

## RESOLUTION PC24-08

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE SAN PABLO AVENUE SPECIFIC PLAN CHAPTER 2: LAND USE, TABLE 2-2, LAND USE STANDARDS BY CLASSIFICATION, FOOTNOTE 6, REGARDING REGULATIONS FOR DRIVE THROUGH FACILITIES FOR FAST SERVICE, FULL SERVICE, AND GENERAL RESTAURANTS IN THE RESIDENTIAL MIXED USE, MIXED USE CENTER NORTH, MIXED USE CENTER SOUTH, COMMERCIAL MIXED USE, NEIGHBORHOOD COMMERCIAL AND REGIONAL COMMERCIAL DISTRICTS AND FOR COFFEE SHOPS/CAFES IN THE RESIDENTIAL MIXED USE AND MIXED USE CENTER NORTH AND SOUTH DISTRICTS**

**WHEREAS**, on September 19, 2011, the City of San Pablo adopted the San Pablo Avenue Specific Plan (Specific Plan), setting forth land use regulations, design guidelines, and development standards for properties in the San Pablo Avenue corridor; and,

**WHEREAS**, Pollo Campero, which has a real estate interest in the area, has requested an amendment to the Specific Plan to allow drive through facilities for fast service, full service, and general restaurants in the Residential Mixed Use, Mixed Use Center North and South, Commercial Mixed Use, Neighborhood Commercial, and Regional Commercial zones of the Specific Plan area (the Project); and

**WHEREAS**, the applicant's proposed changes to the San Pablo Avenue Specific Plan, Chapter 2: Land Use, Table 2-2: Land Use Standards by Classification, have been compiled and presented to the Planning Commission and the public for review; and,

**WHEREAS**, Section 17.04.040 and Table 17.16-A state that the Planning Commission is responsible for hearing and making recommendations to the City Council on applications for General and Specific Plan Amendments; and,

**WHEREAS**, according to State Law, the Specific Plan is prepared, adopted, and amended in the same manner as a general plan but may be amended as often as deemed necessary (Section 65453(a)); and,

**WHEREAS**, according to Section 17.22.030.D, an amendment to specific plan text and map may be initiated by the planning commission or the city council, or may be initiated by the original applicant for the specific plan district or a successor thereto, provided such applicant or successor has, at the time of application for an amendment, a continuing controlling interest in development or management of uses within the planned community zone; and,

**WHEREAS**, the Project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no potential for causing a significant effect on the environment because the Project solely involves text changes to the Specific Plan, does not authorize any construction activities, and specifically requires a discretionary

conditional use permit process and accompanying environmental review in the event that any facility is actually proposed; and,

**WHEREAS**, a public notice hearing has been published in the West County Times on Saturday May 18, 2024, in accordance with the requirements of Government Code Section 65091, and in accordance with California Government Code Sections 65352.3 – 65352.4 per Senate Bill 18, Tribal consultation notices were sent on February 21, 2024 and no formal consultation requests were received; and

**WHEREAS**, the Planning Commission conducted a public hearing on May 28, 2024, at which oral and written testimony was taken, in addition to a review of the staff report and attachments.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of San Pablo has reviewed the proposed amendments (Exhibit 1) and recommends approval of PLAN2402-0004, relating to the amendment of the San Pablo Avenue Specific Plan, to the City Council, based on the following findings:

- A. The proposed Specific Plan Amendment is consistent with the goals, policies, and objectives of the general plan, development agreement, or other implementation instrument.

*The Project meets the intent of the following General Plan policies:*

*ED-G-2 Recruit community-serving retail, neighborhood serving commercial, healthcare, and entertainment businesses and activities that meet the needs of residents*

*ED-G-5 Preserve and enhance qualities that make San Pablo an ideal place to do business*

*ED-G-10 Support and contribute to a clean, attractive, and safe environment for residents, business owners, employees, and choppers.*

*ED-I-3 Attract new businesses, focusing on businesses that:*

- *Possess a high growth potential, such as medical-related businesses, regional and local serving retail. Hotel and conference facilities, entertainment-related businesses, and businesses or schools that provide educational and training to the local workforce;*
- *Generate net fiscal benefits to the City through increased tax revenues;*
- *Provide opportunities for skilled training;*
- *Created higher-paying and/or higher quality jobs for local residents;*
- *Complement or augment existing goods and services in San Pablo;*
- *Create minimal negative impact on the environment; and*
- *Require minimal public investment.*

*LU-G-1 Promote a sustainable, balanced land use pattern that responds to existing and future needs of the City. As well as physical and natural constraints Implementing Policies:*

*LU-I-3 Ensure that land use development occurs in an orderly fashion and in pace with the expansion of public facilities and services.*

