

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Solano

675 Texas Street

Fairfield, CA 94533

From: (Public Agency): City of Vallejo Planning Department
555 Santa Clara Street
Vallejo, CA 94590

(Address)

FILED

Project Title: Highway 29 Healthcare

JUN 06 2022

Project Applicant: Jill Cordero

Project Location - Specific:

3737 Sonoma Boulevard, APNs: 0051-060-170, -180, and -190

Bill Emien, Clerk of the
Board of Supervisors of
the County of Solano,
State of California
Deputy *[Signature]*

Project Location - City: Vallejo

Project Location - County: Solano

Description of Nature, Purpose and Beneficiaries of Project:

Existing cannabis business with retail cannabis sales, and cannabis distribution, as an accessory use, currently in operation

Name of Public Agency Approving Project: City of Vallejo

Name of Person or Agency Carrying Out Project: City of Vallejo

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Section 15301 (Class 1 "Existing Facilities").
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 "Existing Facilities"). Therefore, no further environmental review is required.

Lead Agency

Contact Person: Christina Ratcliffe

Area Code/Telephone/Extension: (707) 648-4326

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes ☐ No ☒

Signature: *Jill C* Date: 06-06-2022 Title: CEO

Signed by Lead Agency ☐ Signed by Applicant ☒

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Document Posted From
06/06/22 to _____

Deputy Clerk of the Board

Revised 2011



STAFF REPORT AND DETERMINATION CITY OF VALLEJO PLANNING DIVISION

I. PROJECT INFORMATION

DATE OF REPORT/ACTION: July 16, 2021

PREPARED BY: Jonathan Atkinson, Senior Planner

PROJECT NUMBER: Minor Use Permit (MUP) #20-0013

PROJECT LOCATION: 3737 Sonoma Boulevard
(APNs: 0051-060-170, -180, and -190)

PROJECT DESCRIPTION: Minor Use Permit request for Highway 29 Healthcare, an existing cannabis business with retail cannabis sales, and cannabis distribution, as an accessory use, currently in operation at 3737 Sonoma Boulevard

CEQA DETERMINATION: The project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 "Existing Facilities"). Therefore, no further environmental review is required.

PROJECT DATA SUMMARY:

Applicant: Jill Cordero
Highway 29 Healthcare
3737 Sonoma
Vallejo, CA 94589

Property Owner: Arturo Avila
C/O Brickhouse 3, LLC
3737 Sonoma Boulevard
Vallejo, CA 94589

General Plan Designation: Business/Limited Residential (B/LR)

Interim Zoning District: Mixed Use Planned Development (MUPD)

Specific Plan: White Slough Specific Plan

Existing Land Use: Retail Cannabis Sales

Surrounding Land Uses: North: Commercial
South: Commercial
East: Sonoma Boulevard (Highway 29)
West: Vacant Land and White Slough

II. PROJECT DESCRIPTION

Highway 29 Healthcare is one of 11 existing cannabis businesses currently operating in the City of Vallejo ("City"). Highway 29 Healthcare filed a Minor Use Permit application to authorize its existing retail cannabis sales and cannabis distribution operation with a total floor area of 3,967 square feet. Cannabis distribution (650 square feet) will be an accessory use to the retail cannabis business. Cannabis cultivation is not proposed nor permitted at this location. No building or site improvements are proposed. Off-street parking totaling 20 spaces is provided on the premises for customers and employees of the cannabis business. No building or site alterations are proposed as part of the project. The permitted hours of operation will be 9:00 A.M. to 8:00 P.M., or as allowed by the Vallejo Municipal Code, seven days a week.

