

**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

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Deputy Director

**Gabriel Lemus**  
Asst. Deputy Director

January 25, 2023

Smoke Depot  
3770 San Pablo Dam Road  
El Sobrante, CA 94803

**RE: Updated Zoning Determination for Tobacco Retailer (Smoke Depot)**  
**Site Address: 3770 San Pablo Dam Road, El Sobrante, CA 94803**  
**County File #CDSE22-00009 APN: 420-140-035 (Zoning: P-1/GP: M-13)**

Dear Smoke Depot:

This letter is in response to an El-Sobrante P-1 administrative review request submitted to the Department of Conservation and Development on December 9, 2022, for a proposed tobacco retailing business to be located at 3770 San Pablo Dam Road in the El Sobrante area.

The establishment of a proposed tobacco retailing business (Smoke Depot) at the property identified above has been reviewed for compliance with County zoning regulations. The zoning determination of the Department of Conservation & Development is provided below.

**El Sobrante P-1 (Planned Unit) District Zoning Consistency**

The Department of Conservation and Development, Community Development Division (CDD), has determined that, based on the application materials submitted on December 9, 2022, the proposed retail business (Smoke Depot) is a permitted use within the San Pablo Dam Road Mixed Use (M-13) Land Use District and is consistent with the intent and purpose of the El Sobrante P-1.

**Tobacco Retailing Businesses Ordinance (Ord. 88-26)**

Based on additional information submitted to CDD on January 24, 2023, it has been shown that the subject property, 3770 San Pablo Dam Road in El Sobrante, was established as a tobacco retailer since at least December 1, 1986, operating as Jasmine Gifts & Tobacco. Historical business license and tobacco retail licenses for Jasmine Gifts & Tobacco were provided as evidence showing that both licenses have been maintained for the site up to the current date. Thus, the retailing of

tobacco products at the subject property is considered a nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Businesses Ordinance (Chapter 88-26).

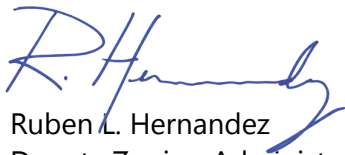
Please note that no evidence has been submitted to the Department of Conservation and Development that indicate that 3770 San Pablo Dam Road was operating as a *"significant tobacco retailing business"*. Therefore, the establishment of a significant tobacco retailing business is not allowed at this location. County Ordinance Code 88-26.204 defines a significant tobacco retailing business as follows: *"...any tobacco retailing business for which twenty percent or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both."*

Additionally, no signage was reviewed or approved within this determination letter. Any proposed signage will be subject to the review and approval by the Department of Conservation and Development.

Please be aware that this determination letter does not constitute a building permit for any tenant improvements. Additionally, this approval does not constitute a business license. It is the responsibility of the business owner to obtain a business license from the County prior to engaging in commercial activities at the subject property. Attached hereto is a property use verification form needed to obtain your business license from the County Tax Collector.

If you have any additional questions, you may contact the project planner, Everett Louie at [everett.louie@dcd.cccounty.us](mailto:everett.louie@dcd.cccounty.us) or at (925) 655-2873.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Hernandez', is written over the printed name.

Ruben L. Hernandez  
Deputy Zoning Administrator

Cc: County File #CDSE22-00009  
Monica Marquez [monica.marquez@cchealth.org](mailto:monica.marquez@cchealth.org)

Attach: Property Use Verification Form