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

**PLANNING COMMISSION MEETING DATE:** January 23, 2019

**SUBJECT:** Conditional Use Permit (CUP) 2018-04/Simply Green

#### **EXECUTIVE SUMMARY**

The applicant has applied for a CUP to operate a retail cannabis establishment located at 1275 Rocking W Drive in the community of Bishop. The applicant has been approved by the Board of Supervisors for a Cannabis Retail Business License (Attached).

#### **PROJECT INFORMATION.**

**Supervisory District:** 1

**Project Applicant:** Jae Lee – 852 Lee Street, Bishop, CA 93514

**Property Owner:** Elizabeth Amiri – 212 26<sup>th</sup> Street #252, Santa Monica, CA 90402

**Site Address/** 1275 Rocking W Drive, Bishop, CA 93514

**Community:** Bishop

**A.P.N.:** 010-301-20

**General Plan:** Retail Commercial (RC)

**Zoning:** General Commercial with a 10,000sqft minimum (C1-10,000)

**Size of Parcel:** Approximately 0.5-acres

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Vacant Commercial Building	Retail Commercial (RC)	General Commercial with a 10,000sqft minimum (C1-10,000)
North	Vacant/Commercial Lot	Retail Commercial (RC)	General Commercial with a 10,000sqft minimum (C1-10,000)
East	Commercial Auto Parts Store	Retail Commercial (RC)	General Commercial with a 10,000sqft minimum (C1-10,000)
South	Highway 395/Bishop Tribal Land	Tribal Land (TL)	Tribal Land (TL)
West	Parking/Vacant Commercial Building	Retail Commercial (RC)	General Commercial with a 10,000sqft minimum (C1-10,000)

**Staff Recommended Action:**

**1.) Approve the Conditional Use Permit (CUP) 2018-04/Simply Green 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:**

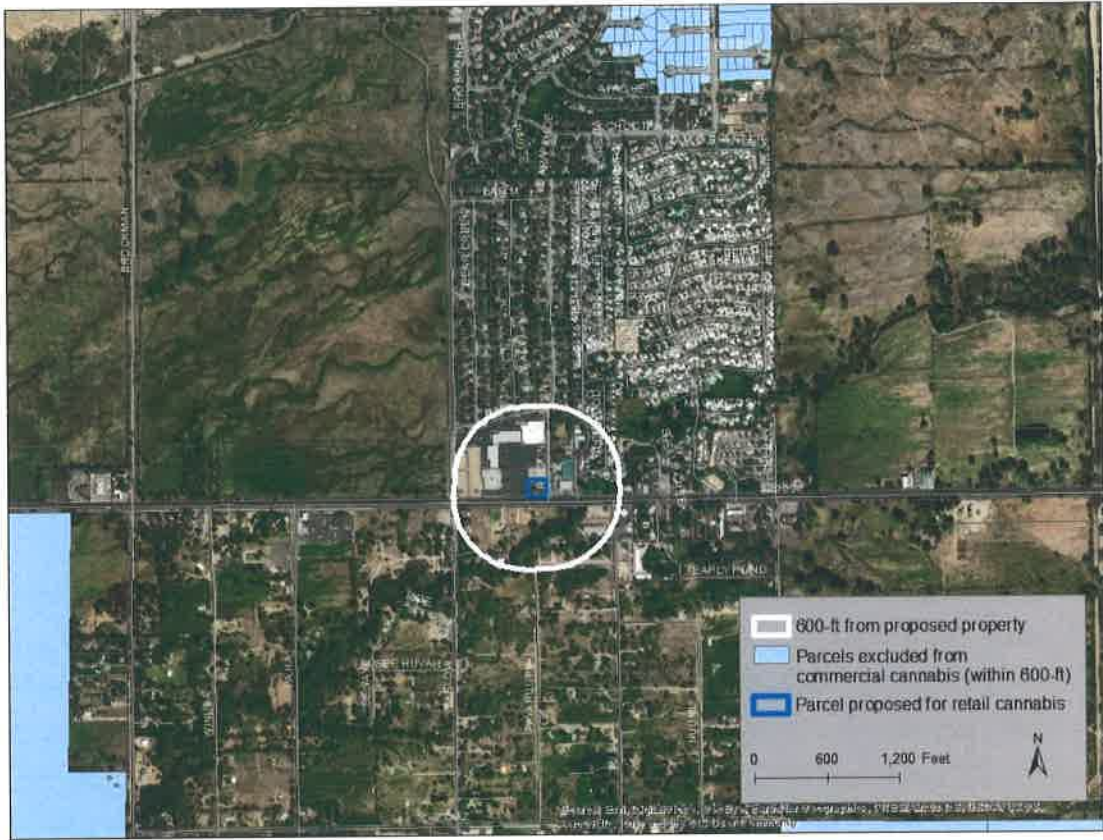
Cathreen Richards

**STAFF ANALYSIS**

Background and Overview

The applicant has applied for a CUP to operate a commercial cannabis retail store located at 1275 Rocking W Drive in the community of Bishop. This establishment will sell both recreational and medicinal cannabis products including: flowers, edibles, concentrates, topicals and accessories. The property is zoned C1-10,000 which allows for retail cannabis activities with a CUP and is located within a shopping center (Rite Aid Center). The surrounding area is primarily zoned C1 with the exception of directly south, which is Bishop Paiute Tribal Land. 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



