

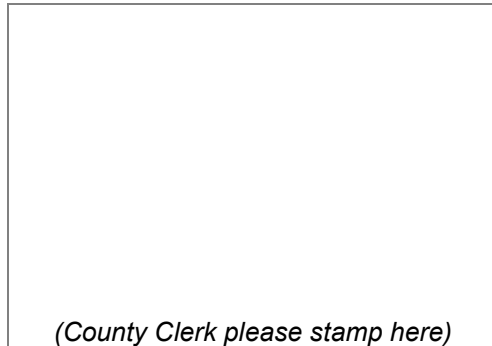


CITY OF MARTINEZ

525 Henrietta Street, Martinez, CA 94553-2394

Community Development Department

(925) 372-3515 | Fax (925)372-0257



NOTICE OF EXEMPTION

Date: March 1, 2022

To: Contra Costa County Clerk-Recorder
555 Escobar Street
Martinez, CA 94553

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: Conditional Certificate for Embarc Martinez, LLC (Embarc)
Project Location: 3501 Alhambra Avenue, Martinez, CA. 94553
Assessor's Parcel No.: 370-262-002

Project Applicant: Embarc Martinez, LLC (Embarc)
3503 Alhambra Avenue, Martinez, CA. 94553
Tel: (916) 267-8276

Lead Agency: City of Martinez – Community Development Department
525 Henrietta Street, Martinez, CA 94553
Tel: (925) 372-3524

Lead Agency Contact: Hector J. Rojas, AICP, Planning Manager
Tel: (925) 372-3524 | Email: hrojas@cityofmartinez.org

Project Description: On January 15, 2020, the City of Martinez City Council adopted Resolution No. 001-20, awarding a Conditional Certificate to Embarc, entitling it to apply for a commercial cannabis operator's permit to establish a retail cannabis dispensary with delivery services located 3501 Alhambra Avenue.

Exempt Status:

- Review for Exemption (Section 15061(b)(3));
- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));

Categorical Exemption: Class 3 “New Construction or Conversion of Small Structures” and Class 32 “In-Fill Development Projects”

Statutory Exemption:


Reason(s) why Project is Exempt:

The City Council finds that awarding this Conditional Certificate is not a project subject to CEQA because such an award does not entitle Embarc to any specific use or to establish or operate anything and thus, the award will not make a direct or indirect change on the physical environment. Notwithstanding the above, in the event that the award of the Conditional Certificate were determined to be a "project" pursuant to CEQA, the City Council finds such to be categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines, Sections 15061 (b)(3), 15303 and 15332 based upon the following facts:

Findings of Fact: The proposed project is the establishment of a retail store in an existing structure, which is currently being used for retail. The new use will not involve the use of significant amounts of hazardous substances. The structure is less than 10,000 square feet in floor area on a site zoned for the proposed use. All necessary public services and facilities are already in place servicing the existing use. The site is located in an urban environment completely surrounded by existing urban uses and the surrounding area is not environmentally sensitive.

The proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations as it is proposed for a retail use, which is consistent with the Commercial General Plan Land Use Designation and is allowed by the M-NC/TC Mixed Use District Neighborhood Commercial/Thoroughfare Commercial zoning. The use is proposed for a site within city limits on a project site of no more than five acres substantially surrounded by urban uses. As the site is already completely surrounded by urban uses and currently already completely developed, the project site has no value, as habitat for endangered, rare or threatened species. There is no evidence in the record that replacing the current retail use with the proposed retail use would result in any significant effects relating to traffic, noise, air quality, or water quality given that the site is already used for retail purposes in a commercial area. The site is already served by all required utilities and public services. The proposal includes no expansion of the existing structure and there are no similar projects proposed to be located in the same area. The site is no listed as an historic resource and there are no historic resources adjacent thereto.

Based upon the above and the record as a whole it can be seen with certainty that that there is no possibility that the activity permitted herein will have a significant effect on the environment.

Signature: 
Hector J. Rojas, AICP
Planning Manager
City of Martinez

Date: March 1, 2022