

CALIFORNIA COASTAL COMMISSION

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F8b

MEMORANDUM

Date: February 9, 2023

To: Commissioners and Interested Persons

From: Shana Gray, Deputy Director, North Coast District
Melissa Kraemer, District Manager
Tatiana Garcia, Coastal Program Analyst

Subject: Addendum for Commission Meeting for Friday, February 10, 2023
Item F8b, City of Eureka LCP Amendment No. LCP-1-EUR-22-0049-1
(Cannabis Regulations Update)

This addendum adds certain supplemental information to the findings of the January 26, 2023 staff recommendation for the above-referenced item. The added information clarifies the references in proposed ordinance section 10.5.3004(e)(2) regarding standards for Scenic and Visual Resources protection. This section lists applicable standards for new commercial cannabis uses and development with respect to, among other requirements, outdoor lighting fixtures. The referenced section specifies that all outdoor lighting fixtures associated with commercial cannabis uses/development must meet the International Dark-Sky Association (IDA) requirements for reducing waste of ambient light and the California Green Building Standards Code. Staff believes the referenced provisions are appropriate to cite within the LCP as proposed due to their narrow and specific applicability only to outdoor lighting fixtures and because the ordinance as proposed includes directive language that such fixtures must be designed to reduce waste of ambient light. The modifications to the findings that staff is recommending would add language that clarifies the applicable IDA and the California Green Building Code standards that the City will consider in its review of CDP applications for commercial cannabis uses and development that involve outdoor lighting fixtures.

Staff continues to recommend that the Commission, upon completion of the public hearing, approve the LCP amendment as submitted and adopt the findings of the January 26, 2023 staff recommendation, as modified by this addendum.

Bullets below reference page numbers of the January 26, 2023 staff report where changes are made. Text to be deleted is shown in ~~single strikethrough~~, and text to be added is shown in underline format.

I. Changes to the Findings

- **Page 8:** Add two footnotes to the first full paragraph on page 8 (and renumber subsequent footnotes in the report as applicable):

Proposed Article 30 adds restrictions on noise and lighting for all commercial cannabis uses, such as, facilities must not exceed the noise threshold of 65 decibels as measured from ESHA or ESHA buffers, create odors that are detectable outside of the cannabis use facility, and all artificial lighting must be shielded and directed away from ESHA and required ESHA buffers, must not be visible from the public right-of-way, must meet the International Dark Sky Association's (IDA) requirements¹ for reducing waste of ambient light ("dark sky compliant"), and must comply with the California Green Building Standards Code.²

Added footnote 1:

¹ Although not cited in the ordinance, City staff confirmed that appropriate standards are included in IDA Board Policy on the Application of the Lighting Principles Adopted January 28, 2021. Amended June 24, 2021 <https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2021/08/BOARD-policy-application-of-light-FINAL-June-24-2021.docx.pdf>

Added footnote 2:

² Although not cited in the ordinance, City staff confirmed that appropriate standards are included in California Green Building Standards Code Chapter 5, Nonresidential Mandatory Measures Section 5.106.8 Light Pollution Reduction. <https://up.codes/viewer/california/ca-green-code-2022/chapter/5/nonresidential-mandatory-measures#5.106.8>

- **Page 15:** Add one footnote to the Visual Resources findings on page 15:

The proposed amendment does not modify the above visual resource protection standards. To prevent visual and community character impacts from cannabis cultivation for personal use (on residential properties), proposed Article 30 prohibits any exterior visual evidence of cannabis cultivation from a public right-of-way and lighting fixtures that cumulatively exceed 1,200 watts. All indoor cultivation, for personal or commercial use, must occur in a fully enclosed structure and rely solely on artificial light. Further, all commercial cannabis use lighting fixtures must meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant") and must comply with the California Green Building Standards Code.⁶ Therefore, the proposed IP amendment, as submitted, conforms with and is adequate to carry out the visual resource protection provisions of the certified LUP.

Added footnote 6:

⁶ The City staff has clarified that current standards for outdoor lighting fixtures and reducing waste of ambient light used by the IDA and the California Green Building Code are found in the following references: IDA Board Policy on the Application of the Lighting Principles Adopted January 28, 2021. Amended June 24, 2021 < <https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2021/08/BOARD-policy-application-of-light-FINAL-June-24-2021.docx.pdf>> and California Green Building Standards Code Chapter 5, Nonresidential Mandatory Measures Section 5.106.8 Light Pollution Reduction. < <https://up.codes/viewer/california/ca-green-code-2022/chapter/5/nonresidential-mandatory-measures#5.106.8>>