Building for proposed Simply Green – side facing Highway 395



## Building and parking or proposed Simply Green – side facing Rite Aid



### 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 Simply Green 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 has stated that Simply Green 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 also stated that Simply Green will hire and train local people to fill its approximate 6-jobs. Wages will range from \$13-\$20/hour.

### Zoning Ordinance Consistency

The C1 zoning designation allows for a variety of retail, service and commercial activities. The C1 zone also allows, with a conditional use permit, commercial cannabis retail activities. The applicant has applied for the conditional use permit to operate Simply Green in compliance with the County's zoning ordinance. The C1 Zone also requires 1-parking space for every 400-square-feet of usable floor area. The total square

footage of the building is 2,300, this would require roughly 6-parking spaces if the entire building was going to be used. Currently there are 10-parking spaces at the site, meeting the parking requirements of the C1 District.

### **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2018-04/Simply Green 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 2018-04/Simply Green has been reviewed by the appropriate county departments and no issues were reported. For a conditional use permit to be approved by the Planning Commission, a Cannabis Business License must be approved prior. Simply Green was approved for a business license by the Board of Supervisors on December 4, 2018 after a thorough review and scoring by the Commercial Cannabis Permitting Office. This included reviews by the Environmental Health and Sheriff’s departments.

CUP 2018-04/Simply Green was noticed on January 12, 2019 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. 2018-04/Simply Green, 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 a 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 Simply Green 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. The applicant has stated that Simply Green expects to serve both local clientele 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 C1 zone.

*[Evidence: General Commercial 18.45 (C1) allows for a variety of retail, service and commercial activities. The C1 zone under 18.45.030(P) also allows, with a conditional use permit, commercial cannabis retail activities. The applicant has applied for the conditional use permit to operate Simply Green 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 has stated that Simply Green expects to serve both local clientele 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 shopping 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 Simply Green 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.]*

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 18.45.030(P) and is therefore necessary for the operation of Simply Green.]*

## **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 2018-04/Simply Green. 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.

## **ATTACHMENT**

- Simply Green Business License



## COUNTY OF INYO

COUNTY COMMERCIAL CANNABIS PERMITTING OFFICE  
207 WEST SOUTH STREET  
BISHOP, CA 93514  
760.873.7860

# 18/19

## CANNABIS BUSINESS LICENSE

### Simply Green

1301 Rocking "W" Drive  
Bishop, CA 93514

LICENSE TYPE	LICENSE CATEGORY
Retail	A and M

**EFFECTIVE DATE:**

12/4/2018

**LICENSE NUMBER:**

1 - 002

**EXPIRATION DATE:**

6/30/2019

**THIS LICENSE IS NON-TRANSFERRABLE AND SUBJECT TO ANY CONDITIONS LISTED BELOW.**

**POST IN A CONSPICUOUS LOCATION IN PUBLIC VIEW.**

### LICENSE CONDITIONS

1. This license is not valid unless the applicant is current on all Inyo County fees and taxes, and compliant with all county regulations.
2. Applicant must obtain all applicable permits required by Inyo County and/or State of California and present these to the Inyo County Commercial Cannabis Permit Office within six months of the license issuance date.
3. This license shall be void if applicable state licenses/permits and local land use approvals are not presented to the Inyo County Commercial Cannabis Permit Office within six months of license issuance, unless an extension has been granted to the license holder by the Inyo County Commercial Cannabis Permit Office or Inyo County Board of Supervisors pursuant to Inyo County Code section 5.40.090(J).
4. Licenses must be displayed in a conspicuous place at all times at the business location. If the business has no fixed location, this license shall be carried at all times during any actions related to the conduct of carrying on the licensed commercial cannabis activity, and shall exhibit it, whenever requested, to any person. When a licensed commercial cannabis retail business with a fixed location is conducting deliveries, a copy of this license shall be carried by the delivery person at all times, and the delivery person shall exhibit it, whenever requested, to any person.
5. This license is non-transferrable or removable to another location, operator, person, or identity. This includes, but is not limited to, the change in corporate control of a Licensee as set forth in the California Revenue and Taxation Code Division 1 Part 0.5 Chapter 2, as may be amended.