



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
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**CITY OF EUREKA**

**NOTICE OF AVAILABILITY OF TWO DRAFT  
LOCAL COASTAL PROGRAM AMENDMENTS  
and  
Notice of two City Council Public Hearings**

NOTICE IS HEREBY GIVEN that the City is providing “Notice of Availability of two draft Text and Local Coastal Program amendments.” Both the draft Text and Local Coastal Program (LCP) Amendments are available for review and will amend the text of the Implementation Plan, which is the pertinent portion of the zoning regulations.

Project Title: Minor Use Permit Text and Local Coastal Program Amendments

Project Applicant: City of Eureka                      Case Nos.: TA-16-0005/LCP-16-0004

Project Description: The City of Eureka is proposing to amend the Conditional Use permit section of the Eureka Municipal Code to create a minor use permit process for uses that still require special consideration, but to a lesser degree than a standard use permit. The minor use permit process will be less complex than a full Conditional Use Permit process, and thereby be less costly to applicants, and will culminate in action at the Director level with appeal rights to the Planning Commission. Minor use permits will be discretionary and coastal development permits will be required when a project is located in the coastal zone.

Since the proposed amendment is included in the Implementation Plan of the Local Coastal Program (LCP), in addition to an amendment to the text of the Municipal Code, an amendment to the LCP is also required.

Project Title: Medical Cannabis Text and Local Coastal Program Amendments

Project Applicant: City of Eureka                      Case Nos.: TA-16-0006/LCP-16-0005

Project Description: In 2010, the City Council approved a text amendment to add Chapter 158 titled Medical Cannabis: Cultivation, Processing and Distribution to the Eureka Municipal Code with the purpose of regulating the cultivation, processing and distribution of medical cannabis within the city. Following the adoption of the Medical Marijuana Regulation and Safety Act in 2015, now known as the Medical Cannabis Regulation and Safety Act (MCRSA), the City Council amended the text of the zoning code to prohibit the cultivation of medical cannabis in inland zone districts and added Article

30 Medical Cannabis Cultivation to the Implementation Plan for the coastal zone areas. Personal use of medical cannabis was still allowed and unaffected by the cultivation ban.

Now, the City is proposing to amend the Municipal Code to permit certain uses allowed by the MCRSA in certain inland and coastal zone districts of the city. Since the proposed amendments are included in the Implementation Plan of the Local Coastal Program (LCP), in addition to an amendment to the text of the Municipal Code, an amendment to the LCP is also required.

NOTICE IS HEREBY GIVEN the Eureka City Planning Commission held a public hearing on Monday, July 11, 2016 for Medical Cannabis, and Monday, August 8, 2016 for Minor Use Permits, at 5:30 p.m., in the Council Chamber, Eureka City Hall, 531 "K" Street, Eureka, California, to consider and make recommendation to the City Council on the draft Text and LCP amendments.

FURTHER, NOTICE IS HEREBY GIVEN the Eureka City Council will hold two public hearings on Tuesday, September 6, 2016, at 6:00 p.m., or as soon thereafter as the matters can be heard, in the Council Chamber, Eureka City Hall, 531 "K" Street, Eureka, California, to introduce the ordinances for the draft Text and LCP amendments.

The City of Eureka is the applicant for the Text and LCP Amendments and will carry out the amendments in accordance with the Coastal Act. Pursuant to the Coastal Act, final action by the City Council on the LCP amendments will not occur prior to six weeks after publication and mailing of the first "Notice of Availability of draft Text and Local Coastal Program Amendments and Planning Commission Public Hearing". The LCP amendments will take effect automatically upon Coastal Commission approval.

Environmental: Amending the text of the Eureka Municipal Code is a "project" for the purposes of the California Environmental Quality Act (CEQA). However, pursuant to the CEQA Guidelines section 15061, there is a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Because the text amendment for minor use permits only prescribes a discretionary permitting process, and the uses will undergo CEQA review during the use or minor use permit process it is certain that the Text Amendment will not result in a significant effect on the environment.

And, for the text amendment for medical cannabis, because the uses that are being added as principally permitted uses are similar to uses that currently exist within the zone (e.g., manufacturing, offices, laboratories) and the uses that are being added as conditionally permitted uses will receive CEQA review during the use or minor use permit process; and because no changes are being made to development standards (including setbacks,

parking, height, FAR, etc.) it is certain that the Text Amendment will not result in a significant effect on the environment.

Pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development process for LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by the California Environmental Quality Act (CEQA). Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments. Therefore, based on the Public Resources Code Sections cited above, the City of Eureka exempts from CEQA the amendments to the LCP.

All interested persons are invited to comment on the draft amendments either in person at the scheduled public hearings, or in writing. Written comments on the draft amendments may be submitted at the hearings or prior to the hearings by mailing or delivering them to the Community Development Division of the Development Services Department on the third floor of City Hall, 531 "K" Street, Eureka, CA 95501; or by emailing them to [kgoetz@ci.eureka.ca.gov](mailto:kgoetz@ci.eureka.ca.gov).

**Americans with Disabilities Act:** Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting.

**Notes:** 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 hearings described in this notice or written correspondence delivered to the public entity conducting the hearings at or prior to the public hearings. The draft amendments are available for review at the Development Services Department Community Development Division, Third Floor, City Hall. If you have questions regarding the draft amendments to the Eureka Municipal Code and LCP, or this notice, please contact Kristen M. Goetz, Senior Planner, phone: (707) 441-4166; fax: (707) 441-4202; e-mail: [kgoetz@ci.eureka.ca.gov](mailto:kgoetz@ci.eureka.ca.gov)