



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 873-2712
E-Mail: inyoplanning@inyocounty.us

AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: July 22, 2020

SUBJECT: Conditional Use Permit (CUP) 2020-02/Sage & Fire

EXECUTIVE SUMMARY

The applicant has applied for a CUP to operate a retail cannabis establishment located at 1900 S. Main Street, in the community of Lone Pine. The applicant has been approved by the Board of Supervisors for a Cannabis Retail Business License.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Alex Scherer – 7863 SVL Box, Victorville CA 92395

Property Owner: Chetan Abrol – 13261 Spring Valley Parkway #205, Victorville CA 92395

Site Address: 1900 South Main Street, Lone Pine, CA 93545

Community: Lone Pine

A.P.N.: 026-100-02

General Plan: Retail Commercial (RC)

Zoning: Highway Services & Tourist Commercial, 1 acre min, Architectural Design Control (C2-1.0-D)

Size of Parcel: 0.86 acres

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Lee’s Frontier Deli; vacant building in the rear	Retail Commercial (RC)	(C2-D) Highway Services & Tourist Commercial - Architectural Design Control overlay
North	Undeveloped	Agriculture (A)	(OS-40) & (RR) Open Space & Rural Residential
East	Commercial lumber yard	Retail Commercial (RC) & Heavy Commercial (HC)	(C2-D) Highway Services & Tourist Commercial & (C4-D) Heavy Commercial- Architectural Design Control overlay
South	Residential	Agricultural (A)	(RR) Rural Residential
West	Residential	Agriculture (A)	(OS-40) & (RR) Open Space & Rural Residential

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2020-02/Sage & Fire and find the project is exempt under CEQA.**

Alternatives: 1.) Deny the CUP.
 2.) Approve the CUP with additional Conditions of Approval.
 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Steve Karamitros

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to operate a commercial cannabis retail dispensary and delivery service located at 1900 South Main Street in the community of Lone Pine. This establishment will sell both recreational and medicinal cannabis products including: flowers, extracts, concentrates, edibles and topicals. The property is zoned C2-1.0-D (1 acre minimum & architectural design control), which allows for retail cannabis activities with a CUP and is located behind Lee’s Frontier Liquor & Deli. The surrounding area is zoned Commercial to the east and Residential to the west and south. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county exclusion areas.

Site Location Map



Lee's Frontier Liquor & Deli



Current building for business



Sage & Fire, post-remodel



General Plan Consistency

The goal of this project is to allow for a commercial cannabis retail establishment. The project is consistent with the General Plan designation of RC as it allows for retail and wholesale commercial uses, services, office, public and quasi-public uses and similar

compatible uses. The proposed Sage & Fire commercial cannabis, retail store, is a retail establishment and is compatible with the RC General Plan designation. It is also compatible with the General Plan's Economic Development Element's Goal ED-3.1: Encourage the development of retail-establishments that will reduce resident spending out of the County for retail purchases, services and entertainment. The applicant expects to serve both local clientele as well as visitors, keeping local and visitor spending within Inyo County, which is consistent with Goal ED 3.1. The applicant has stated that Sage & Fire will hire and train approximately 13 people to staff the retail establishment, during its initial opening phase. The goal is then to increase the number of staff to 24 people. Wages will range from \$15-\$29/hour.

Zoning Ordinance Consistency

The C2 zoning designation allows for a variety of highway and tourist related enterprises adjacent to major routes of travel that encourage attractive development and are compatible with adjacent residential land uses. The C2 zone also allows, with a conditional use permit, commercial cannabis retail activities. In addition, this property falls within an Architectural Design Control District (Lone Pine). Per section 18.69.030 ICC, this property has been designated for an architectural design review of the proposed retail building, to assure "a generally harmonious architectural design to all buildings, landscape features, and uses within [the] designated districts." On May 28, 2020 the Lone Pine Architectural Design Review Board reviewed the proposed designs for the remodel of the building and voted unanimously to approve the design. The C2 Zone requires 1-parking space for every 300-square-feet of usable floor area. The total square footage of the remodeled Sage & Fire retailer will be 1,200 ft², requiring 4 parking spaces; however, the applicant will be sharing the parking lot with Lee's Frontier Liquor & Deli, also located at 1900 South Main Street. The commercial buildings on this property, combined, total 6,063 ft² of usable floor area, requiring a total of twenty spaces. There are currently more than twenty spaces; therefore, Sage & Fire meets the parking requirements of the C2 District.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2020-02/Sage & Fire is Categorically Exempt under CEQA Guidelines 15301, Existing Facilities – Class 1. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The CUP is being applied for to operate a retail cannabis business within an existing building located in a fully developed retail shopping center (no expansion or change of the existing site or use) causing it to be Exempt.