III. STAFF ANALYSIS

A. General Plan 2040 Consistency

The General Plan 2040 land use designation for the project site is Business/Limited Residential (B/LR). General Plan 2040 describes the B/LR designation as follows:

***Business/Limited Residential (B/LR).** The B/LR designation is intended to facilitate high quality employment-based businesses, including professional office; health care and life sciences; research and development; production, distribution, and repair (PDR); and light industrial, manufacturing, and similar uses conducted primarily inside of buildings. A mix of lot sizes is encouraged to accommodate small businesses as well as larger campus-style uses. Restaurants, retail stores, automotive services, personal and business services, hotels, and recreational facilities that cater to the needs of businesses, employees, and residents of the surrounding area are accommodated in the B/LR designation. Residential-only or mixed-use projects containing a residential component are also accommodated, providing that findings of compatibility can be made. The maximum permitted FAR in the B/LR designation is 2.0, with minimum residential density of 25 dwelling units per acre up to 50 dwelling units per acre.*

The project is consistent with the B/LR designation in that a cannabis business with retail sales contributes to the diversity of land uses typical of the B/LR designation. Furthermore, retail cannabis businesses are employment-based and can cater to both employees, customers, and residents in the vicinity. Lastly, Highway 29 Healthcare offers retail products and General Plan 2040 envisions retail uses for properties with the B/LR designation in addition to a myriad of other uses.

The project is also consistent with applicable General Plan 2040 policies. Key policies relevant to the project are shown below in **bold**, followed by City staff's analysis in *italics*:

- **Policy EET-2.1: Economic Diversification.** *Attract employment- and tax generating businesses that support the economic diversity of the city.*

The continued operation of Highway 29 Healthcare allows for the preservation of Vallejo's diverse economy. Additionally, cannabis businesses are a land use that can generate both tax revenue and create employment opportunities.

- **Policy EET-3.2 Local Business Retention. Retain existing businesses and encourage their expansion within Vallejo.**

Minor Use Permit approval will make Highway 29 Healthcare, a local business, consistent with Title 16 of the Vallejo Municipal Code in terms of land use. This will allow for its continued operation and possible expansion in Vallejo.

- **Policy EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.**

The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard corridor because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses.

B. Vallejo Municipal Code Compliance

Land Use: The project site is zoned Mixed Use Planned Development (MUPD) District and located in Zone 2A of the White Slough Specific Plan. Zone 2A is the commercial strip area immediately adjacent to Sonoma Boulevard between Redwood Street and Sereno Drive. The project site's interim zoning designation of Zone 2A implements the General Plan 2040 designation of Business/Limited Residential (B/LR). The White Slough Specific Plan permits "Retail sales: cannabis" ("Marijuana – retail") uses with a Minor Use Permit in Zone 2A.

VMC Section 16.58.040.H.2 permits "Cannabis distribution" as an accessory use to "Retail sales: cannabis" use under the following conditions: The area utilized for cannabis distribution shall not exceed 30 percent of the total floor area of the retail sales of cannabis use or 1,500 square feet, whichever is less. The project is consistent with this requirement.

Cannabis Retail Sales Standards: Section 16.82.060.V of the VMC contains a collection of permitting, development, and operational standards for retail sales of cannabis uses. The project, as proposed and conditioned, is consistent with the requirements set forth in VMC Section 16.82.060.V. One key exception is the 60 percent transparency required along the storefront for retail cannabis businesses. The cannabis business has been in operation prior to the adoption of this requirement so the lack of 60 percent transparency is considered a legal non-conforming building feature.

Locational Limitations: Under VMC 16.82.060.V.2.a, retail sales of cannabis uses may not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, as defined in Health and Safety Code Section 11353.1. The project is consistent with this requirement.

Parking: The cannabis business occupies a 3,967 square foot building. The project requires one parking space for each 250 square feet of floor area (plus one parking

space for each 300 square feet of covered accessory storage area) under VMC Section 16.62.100.E. The project requires 16 total parking spaces. The project site exceeds this requirement with 20 total parking spaces for Highway 29 Healthcare.

C. Environmental Review

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, Title 14, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (Class 1 "Existing Facilities"). The project is consistent with this exemption in that it involves the use of an existing building with retail cannabis sales, and cannabis distribution, as an accessory use, already in operation.

None of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects due to unusual circumstances, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource. Therefore, no further environmental review is required.

