

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



<b>Agenda of:</b>	December 16, 2020
<b>Item No:</b>	12.a.
<b>Staff:</b>	Bret Sampson

**CONDITIONAL USE PERMIT**

**FILE NUMBER:** CUP19-0014/Georgetown Distillery

**APPLICANT:** Steve Robello

**AGENT:** Steve Robello

**OWNER:** Shane Leshner

**REQUEST:** Conditional Use Permit request to allow operation of a craft distillery in an existing commercial building located in the rural center of Georgetown, CA.

**LOCATION:** The project site is located at 6101 State Highway 193 Georgetown, CA, approximately .5 mile northwest from the intersection of State Highway 193 and Main Street, in the Georgetown area, Supervisorial District 4. (Exhibit A)

**APN:** 061-511-046

**ACREAGE:** 2 acres

**GENERAL PLAN:** Commercial (C) (Exhibit B)

**ZONING:** Commercial Main Street (CM) (Exhibit C)

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

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to California Environmental Quality Act Section 15301, Existing Facilities; and
2. Approve Conditional Use Permit CUP19-0014 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this Conditional Use Permit would allow an approximately 1200 square foot existing commercial building to be utilized as a craft distillery. Staff has determined that the proposed project is consistent with the El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## **PROJECT INFORMATION**

**Site Description:** The project site is located approximately 0.5 miles northwest from the intersection of State Highway 193 and Main Street, in the Georgetown area. The proposed use would be within an existing commercial building in the existing Buffalo Hill Center.

**Project Description:** Approval of this Conditional Use Permit would allow an approximately 1200 square foot craft distillery in an existing commercial building. The craft distillery would include a bar area, kitchen area to support a small restaurant, still area, public area, restroom, and storage area. This distillery with the issuance of a type 74 craft distillers license from the California Alcohol and Beverage Control (ABC) allows as much as 40% of the product to be simply purchased and bottled eliminating the distilling operation all together. The remaining 60% must be run through a copper still and that process as well simply takes grain neutral spirit and re-distills it one or more time to refine the spirit. The proposed project would implement this business model and would result in no mashing or fermenting and there will be zero effluent waste from the distillery.

No external building or façade changes are proposed beyond a new wall mount sign. The parking and loading available on-site meets the minimum number and dimensions required under the parking and loading standards of one space per 250 square feet of active use area. If this CUP is approved the project will then undergo review for compliance with any conditions of approval through a tenant improvement building permit.

## **ENVIRONMENTAL REVIEW**

The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, which consists of the operation of existing public or private structures involving negligible or no expansion of use.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption (NOE). The filing of the NOE is optional; however, not filing the NOE extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

**CONSISTENCY**

As discussed in the findings section below, the project conforms with General Plan policies regarding land use compatibility and site adequacy, as well as all Zoning Ordinance provisions including consistency with applicable development standards.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Findings  
Conditions of Approval

Exhibit A.....Location Map  
Exhibit B.....General Plan Map  
Exhibit C.....Zoning Map  
Exhibit D.....Site Plan

# **FINDINGS**

## **Conditional Use Permit CUP19-0014/Georgetown Distillery Zoning Administrator/December 16, 2020**

### **1.0 CEQA FINDINGS**

- 1.1 The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities. The proposed use would be in an existing commercial building and would not result in an expansion of use for the site and or the surrounding Buffalo Hill Center.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.**

Commercial (C)-“The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.”

Rationale: The project is consistent with the Commercial (C) land use descriptions defined by General Plan Policy 2.2.1.2. The project proposes a craft distillery that would provide service uses to surrounding residents. This use is consistent with the intent of the Commercial land use designation.

#### **2.2 The proposed use is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that “development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.”

Rationale: The project site is surrounded by residential land uses to the north, south and east, with commercial uses as part of the site extending west into the Buffalo Hill commercial center. The proposed use would be consistent with existing uses and potential uses on surrounding land.

### **3.0 ZONING FINDINGS**

#### **3.1 The proposed use is consistent with Title 130.22.**

The Commercial Main Street zoning designation provides for a wide range of pedestrian-oriented retail, office, and service uses, and mixed use development comprised of commercial and residential uses.

Rationale: The parcel is zoned Commercial, Main Street (CM). The Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CM zone district. The matrix includes Micro Brewery, which is allowed by Conditional Use Permit. In this case, the Director of Planning and Building Department has determined that the Craft Distillery use is similar and compatible use to Micro Brewery.

The proposed use is within an existing building that is consistent with Zoning Ordinance Section 130.22.030 (Development Standards) for minimum lot size, dimensions, building height, and building setbacks.

#### **3.2 The proposed use is consistent with Chapter 130.35, Parking and Loading.**

This Chapter contains standards for off-street parking requirements for residential and non-residential uses.

Rationale: Section 130.35.030 - Off-Street Parking and Loading Requirements requires a craft distillery type use to include one Off-Street Vehicle Parking space per 250 square feet of active use area (AUA). The parking and loading available on-site parking meets the minimum number and dimensions required under the parking and loading standards, no other provisions of the standards apply, and the site is therefore consistent with the intent of the Parking and Loading standards.

#### **3.3 The proposed use is consistent with Chapter 130.37, Noise Standards.**

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: No new structures or exterior remodeling of structures is included in this proposal, thus it is not anticipated that there would be any short-term construction-related noise impacts. Long-term noise is not anticipated from the operation of the proposed use with limited hours of operation.

#### **4.0 CONDITIONAL USE PERMIT FINDINGS**

##### **4.1 The issuance of the permit is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

##### **4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the surrounding area.**

Rationale: The proposed use will not conflict with surrounding uses. The existing structure complies with the Development Standards of the CM zone district. The project is not expected to result in any changes to the current condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding area.

##### **4.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: Micro Breweries are specifically permitted by Conditional Use Permit pursuant to Section 130.22.020. As stated in the zoning findings above, Micro Breweries have been determined to be similar and compatible with the Craft Distillery designation. The subject property is located in the CM zone district. Section 130.2 establishes the proposed uses that require approval by a Conditional Use Permit. This application meets the requirement of the applicable provisions above subject to a Conditional Use Permit.

# **CONDITIONS OF APPROVAL**

## **Conditional Use Permit CUP19-0014/Georgetown Distillery Zoning Administrator/December 16, 2020**

### **Planning Services**

1. This Conditional Use Permit is based upon and limited to compliance with the project description and the Conditions of Approval set forth below.

The project description is as follows:

A Conditional Use Permit to allow an approximately 1200 square foot craft distillery in an existing commercial building (Consistent with Exhibit D – Site Plan).

Any deviations from the project description, conditions, or exhibits shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The grading, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below.

2. Any signage for the office shall meet the requirements of County Code Chapter 130.16 (Signs).
3. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

El Dorado County shall notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.

4. The hours of operation shall be limited to Thursdays and Fridays 11am to 4pm and Saturdays, Sundays and Holidays from 10am to 8pm.
5. The applicant shall obtain and maintain the appropriate license from the California Department of Alcohol and Beverage Control to operate a craft distillery.