

Notice of Determination

Appendix D

To:

Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: Solano
 Address: 675 Texas Street, Suite 1900
Fairfield, California 94533

From:

Public Agency: City of Vallejo Planning Div.
 Address: 555 Santa Clara Street
Vallejo, California 94590
 Contact: Aaron Sage
 Phone: (707) 648-5391

Lead Agency (if different from above):
 Address: _____
 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2018102007

Project Title: Fairview at Northgate Project

Project Applicant: Fairview - Vallejo Developers, LLC

Project Location (include county): Southeast corner Admiral Callaghan Ln. / Turner Pkwy; Solano Cty.

Project Description:

Mixed use development on vacant 51.3-acre site. The western portion (21.8 acres) includes commercial development of 179,688 square feet of retail space including the relocation and expansion of an existing Costco store and gas station. The eastern portion (23.8 acres) consists of 178 single family dwellings with parks and open space. The central portion (5.7 acres) consists of passive open space / wetlands.

This is to advise that the City of Vallejo City Council has approved the above
 Lead Agency or Responsible Agency)

described project on June 9, 2020 and has made the following determinations regarding the above
 (date)
 described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of Vallejo Planning Division, 555 Santa Clara Street, Vallejo, CA 94590

Signature (Public Agency): Aaron Sage Title: Principal Planner

Date: June 15, 2020 Date Received for filing at OPR: _____

Governor's Office of Planning & Research

Authority cited: Sections 21083, Public Resources Code.
 Reference Section 21000-21174, Public Resources Code.

Jun 17 2020

Revised 2011
STATE CLEARINGHOUSE

RESOLUTION NO. 20-065 N.C.

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, APPROVE ZONING MAP AMENDMENT #ZMA17-0001, PLANNED DEVELOPMENT (MASTER PLAN AND UNIT PLANS) #PD17-0007 AND USE PERMIT #UP18-0007, AND DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S DECISION TO APPROVE VESTING TENTATIVE MAP #TM17-0002, FOR THE FAIRVIEW AT NORTHGATE PROJECT

APN #0081-490-010

I. GENERAL FINDINGS

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040; and

WHEREAS, the property is located at the southeast corner of Admiral Callaghan Lane and Turner Parkway, is designated as Assessor's Parcel Number (APN) 0081-490-010, and is zoned Pedestrian Shopping and Service (CP); and

WHEREAS, on August 28, 2017, Vallejo-Fairview Developers, LLC ("Applicant"), submitted applications for a Zoning Map Amendment (#ZMA17-0001), Planned Development (#PD17-0007, for a Master Plan), and Vesting Tentative Map (#TM17-0002), to re-zone the site from Pedestrian Shopping and Service (CP) to Mixed Use Planned Development (MUPD) and to construct a mixed use development including a 152,138-square-foot Costco store and gasoline station, a commercial center totaling 27,500 square feet, and 187 single-family dwellings (later reduced to 178); and

WHEREAS, on December 10, 2018, the Applicant submitted an application for a Major Use Permit (#UP18-0007) for approval of a "superstore" (the Costco store), and this application was later amended to include a drive-through restaurant, deliveries to the Costco between 2 a.m. and 6 a.m., and operation of the gas station from 5 a.m. to 6 a.m.; and

WHEREAS, on June 19, 2019, the above applications were deemed complete for processing and are collectively referred to herein as the "Project"; and

WHEREAS, on January 15, 2020, the Applicant submitted an amendment of application #PD17-0007 to include Unit Plans for all proposed buildings in the Project except the drive-through restaurant, which will be submitted in the future once a tenant is selected, and this amendment was deemed complete upon submittal; and

WHEREAS, on January 17, 2020, the City released a Draft Environmental Impact Report ("EIR") for the Project for a 45-day public comment period ending on March 2; and

WHEREAS, on January 22, 2020, the City of Vallejo Planning Commission ("Commission") held a study session and provided input to the Applicant on the Project; and

WHEREAS, on March 2, 2020, the Commission held a public hearing to receive public comments and provide its own comments on the Draft EIR; and

WHEREAS, on April 10, 2020, the City released a Final EIR, including responses to all public comments on the Draft EIR, for public review and review by the Commission; and

WHEREAS, on April 20, 2020, the Commission, after giving all public notices required by State law and the Vallejo Municipal Code (“VMC”), conducted a duly noticed public hearing to consider the Final EIR and the requested Project entitlements, at which testimony and evidence, both written and oral, was presented to and considered by the Commission; and

