CW — Waterfront Commercial Districts.**

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**Sec. 10-5.29113. Conditional uses.**

The following conditional uses shall be permitted in the CW Waterfront Commercial District upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The applicant shall demonstrate and the City shall find that granting of a use permit will not diminish recreational or visitor-serving opportunities.

Administrative, business, and professional offices, except medical and dental offices;

Arts and crafts schools and colleges;

Bakeries,

Banks;

Barber shops and beauty shops;

Bus depot;

Bus depots, provided all buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site;

Business, professional, and trade schools and colleges;

Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs, located above the ground floor of commercial structures subject to the provisions of Article 30 of this chapter (Cannabis);

Charitable institutions;

Christmas tree sales lot;

Churches, parsonages, parish houses and other religious institutions;

Cigar stores;

Cleaning, coin-operated;

Clothing and costume rental establishments;

Clothing stores;

Conference center;

Dance halls;

Department stores;

Finance companies;

Food stores and supermarkets;

Furniture stores;

Gunsmiths;

Gymnasiums;

Hardware stores;

Health clubs, neighborhood;

Ice storage houses;

Interior decorating shops;

Laundries, self-service type;

Liquor stores;

Locksmiths;  
Massage and physical culture studios;  
Medical and dental offices;  
Medical and orthopedic appliance stores;  
Meeting halls;  
Messengers' offices;  
Music and dance studios;  
Musical instrument repair shops;  
Office and business machine stores;  
Offices and office buildings;  
Oil and gas pipelines;  
Optician and optometrical shops;  
Parking facilities, including fee parking facilities;  
Passenger railroad stations;  
Pet and bird stores;  
Photographic supply stores and studios;  
Post offices;  
Prescription pharmacies and dental and optical laboratories;  
Pressing establishments;  
Printing shops, including lithographing and engraving;  
Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;  
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);  
Realtors and real estate offices;  
Recreational vehicle parks;  
Residential uses permitted in the RM Districts shall be permitted in a CW District, provided the residential units are located above the ground floor of commercial structures and the minimum size of such dwelling units shall not be less than what is required in the Building and Housing Code;  
Saving and loan offices;  
Scientific instrument shops;  
Skating rinks;  
Skating rinks within buildings;  
Sporting goods stores;  
Sports arenas within buildings;  
Stationery stores;  
Stenographic services;  
Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);  
Television and radio sales and repair stores;  
Theaters and auditoriums within buildings;

- Toy stores;
- Variety stores;
- Warehouses;
- Watch and clock repair shops;
- Wholesale establishments without stocks;

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities); and

Any other use which is determined by the Planning Commission to be similar to the listed conditional uses and which conform to the policies of the Land Use Plan. In making such a determination, in addition to the findings prescribed in Article 24 of this chapter (Conditional Uses), the Planning Commission must find:

- (a) That consideration of all determinable characteristics of the use that is subject to the application indicates that the use has the same essential characteristics as a permitted or conditional use;
- (b) That the use conforms to the purposes of the CW Waterfront Commercial District;
- (c) That the use will not create significantly more vehicular traffic or congestion than associated with permitted or conditional uses; or
- (d) That the proposed use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.

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**Part 12 CN — NEIGHBORHOOD COMMERCIAL DISTRICTS.**

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**Sec. 10-5.29123. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Accessory uses and structures located on the same site as a conditional use;
- Ambulance service;
- Blueprint and photostat shops;
- Business, professional and trade schools and colleges;
- Cannabis retail facilities, on-site and/or off-site, subject to the provisions of Article 30 of this chapter (Cannabis);
- Charitable institutions;
- Churches, parsonages, parish houses, monasteries, convents, and other religious institutions;
- Oil and gas pipelines;
- Parking facilities, including required off-street parking facilities, located on a site separated from the use which the facilities serve;
- Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;
- Restaurants and soda fountains, not including drive-in establishments, one hundred fifty (150') feet or more from an R District; and

Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides; and

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Sec. 10-5.29123.1 Minor use permits.**

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The application shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.

(a) Cannabis distribution facilities, transportation only, no cannabis on site, subject to the provisions of Article 30 of this chapter (Cannabis);

(b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis); and

(c) Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).