*The proposed Specific Plan amendment is consistent with these policies by promoting economic development through the provision of additional opportunities for food-based commercial development along portions of San Pablo Avenue.*

*The proposed Specific Plan amendment is also consistent with the purposes of the San Pablo Avenue Specific Plan and meets the intent of the following Specific Plan policies:*

*2-G-1 Promote development of San Pablo Avenue as an attractive boulevard, lined with a diverse array of uses that promote vibrant street life, and maintain eyes on the street at all times.*

*2-I-14 Encourage both day and nighttime uses within all major activity centers along the corridor, particularly within the Entertainment Overlay District.*

*4-G-3 Encourage a mix of uses that is compatible with and caters to the needs of the community design*

*4-I-6 Line San Pablo Avenue, the new “main street” and any other principal street frontages with commercial uses.*

*The project supports these Specific Plan policies by promoting the sensitive and limited addition of drive-through facilities for restaurants in the corridor. By allowing this use, new development can be attracted to previously underutilized sites, strengthening the frontage along San Pablo Avenue with drive-through facilities located away from the street. Attracting restaurants with the potential to provide drive-through facilities would further strengthen San Pablo Avenue as a destination with amenities for residents of both San Pablo and the surrounding region. The proposed amendment would also require that new drive-through facility entrances are not located directly on San Pablo Avenue and that prominent pedestrian access to the restaurant must also be provided, which would promote an attractive boulevard and maintain eyes on the street.*

*The amendment also recognizes that design approaches for restaurants have evolved in recent years to better accommodate a mix of transportation modes and respond to an increased desire on the part of customers to access outdoor seating and no-touch pickup options, including drive-through.*

- B. The proposed Specific Plan Amendment will not adversely affect surrounding properties.

*The proposed Specific Plan Amendment would not adversely affect properties on San Pablo Avenue and would result in a substantial public benefit by allowing additional restaurant development opportunities along San Pablo Avenue. The amendment would further the goals of the San Pablo Specific Plan and General Plan related to Land Use and Economic Development by providing an attractive boulevard and entertainment opportunities along San Pablo Avenue*

- C. The proposed Specific Plan Amendment is consistent with the city of San Pablo design guidelines.

*The proposed Specific Plan Amendment will prohibit direct drive through access on San Pablo Avenue, require a prominent pedestrian access, and require a Conditional Use Permit for any proposed drive-through facilities which will require a discretionary review process (including Design Review and Conditional Use Permit processes) through which the City will confirm consistency with applicable design guidelines.*

- D. The proposed project is determined to be categorically exempt from the provisions of the California Environmental Quality act, in accordance with CEQA Guidelines Section 15061(b)(3).

*Pursuant to CEQA Guidelines Section 15061(b)(3), the City finds that it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment because the Project solely involves text changes to the Specific Plan, does not authorize any construction activities, and specifically requires a discretionary conditional use permit process and accompanying environmental review in the event that any facility is actually proposed.*

- E. Public notice of the hearing has been published in the West County Times, in accordance with the requirements of Government Code Sections 65090 and 65091.

*A public hearing notice was published in the West County Times newspaper on Saturday, May 18, 2024.*

**BE IT FURTHER RESOLVED** that the foregoing recitations are true and correct, and are included herein by reference as findings.

\*\*\*\*\*

Adopted this 28th day of May 2024, by the following vote, to wit:

AYES:	COMMISSIONERS: Owens, Feliciano, Gurdian, Morris, Jackson
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

ATTEST:

APPROVED:

/s/ Libby Tyler  
Elizabeth H. Tyler, Secretary

/s/ Jerome Jackson  
Jerome Jackson, Chairman

Exhibit 1: Proposed Text Amendment

## Exhibit 1

### SPECIFIC PLAN AMENDMENT

#### Chapter 2, Table 2-2: Land Use Standards by Classification

##### *Drive-Through Restaurants, Footnote*

TABLE 2-2 LAND USES STANDARDS BY CLASSIFICATION					
Permitted Uses	Residential (Medium & High Density)	Residential Mixed Use	Mixed Use Center (North and South)	Commercial Mixed Use	Commercial (Neighborhood and Regional)
Restaurants	<i>See sub-classifications below</i>				
<i>Coffee Shops/Cafes</i>	R(4)(10)	R(6)	R(6)	R(11)	R(11)
<i>Fast Service</i>	-	U(6)	U(6)	U(6)	U(6)
<i>Full Service</i>	-	R(6)	R(6)	R(6)	R(6)
<i>General</i>	-	R(6)	R(6)	R(6)	R(6)

Limitations:

**6.** Drive-through facilities ~~are not allowed.~~ require a conditional use permit. Driveway entrances to drive-through facilities may not be located directly on San Pablo Avenue. Prominent pedestrian access must also be provided.