WHEREAS, the Commission considered testimony and evidence, both written and oral, presented to the Commission, including the Final EIR, the oral and written reports from City staff dated April 20, 2020, and other documents contained in the record of proceedings relating to the Project, which are maintained in the offices of the City of Vallejo Planning Division; and

WHEREAS, based on recommendations, testimony and evidence in the record and provided at the public hearing, the Commission adopted Resolution No. PC 20-01, with Conditions of Approval, recommending that the City Council certify the EIR and approve applications #ZMA17-0001, #PD17-0007 and #UP18-0007, and approving application #TM17-0002 contingent upon the recommended City Council actions; and

WHEREAS, on April 30, 2020, Patrick Soluri on behalf of Vallejoans United appealed the Planning Commission’s decision to the City Council; and

WHEREAS, on June 9, 2020, the City of Vallejo City Council, after giving all public notices required by State law and the Vallejo Municipal Code, conducted a duly noticed public hearing to consider the Commission’s recommendations and the appeal, at which testimony and evidence, both written and oral, was presented to and considered by the City Council; and

WHEREAS, based on recommendations, testimony and evidence in the record and provided at the public hearing, the City Council makes the following factual findings:

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

See **Exhibit A**.

III. FINDINGS RELEVANT TO THE ZONING MAP AMENDMENT (VMC Section 16.86.050)

A. The proposed zoning designation of Mixed Use Planned Development (MUPD) is consistent with the City’s General Plan because it implements the General Plan Land Use Map by allowing residential uses on the east portion of the site, consistent with the General Plan designation for that portion, Mix of Housing Types. The current zoning district (Pedestrian Shopping and Services, or CP) is not consistent with the Mix of Housing Types designation as it would allow commercial uses on the east portion of the site, and it would not allow residential uses on the ground floor.

IV. FINDINGS RELEVANT TO THE APPROVAL OF THE PLANNED DEVELOPMENT (VMC Chapter 16.116)

Master Plan (VMC Section 16.116.060):

A. The master plan is consistent with the goals and policies of the City’s General Plan as discussed in **Exhibit C**;

- B. The master plan furthers the stated purpose of the planned development district (VMC Section 16.116.010), in that it allows the development of diverse and varied uses as a single integral project to promote the orderly growth of the City;
- C. The master plan is in conformity with public convenience, the general welfare and good land use practice, in that it provides additional jobs, housing, and commercial goods and services in a well-designed mixed-use development that is compatible with surrounding land uses and includes high-quality landscape and architectural design, public open space, and supports mobility for pedestrians, bicycles, transit riders and automobiles;
- D. The master plan will not be detrimental to health, safety and general welfare, in that all adverse environmental impacts of the project have been mitigated to the greatest extent feasible, and the remaining significant impacts are outweighed by substantial benefits of the project, as discussed in the attached CEQA findings (**Exhibit A**); and
- E. The master plan will not adversely affect the orderly development or the preservation of property values for the reasons stated in Finding IV.D above.

Unit Plans (VMC Section 16.116.100):

- F. The commercial and residential unit plans are consistent with the intent, purpose and development standards of the master plan;
- G. The unit plans are consistent with the goals and policies of the City's General Plan as discussed in **Exhibit C**;
- H. The unit plans serve to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area, for the reasons discussed in **Exhibit C**, policies NBE-1.5 and NBE-2.3:
- I. The unit plans are of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

V. FINDINGS RELEVANT TO THE APPROVAL OF THE CONDITIONAL USE PERMIT (VMC Chapter 16.82.050)

- A. The location, size, design and operating characteristics of the proposed conditional uses (i.e., the Costco "superstore", the drive-through restaurant, and the hours of operation before 6 a.m.) 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, for the following reasons:

1. The Costco “superstore” will be located in an existing commercially zoned area with similar uses nearby, and a generous open space buffer will be provided between the store and nearby residential uses. As discussed in the project EIR, there are adequate public facilities and services for the project, and all traffic impacts will be mitigated to the greatest extent feasible.
 2. The proposed drive-through restaurant will not be located in proximity to any residential uses and will have adequate vehicle queueing capacity to avoid any adverse impacts to traffic flow on adjacent streets.
 3. The proposed warehouse deliveries from 2 a.m. to 6 a.m., and gasoline sales from 5 a.m. to 6 a.m., will not adversely impact nearby residential uses, because the project EIR’s noise analysis found no significant impact to these uses. Furthermore, the Costco loading dock will be located approximately 200 feet from, and at a much lower elevation than, the nearest dwelling units, and the gas station will be located almost 300 feet from the nearest dwelling units. All loading and unloading activities will occur within an enclosed loading dock and vehicles will not be permitted to idle during such activities.
- B. The impacts, as described in subsection A of this section, and the location of the proposed conditional use are consistent with the City’s General Plan as discussed in **Exhibit C**.
- C. (“Superstore” finding per VMC Section 16.76.030.D) The positive economic impacts created by the proposed Costco “superstore” would outweigh the negative economic impacts or, despite any negative impacts, other considerations warrant the granting of major conditional use permit for the superstore, for the following reasons:
1. The proposed Costco is not a new “superstore” but rather a relocation and modest expansion of the existing Costco at 198 Plaza Drive. The economic impact analysis prepared by David Taussig & Associates (DTA) shows that there is adequate demand for retail goods in the surrounding area such that the additional retail space created by the project will not result in widespread retail vacancies, loss of jobs, or urban decay.
 2. The fiscal impact analysis by DTA shows that the project will generate far more revenues to the City than the cost of public services for the project, which will allow the City to fund additional services to serve the City as a whole.

VI. FINDINGS RELEVANT TO THE APPROVAL OF THE VESTING TENTATIVE MAP (VMC Section 15.08.050) AND PARK DEDICATION (VMC Section 3.18.180)

- A. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the goals and policies of the City’s General Plan as discussed in **Exhibit C**.
- B. The proposed subdivision, together with the provisions for its design and improvements, conforms with this Title 15 (the subdivision ordinance) and Title 16 (the zoning ordinance) of the VMC.

- C. The proposed subdivision, together with the provisions for its design and improvements, conforms with the Subdivision Map Act.
- D. As required by VMC Section 3.18.060 the proposed subdivision requires a condition of approval of the tentative map identifying either a park dedication and/or in-lieu fees. The proposed subdivision meets the requirements under VMC Section 3.18.180:
 - a. The proposed park/open space area is 8.14 acres which is consistent with the minimum requirement for park dedication of 4.0 acres.
 - b. The proposed park/open space area is consistent with the general plan criteria for promoting park spaces (see **Exhibit C**).
 - c. Approved construction plans of the project shall be made by City Council after recommended approval from Planning Commission.
 - d. Be completed and ready for public use by the time Final Map of the subdivision is recorded.
 - e. At the time of approval by the City Council, the Council shall determine the amount of credits for the park dedication (confirming consultation between the City Manager and Greater Vallejo Recreation District) of such improved parks or recreational sites, in lieu of park impact fees.
- E. The appellant has appealed the Planning Commission conditional approval of the Vesting Tentative Map (by invoking VMC Section 16.102.020). The findings herein demonstrate not only how the Vesting Tentative Map meet VMC and Subdivision Map Act requirements, but analyze consistency with the General Plan.
 - a. The Vesting Tentative Map, the entire project description, and associated impacts have been sufficiently analyzed under the purposes of CEQA as identified and attached hereto in **Exhibit A**.

VII. RESOLUTION APPROVING THE ZONING MAP AMENDMENT, PLANNED DEVELOPMENT, AND USE PERMIT, DENYING THE APPEAL, AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE THE VESTING TENTATIVE MAP

NOW, THEREFORE, LET IT BE RESOLVED that based on the findings above, the evidence and testimony, both written and oral, presented at the City Council hearing and information contained in the staff report attached hereto and incorporated herein by this reference, the City Council hereby (1) CERTIFIES the EIR; (2) APPROVES applications #ZMA17-0001, #PD17-0007 and #UP18-0007; (3) DENIES the appeal and upholds the Planning Commission's decision to approve application #TM17-0002, subject to the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit B**, the Conditions of Approval attached hereto as **Exhibit D**, and the plans attached hereto as **Exhibit E**.

EIR CERTIFIED, APPEAL DENIED AND PROJECT APPROVED and adopted by the City Council of the City of Vallejo at a regular meeting held on June 9, 2020 with the following vote:

AYES: Mayor Sampayan, Vice Mayor Sunga, Councilmembers Brown, Dew, McConnell, Miessner, and Verder-Aliga
NOES: None
ABSENT: None
ABSTAIN: None

DocuSigned by:

Mayor Bob Sampayan

BOB SAMPAYAN, MAYOR

ATTEST:

DocuSigned by:

Dawn G. Abrahamson

DAWN G. ABRAHAMSON, CITY CLERK

Exhibits:

- A. CEQA Findings
- B. Mitigation Monitoring and Reporting Program
- C. General Plan Policies
- D. Conditions of Approval
- E. Project Plans