

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: January 11, 2024

Staff: Evan Mattes

COMMERCIAL CANNABIS USE PERMIT

FILE NUMBER: CCUP19-0003/Kana

APPLICANT: Bossy and Company, Inc

AGENT: Anthony Vasquez

PROPERTY OWNER: Jeff Brown

REQUEST: Commercial Cannabis Use Permit for a retail storefront for the sale of cannabis goods for medicinal and adult-use recreational in an existing building.

LOCATION: On the south side of Durock Road, approximately 0.25 mile west of the intersection with South Shingle Road, in the Shingle Springs Community Region, Supervisorial District 2 (Exhibit A).

APN: 109-040-071 (Exhibit D)

ACREAGE: 0.52 acre

GENERAL PLAN: Commercial (C) (Exhibit F)

ZONING: Community Commercial (CC) (Exhibit G)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Existing Facilities).

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find the project Exempt under Section 15301 of the CEQA Guidelines; and

2. Approve Commercial Cannabis Use Permit CCUP19-0003, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The applicant seeks a Commercial Cannabis Use Permit (CCUP) for a storefront cannabis retail sales business consisting of a 2,750-square-foot tenant space within an existing 6,984-square-foot commercial building. The existing cannabis retail sales business is in a suite located at the rear of a building. Other onsite uses consists of a smog shop and motorcycle sales.

BACKGROUND / HISTORY

This commercial cannabis retail storefront has been operating as a medical cannabis retail dispensary. Approval of this CCUP would allow for the continued sale of medicinal use cannabis and the addition of adult-use recreational commercial cannabis sales. The current operation only allows medical commercial cannabis sales for those patients that have a current medical recommendation.

The tenant site was converted to medical cannabis retail sales without required building permits. A Code Enforcement case was opened on the project site in 2015. The project applicant has applied for a Tenant Improvement (TI) permit, which would rectify the Code Enforcement case. The project has been conditioned to final the TI permit prior to operation as a recreational dispensary. Additionally, the proposed parking area was created without meeting County parking and landscaping standards. The project has been conditioned to meet County parking and landscaping standards.

EXISTING CONDITIONS

The project site consists of 0.52 acre and is located within the Shingle Springs Community Region. The site is relatively flat and is located at an elevation of approximately 1,500 feet above mean sea level. The project parcel is fully developed with a multitenant commercial building. The site is shared with an automotive services business. Parking associated with the project would occur on the northeastern neighboring parcel under same ownership. The neighboring properties are similarly zoned and designated as Community Commercial (CC) with residential uses adjacent to the south (Exhibit G). The surrounding area has been developed.

PROJECT DESCRIPTION

The proposed project includes a request for a CCUP for a retail sale storefront facility open to the public for the sale of recreational and medicinal commercial cannabis. The retail facility is located on a parcel that contains two (2) existing retail/office buildings. The existing cannabis retail sales business is in the rear tenant space which is 2,750 square feet in size. Hours of operation for retail sales and delivery are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. During operation there will be approximately three (3) employees including security. The retail facility will provide

security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. The site currently operates as a retail storefront facility for sale of cannabis for medicinal use only. Operation of an existing legal commercial cannabis retail storefront is an allowed use in the CC zone district with the issuance of a CCUP.

With the exception of a non-storefront retail facility providing only delivery service, no more than seven (7) cannabis retail storefront facilities that are open to the public shall be permitted at any one time. One (1) additional cannabis retail storefront facility may be permitted in the Meyers Community Center (MAP-1) zoning district for a total of eight (8) potential cannabis retail storefront facilities in the County. The County is currently processing a total of two (2) applications for retail storefronts, with five (5) applications approved.

All Commercial Cannabis Operating Permits (CCOPs) shall require the applicant's participation in a County-run monitoring program. The monitoring program shall be funded by applicants and will be used to conduct site visits and inspections of all commercial cannabis activities and verify compliance, including but not limited to, all requirements of County Code and any site-specific permit conditions and State regulations, including the State track-and-trace requirements.

AGENCY COMMENTS:

The project was distributed to all applicable local and state agencies for review and comment. Comments were received from the El Dorado County Sheriff's Office (EDSO). The County's Department of Transportation (DOT) did not require a traffic study and or other study as traffic generated by this proposed project would be less than significant. No agencies expressed any issues or concerns regarding this project.

PUBLIC OUTREACH:

No formal public outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Planning Commission public hearing with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers. In addition, project notification was also posted on the Planning Services Planning Commission webpage. No physical sign posting is required for a CCUP.

ENVIRONMENTAL REVIEW:

CCUP19-0003 is Categorically Exempt pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines. Section 15301 categorically exempts the "permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." As an example, section 15301 includes "[a]dditions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet if: (A) The project is in

an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) The area in which the project is located is not environmentally sensitive.” Here, the project proposes no expansion to the existing structure and the only expansion of use is to include sale of adult-use recreational cannabis. This CEQA finding is also based on the cannabis retail sales use proposed as being in compliance with the El Dorado County’s General Plan and Zoning Ordinance, including the County’s Commercial Cannabis Regulatory Program. The subject property is served by public water and wastewater facilities. No environmentally sensitive habitat areas are located onsite or within the immediate vicinity. The proposed exemptions are not affected by the Public Resource Code section §15300.2 limitations to categorical exemptions, including limitations related to location, cumulative impact, significant effect due to unusual circumstances, scenic highway, hazardous waste site, or historical resources as discussed in the CCUP findings.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County’s decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Vicinity Map

Exhibit B.....Location Map

Exhibit C.....Aerial Map

Exhibit D.....Assessor's Parcel Map

Exhibit E.....USGS Topography

Exhibit F.....General Plan Land Use Designation Map

Exhibit G.....Zoning Designation Map

Exhibit H.....Site Plan/Floor Plans

Exhibit I.....Security Plan