

RESOLUTION 26-27-*

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SUTTER CREEK APPROVING THE SITE PLAN, CONDITIONAL USE
PERMIT, AND SIGN PERMIT FOR SUTTER CREEK RESPONSIBLE AND
COMPLIANT RETAIL LLC DBA EMBARC TO OPERATE A STOREFRONT RETAIL
CANNABIS DISPENSARY ON THE REAL PROPERTY LOCATED AT 11 RIDGE
ROAD, SUTTER CREEK, CALIFORNIA**

WHEREAS, on the City Council of the City of Sutter Creek did on Monday August 17, 2026, hold a public hearing for a Site Plan, Conditional Use Permit, and Sign Permit application for improvements to an existing building located within the C-2 zoning district, the establishment of a retail cannabis dispensary, with delivery, and the replacement of signs located at 11 Ridge Road, ; and

WHEREAS, the City Council did at the public hearing receive a report from the planning staff, receive input from the Applicant and members of the public in attendance, and at the close of the public hearing did deliberate; and

WHEREAS, the City Council does find the proposal is exempt from environmental review as a Class 15301 (Existing Facilities) and Section 15061 (b)(3) (Common-Sense Exemption) Categorical Exemptions under CEQA.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sutter Creek hereby approves a Site Plan Permit for 11 Ridge Road based on the following Findings:

1. The proposed site development is essential or desirable to the public convenience or welfare;
2. The proposed site development will not impair the integrity and character of the area in which it is located, or the zoning district;
3. The proposed site development will insure that adequate public utilities and services are provided so that the project would not be detrimental to public health, safety, or general welfare;

BE IT FURTHER RESOLVED that the City Council of the City of Sutter Creek hereby approves a Conditional Use Permit for Embarc at 11 Ridge Road based on the following Findings:

1. The proposed uses of the property are desirable to the public convenience or welfare;
2. The proposed uses will not impair the integrity and character of the area in which it is located or the zoning district;
3. The proposed uses would not be detrimental to public health, safety, or general welfare
4. There are adequate public utilities and services available for the proposed uses; and
5. The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this title.
6. For any storefront retail cannabis dispensary, the proposed use will be subject to a separately approved development agreement for the same term as the approved conditional use permit and:
 - a. The development agreement will provide for appropriate community benefit as consideration for the City's execution of the agreement;

- b. The operator has a demonstrated record of successfully operating storefront retail cannabis dispensaries in at least three jurisdictions for a period of at least three years preceding the date of its application;
- c. The operator demonstrates it will have adequate capitalization, access to a stable workforce, and a business location conducive to sustaining long-term operations; and
- d. The operator, including its principals, shareholders, partners, and officers, has not been convicted of, found civilly liable for, having sold or distributed cannabis or cannabis products in violation of any state statute, state regulation, or local ordinance.

BE IT FURTHER RESOLVED the City Council hereby approves the Site Plan, Conditional Use, and Sign Permit, subject to the following Conditions of Approval:

1. The Conditional Use Permit shall not be operational unless or until a Zoning Ordinance Amendment has been adopted by the City Council.
2. The Conditional Use Permit shall not be operational unless or until a Development Agreement is fully executed by the City and the Development Agreement remains valid
3. Applicant's operations must comply with all applicable laws and regulations. Failure to comply with applicable laws or regulations is a violation of this CUP and constitutes grounds for revocation of the CUP.
4. Applicant's operations must comply with the Development Agreement.
5. Applicant's operations must comply with the Business plan submitted to the City.
6. Applicant's operations must comply with the Safety Plan submitted to the City and approved by the Police Chief.
7. Applicant's operations must comply with the Labor and Employment plan submitted to the City.
8. Applicant's operations must comply with the Neighborhood Compatibility plan submitted to the City.
9. Applicant's operations must comply with the Community Benefits Plan submitted to the City.
10. Applicant's operations must comply with the Location Plan submitted to the City.
11. Applicant shall notify the City in writing within 10 days of any change in licensure status with the California Bureau of Cannabis Control.
12. There shall be no consumption of cannabis products or alcoholic beverages on the subject site.
13. Indoor or Outdoor Live music and entertainment, or use of amplified speakers for advertising, entertainment or promotions is not permitted by this CUP. Events of this type would require separate application, review, and approval from the City prior to each and every event.
14. Applicant shall pay the \$50.00 CEQA Notice of Exemption (NOE) filing fee to the Amador County Recorder.
15. Applicant shall comply with Section 18.06.090 and 18.06.100 of the Zoning Code regarding the 12-month period to implement the Project and/or Extension of time.
16. Applicant must obtain a Business License.
17. Applicant must comply with their approved Site Plan Permit.
18. Applicant shall upgrade existing parking and path of travel to meet current ADA standards.
19. Applicant shall provide building plans and obtain building permits for interior improvements including necessary ADA upgrades.

20. Any building or parking area illumination including security lighting, shall be arranged to direct light and glare away from adjoining properties.
21. Any new signage added must be reviewed and approved by the Planning Commission.
22. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times. All scrap materials shall be stored in a container and shall be removed regularly.
23. Hours of operation. Cannabis retail businesses shall not be open to the public and shall not conduct retail sales or deliveries before eight a.m. or after ten p.m. on Monday-Sunday.
24. Odor control. Odors shall be contained on the property on which the cannabis retail business is located.
25. No business operations or retail merchandise shall be visible from the exterior of a building where a cannabis retail business is located.
26. Cannabis retail businesses shall ensure that advertising and marketing of cannabis and cannabis products are not targeted to individuals less than twenty-one years of age.
27. If and when delivery becomes available, a plan must be submitted to the City for review. The number of deliveries per day shall not exceed what is allowed by State Law.
28. Any Conditional Use Permit granted in accordance with the terms of the City of Sutter Creek Municipal Code may be revoked if any of the conditions or terms of such permit are violated, the use is discontinued, or if any law or ordinance is violated in connection therewith.

PASSED AND ADOPTED by the City Council of the City of Sutter Creek on Monday the 17th day of August, 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY OF SUTTER CREEK

Claire Gunselman, Mayor

ATTEST:

Alejandra Zambrano, Interim City Clerk