IV. FINDINGS

The project is subject to the following required findings under the Vallejo Municipal Code (findings are shown in **bold** and staff's analysis follows in *italics*):

Minor Use Permit (VMC Section 16.82.050)

- A. That the location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use.**

The project site is located adjacent to Sonoma Boulevard (Highway 29) in an area characterized by a variety of commercial and food service. The retail cannabis business is consistent with both existing and anticipated uses in the vicinity in terms of character, scale, bulk, coverage, and density. The City envisions a Sonoma Boulevard corridor that is economically vibrant, mixed-use, human-scale, and neighborhood serving. Highway 29 Healthcare is an active use that serves both residents and visitors alike in Vallejo. It operates within a freestanding building that was formerly a restaurant but sited in a manner that facilitates easy pedestrian access from the public right-of-way. The project site is served by existing utilities. The City's Traffic Engineer reviewed the project and did not raise any concerns related to traffic generation or parking. The Vallejo Police Department also reviewed the project and did not identify any concerns. Finally, the cannabis business will be subject to Vallejo Municipal Code and State requirements, and Minor Use Permit conditions to ensure that it does not result in an adverse effect on the surrounding area.

- B. That the impacts, as described in subsection A of this section, and the location of the proposed conditional use are consistent with the city general plan.**

The General Plan 2040 Land Use Map designates the project site as Business/Limited Residential (B/LR). The project is consistent with the B/LR designation in that a cannabis business with retail sales contributes to the diversity of land uses typical of the B/LR designation. Furthermore, retail cannabis businesses are employment-based and can cater to both employees, customers, and residents in the vicinity. Lastly, Highway 29 Healthcare offers retail products and General Plan 2040 envisions retail uses for properties with the B/LR designation in addition to a myriad of other uses. The cannabis business is consistent with the following General Plan 2040 policies: Policy EET-2.1: Economic Diversification. Attract employment- and tax generating businesses that support the economic diversity of the city; Policy EET-3.2 Local Business Retention: Retain existing businesses and encourage their expansion within Vallejo; and Policy EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play. The continued operation of Highway 29 Healthcare allows for the preservation of Vallejo's diverse economy. Additionally, cannabis businesses are a land use that can generate both tax revenue and create employment opportunities. Minor Use Permit approval will make Highway 29 Healthcare, a local business, consistent with Title 16 of the Vallejo Municipal Code in terms of land use. This will allow for its continued operation and possible expansion in Vallejo. The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard corridor because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses.

V. NOTICING AND PUBLIC COMMENTS

The Planning Division provided the following notifications in accordance with VMC Section 16.82.040.A on May 28, 2021: Mailed notices to every property owner within 200 feet of the project site and the applicant. There are no neighborhood groups within 500 feet of the project site. Staff has not received any comments or questions from the public on the application to date.

VI. CONCLUSION

The Planning and Development Services Director **APPROVES** Minor Use Permit (MUP) #20-0013 based on the analysis contained herein and subject to the attached conditions.

VII. EXPIRATION

Approval of this Minor Use Permit shall expire automatically 24 months after its approval unless authorized construction has commenced prior to the expiration date (**JULY 16, 2023**) pursuant to VMC Section 16.82.090.A.

The Minor Use Permit shall be deemed abandoned if the cannabis business operation remains not in use for 12 consecutive months in accordance with VMC Section

16.82.150.C. A new Minor Use Permit shall be obtained prior to the resumption of the cannabis business, if deemed abandoned.

VIII. APPEAL PROCEDURE

The applicant, or any party adversely affected by the decision of the Planning and Development Services Director on an application for a Minor Use Permit shall have the right to appeal the decision within ten days. The appeal must be submitted in writing to the Planning Commission. The appeal shall state the reason or reasons for the appeal and why the appellant believes he or she is adversely affected by the administrative decision.

Such appeal shall not be timely filed unless it is actually received by the Planning and Development Services Director or designee, along with applicable fee (currently **\$1,062**) no later than the close of business on the tenth calendar day after the decision of the Planning and Development Services Director. If such date falls on a weekend or City holiday, then the deadline shall be extended until the next regular business day.

IX. ATTACHMENTS

1. Minor Use Permit (MUP) #20-0013 Conditions