NOTICING & REVIEW

The application for CUP 2020-02/Sage & Fire has been reviewed by the appropriate county departments and no issues were reported. Sage & Fire was approved for a business license by the Board of Supervisors on February 11, 2020 after a thorough review and scoring by the Commercial Cannabis Permitting Office. This included reviews by the Environmental Health and Sheriff's departments.

CUP 2020-02/Sage & Fire was noticed on July 9, 2020 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F).

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2020-02/Sage & Fire, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Class 1 Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion beyond that existing at the time of the lead agency’s determination. . . . The CUP is being applied for to permit a commercial cannabis retail store within an existing commercial building located on an already developed shopping center (no expansion or change of the intended existing use) at the site.]
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Retail Commercial (RC).
[Evidence: The goal of this project is to allow for a commercial cannabis retail establishment on a parcel of land with an RC General Plan designation. The project is consistent with the RC designation as it allows for retail and wholesale commercial uses, services, office, public and quasi-public uses and similar compatible uses. The proposed Sage & Fire commercial cannabis, retail store, is a retail establishment, which is compatible with the RC General Plan designation. It is also consistent with the General Plan’s Economic Development Element’s Goal ED-3.1: Encourage the development of retail-establishments that will reduce resident spending out the County for retail purchases, services and entertainment. Sage & Fire expects to serve both local cliental as well as visitors, keeping local and visitor spending within Inyo County, which is also consistent with Goal ED 3.1.; and therefore, is consistent with policies and objectives under the County’s General Plan.]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “commercial cannabis activities” as a conditional use in the C2 zone.
[Evidence: Highway Services & Tourist Commerical 18.48 (C2) allows for highway and tourist related enterprises. The C2 zone under 18.48.030(Q) allows, with a conditional use permit, commercial cannabis retail activities. The applicant has applied for the conditional use permit to operate Sage & Fire in compliance with the County’s zoning ordinance and upon approval will be consistent with the County’s Zoning Ordinance.]

4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element's Goal ED-2.0 states: 'Bring more destination spending into Inyo County', and Goal ED- 3.1 states: Encourage the development of retail establishments that will reduce resident spending outside the County for retail purchases, services, and entertainment. The applicant expects Sage & Fire to serve both local cliental as well as visitors keeping local and visitor spending within Inyo County, which is desirable as evidenced by the County's General Plan.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for a retail cannabis establishment to operate in an already developed commercial center. It is related to the other retail uses at the site and will not cause impacts on transportation or service facilities in the vicinity, as these facilities were planned for as they relate to the shopping center.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The proposed conditional use permit is to allow for a commercial cannabis retail establishment. This retail establishment will not change or increase the current level or general type of allowed uses at the shopping center site and the proposed security plan for Sage & Fire was reviewed by the Sheriff's Department as a business license requirement; therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare. The applicant has applied for a public water supply permit through the Inyo County Environmental Health Department. The applicant will continue working with Environmental Health to ensure compliance with all water quality monitoring, reporting, and distribution requirements; and, to ensure that the septic system plan has capacity for the anticipated increased use from the business staff and traveling public.]

7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: A commercial cannabis retail activity requires a conditional use permit per Inyo County Code Section 18.48.030(Q) and is therefore necessary for the operation of Sage & Fire.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2020-02/Sage & Fire. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. Compliance with Environmental Health requirements

The applicant shall comply with the permitting and general requirements provided for by the Inyo County Environmental Health Department, prior to the opening of Sage and Fire to the public, including, but not limited to:

- A Public Water Supply Permit.
- All water quality monitoring, reporting, and distribution requirements.
- A sewage system that has the capacity for the anticipated increased use from the retail business staff and traveling public.