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**Part 13 CS — SERVICE COMMERCIAL DISTRICT.**

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**Sec. 10-5.29133. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

Accessory uses and structure located on the same site as a conditional use;

Amusement parks;

Automobile and motorcycle racing stadiums and drag strips;

Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);

Cannabis retail facilities, on-site and/or off-site, subject, to the provisions of Article 30 of this chapter (Cannabis);

Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);

Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);

Charitable institutions;

Churches, parsonages, parish houses, monasteries, convents, and other religious institutions;

Circuses, carnivals, and other transient amusement enterprises;

Drive-in theaters;

Kennels not less than three hundred (300') feet from an R or OR District;

Light industrial uses permitted in the ML Limited Industrial District;  
Mobilehome Parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);  
Oil and gas pipelines;  
Pony riding rings;  
Prefabricated structures sales;  
Racetracks;  
Recreational Vehicle Parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);  
Restaurants and soda fountains, including drive-in establishments;  
Riding stables;  
Sports areas or stadium;  
Storage yards for fuel or flammable liquids; and  
Veterinarians' offices and small animal hospitals, including operations not conducted within a completely enclosed building, not less than three hundred (300') feet from an R or OD District; and  
Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Sec. 10-5.29133.1. Minor use permits.**

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 of this chapter (Cannabis); **and**  
**(b) Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).**

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**Part 16 ML — LIMITED INDUSTRIAL DISTRICTS.**

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**Sec 10-5.29163. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Accessory structures and uses located on the same site as a conditional use;  
Cannabis retail facilities, **on-site and/or off-site**, subject to the provisions of Article 30 of this chapter (Cannabis);  
Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis);  
Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);

Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);  
Motor vehicle wrecking yards and scrap metal yards;  
Oil and gas pipelines;  
Recreational vehicle parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks).  
Storage of fuel and flammable liquids;  
Storage of logs or wood chips; and  
Gymnastics schools and health clubs; and  
Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Any of these uses listed as permitted uses in the MG District provided that, on the basis of the use permit application and evidence submitted, the Planning Commission makes the following findings:

- (a) The consideration of all determinable characteristics of the use that is the subject of the application indicates that the use has the same essential characteristics as the uses listed as permitted uses in the ML District with respect to the method of operations, type of process, materials, equipment, structures, storage, and appearance;
- (b) That the use will conform with each of the principles and standards prescribed for uses in the ML District;
- (c) That the use will not create significantly, more vehicular or rail traffic than the volumes normally created by the permitted uses of the ML District.

**Sec. 10-5.29163.1 Minor use permit.**

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Cannabis cultivation facilities, indoor with 10,000 square feet or less of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).
- (b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);
- (c) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis); **and**
- (d) Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).**

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**Part 17 MG — GENERAL INDUSTRIAL DISTRICTS.**

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**Sec. 10-5.29173. Conditional uses.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Airports and heliports;



Asphalt and asphalt products manufacture;  
Cannabis retail sales facilities, on-site and/or off-site, subject to the provisions of Article 30 of this chapter (Cannabis);  
Cannabis manufacturing facilities, volatile, large, subject to the provisions of Article 30 of this chapter (Cannabis);  
Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis);  
Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);  
Cement, lime, gypsum, and plaster of paris manufacture;  
Charcoal, lampblack, and fuel briquettes manufacture;  
Chemical products manufacture, including acetylene, aniline dyes, ammonia, carbide, caustic, soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxylin, rayon yarn, and carbolic, hydrochloric, picric, and sulfuric acids;  
Coal, coke, and tar products manufacture;  
Drop forges;  
Dumps and slag piles;  
Fertilizer manufacture;  
Film manufacture;  
Fireworks manufacture and storage;  
Fish products processing and packaging;  
Garbage dumps;  
Gas manufacture or storage;  
Gas and oil wells;  
Gelatine, glue, and size manufacture from animal or fish refuse;  
Incineration or reduction of garbage, offal, and dead animals;  
Junk yards;  
Lard manufacture;  
Linoleum and oil cloth manufacture;  
Magnesium foundaries;  
Manure, peat, and topsoil processing and storage;  
Metal and metal ores reduction, refining, smelting, and alloying;  
Motor vehicle wrecking yards;  
Oil and gas pipelines;  
Paint manufacture, including enamel, lacquer, shellac, turpentine, and varnish;  
Paper mills;  
Petroleum and petroleum products refining, including gasoline, kerosene, naphtha, and  
oil  
Petroleum and petroleum products storage;  
Pulp mills;  
Rifle ranges;  
Rolling mills;  
Rubber manufacture or processing, including natural or synthetic rubber and gutta-percha;

Soap manufacture, including fat rendering;  
Steam plants;  
Stockyards and slaughterhouses;  
Storage of inflammable liquids;  
Storage of used building materials;  
Tallow manufacture;  
Tanneries and curing and storage of rawhides;  
Wood and bones distillation;  
Wood pulp and fiber reduction and processing;  
Storage of logs or wood chips; and  
Accessory structures and uses located on the same site as a conditional use; and  
Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

**Sec. 10-5.29173.1 Minor use permit.**

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Cannabis cultivation facilities, indoor, 10,000 square feet or less of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).

(b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);

(c) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis); **and**

**(d) Cannabis retail facilities, on-site only (Cannabis Topicals and Edibles only), subject to the provisions of Article 30 of this chapter (Cannabis).**

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