

Conditional Use Permit 24-02

City of Ember
1511 Sycamore Avenue, Suite N



CITY OF HERCULES PLANNING COMMISSION MEETING
DECEMBER 2, 2024

City of Ember

1511 Sycamore Ave, Suite N

CC - Community Commercial
Zoning District

Conditional Use Permit for
Sale of Liquor

Hours of operation –
Monday through Saturday,
8:00 a.m. to 8:00 p.m. and
Sunday 8:00 a.m. to 7:00
p.m.

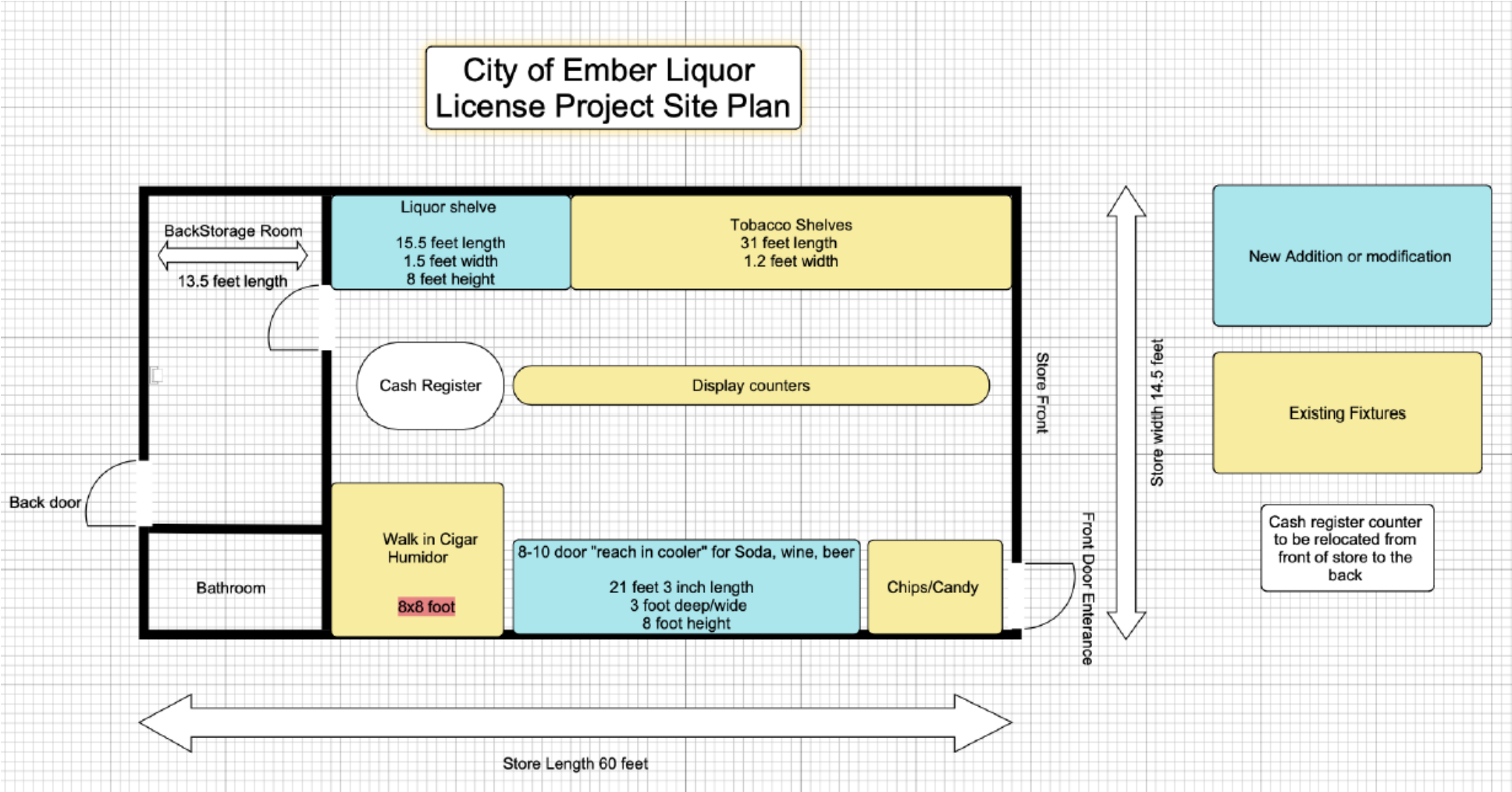
Employees –2 employees
plus owner





Exterior View

Proposed Floor Plan



Legal Nonconforming Smoke Shop

The City of Ember established the smoke shop use prior to the adoption of Hercules Municipal Code Section 5-6.111, which regulates smoke shops and tobacco stores. Therefore, the use is designated legally nonconforming.

The addition of liquor sales does change the existing operation of the smoke shop; however, its inclusion in this Conditional Use Permit application and analysis of criterion in HMC Sec. 5-6.111 satisfies the regulation.

General Plan Consistency

Land Use Designation – Community Commercial

- ✓ Land Use Element Policy 2B
 - ✓ Develop non-residential Land Use Categories that reduce residents' need to leave the community.
- ✓ Land Use Element Policy 3D
 - ✓ Provide services and shopping opportunities which would attract employees, clients, and patrons from a regional area.

Zoning Code Consistency

Zoning Designation – Community Commercial

- ✓ Enhance and contribute to the variety of commercial services in the shopping center
- ✓ Use located within an existing shopping center and business
- ✓ No exterior modifications are proposed
- ✓ No change to Development Standards: setbacks, building heights, scale, or landscaping
- ✓ No changes to onsite parking

Environmental Determination

- ✓ Categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines §15301 (Class 1 Existing facilities), which allows for the repair, maintenance, permitting, leasing, licensing, and minor alteration of existing private structure, in that the project involves a change of use that would result in a negligible change of use of the former use.
- ✓ The proposed smoke shop and alcohol off-sale uses are similar with regard to intensity of use.

Conclusion & Recommendation

- Consistent with General Plan, CC Zoning, and Conditional Use Permit Standards.
- Categorically Exempt from CEQA review.
- Staff recommends that the Planning Commission consider and approve the resolution approving Conditional Use Permit 24-02 to add the sale of beer, wine and liquor to the existing smoke shop business