



# **Planning Commission**

**February 11, 2026**

**Item 2:  
770 Kiely Boulevard**

**Tracy Tam, Associate Planner**



# Request

Action on an Appeal (File No. PLN25-00562) of the Community Development Director's Denial of a Zoning Clearance (File No. PZC25-00381) for a Smoke Shop located at 770 Kiely Boulevard.

## Existing Site

- **Surrounding Uses:**
  - **N:** Gas Station
  - **S:** Single-Family
  - **E:** Medical offices/Commercial shopping center
  - **W:** Single-Family
- **General Plan Designation:** Neighborhood Mixed Use
- **Zoning:** Mixed Use Neighborhood Commercial





## Background

- Prior to 2024 (Classic Code): “Pipe and Tobacco Shops” were not allowed in CN Neighborhood Commercial.
- February 2024: Comprehensive zoning code update, Zoning Clearance required.
- July 2024: Zoning district changed from CN to MU-NC, “pipe and tobacco shops” not allowed in any zoning district.
- June 2025: Second “clean up” ordinance adopted. Added “smoke shops” as a listed use, not permitted in MU-NC.
  - They are conditionally permitted in four zones: C-C, C-R, MU-CC, and MU-RC.



## Background

- May 2025: Application for business tax certificate
- June 2025: Zoning code adoption
- September 2025: Planning informed applicant smoke shop is prohibited
- October 2025: Zoning Clearance filed for a convenience store with ancillary tobacco sales, Applicant informed staff of their intention to operate a smoke shop.
  - A smoke shop is a prohibited use at the subject site, and therefore, staff could not approve the Zoning Clearance application.
- December 2025: The applicant requested a formal written denial letter of the Zoning Clearance for a smoke shop.



## Consistency with Zoning Code

- “Smoke Shop: Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco, vaping, compressed gas (i.e. nitrous oxide), or cannabis paraphernalia. Any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop”” and is not subject to the restrictions in this chapter.”
- Not permitted in Mixed Use Neighborhood Commercial zoning district



## Consistency with General Plan

- Neighborhood Mixed Use
- “...intended for pedestrian-oriented development with a focus on ground-level neighborhood-serving retail along street frontages...”



## Public Outreach

- 300-foot notice radius
- One public comment in opposition



## **CEQA Evaluation**

The California Environmental Quality Act does not apply to projects that are disapproved, pursuant to CEQA Guidelines Section 15270.



## **Recommendation**

Determine that the project is not subject to CEQA pursuant to CEQA Guidelines Section 15270, and affirm the Community Development Director's decision in denying the Zoning Clearance for a smoke shop to operate at 770 Kiely Boulevard.



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