

RESOLUTION PC26-04

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW ON-SITE GENERAL ALCOHOL SALES INCLUDING FULL LIQUOR FOR AN EXISTING RESTAURANT, ALONG WITH A REQUEST TO EXTEND THE USE INTO AN ADJACENT SUITE, LOCATED AT 3550 SAN PABLO DAM ROAD, SUITES A & B, SAN PABLO, APN: 420-130-032, AND DETERMINING THAT THE REQUEST IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the project site at 3550 San Pablo Dam Road is located in the Commercial Mixed Use zoning district; and

WHEREAS, the applicant Gurjinder Singh, co-owner of the restaurant, wishes to add full liquor sales in addition to the current beer and wine sales to an existing restaurant occupying Suite A at this location, and to extend the permit to a proposed expanded premises in the adjacent Suite B; and

WHEREAS, full-service restaurants are an allowed use in the Commercial Mixed Use zoning designation; and

WHEREAS, alcoholic beverage sales in the Commercial Mixed Use District are allowed with the approval of a Use Permit; and

WHEREAS, a Conditional Use Permit was issued by the San Pablo Planning Commission on October 21, 1997 by UP #1672 allowing beer and wine sales in Suite A at this location; and

WHEREAS, in accordance with Section 17.20.040.B, the Planning Commission shall consider a finding as to whether the establishment, maintenance or operation of the proposed use with on-sale general alcohol sales will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and

WHEREAS, there are no other restaurants in the area that also possess a Type 47 license; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 Class 1(a), Existing Facilities, as it involves an existing structure with minor interior and no exterior modifications; and

WHEREAS, this project is also exempt from CEQA pursuant to CEQA Guidelines section 15303, New Construction or Conversion of Small Structures, because it involves installation of small improvements and minor modifications to the exterior of the structure

and involves minor tenant improvements to a restaurant not exceeding 10,000 square feet in a commercial zone; and

WHEREAS, the project is also exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project will have an impact on the environment since it involves only minor tenant improvements to join the adjacent 1,856-square foot suite to the existing restaurant and the addition of liquor sales to existing alcohol sales; and

WHEREAS, a public hearing notice was provided by mail to the applicant, local affected agencies and to all property owners within 300 feet of the subject property, and published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Saturday, March 14, 2026, in accordance with the requirements of Government Code Section 65091; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed project and grants approval of an amended Conditional Use Permit to allow on-site general alcohol sales at the subject location, which includes both Suite A and Suite B at 3550 San Pablo Dam Road, based on the following findings:

A. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines pursuant to Section 15301, Existing Facilities. Class 1(a), as it involves only minor interior and no exterior modifications to an existing structure, such as the building where the restaurant is currently operating.

CEQA Guidelines Section 15301, Existing Facilities, exempts from environmental review the operation, permitting, or minor alteration of existing public or private structures involving negligible or no expansion of use. As the extension of the restaurant to the adjacent suite represents a negligible expansion of use and will not involve any new construction or expanded building footprint, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15301. Further, the proposal is also exempt from CEQA pursuant to CEQA Guidelines section 15303, New Construction or Conversion of Small Structures, because it involves installation of small improvements and minor modifications to the exterior of the structure. Specifically, CEQA Guidelines section 15303 exempts restaurants and other commercial buildings not exceeding 10,000 square feet in commercial zones. Finally, the project is also exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project will have an impact on the environment since it involves only minor tenant improvements to join the adjacent 1,856-square foot suite to the existing restaurant and the addition of liquor sales to existing alcohol sales.

B. The granting of the Conditional Use Permit to on-site general alcohol sales will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicants and will not, under the circumstances of the particular case, be

materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The applicant has requested a Conditional Use Permit amendment to allow full alcohol service at this location. The granting of the Use Permit for on-site general alcohol sales will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicants and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. The restaurant successfully serves alcohol at this location already, and the minor addition of liquor to existing alcohol sales will not affect the neighborhood. Further, the minor expansion into Suite B will benefit the neighborhood and allow the restaurant to serve more patrons.

C. The proposed project complies with the development standards of the Commercial Mixed Use district contained within the San Pablo Zoning Ordinance Section 17.34.040.

The existing restaurant location and proposed expansion operate in an existing building that meet the development standards of the Commercial Mixed Use district. Approval of a Conditional Use Permit to allow general alcohol sales meets the Zoning conformance criteria set forth in Section 17.62.020. The business requesting the amended use permit is classified as a full-service restaurant in accordance with the Zoning Ordinance and as indicated in the restaurant's food menu, business description, and photographs provided by the applicant. There are no immediate sensitive uses around the location.

A. Public notice of the hearing has been given by mail to the applicants, local affected agencies, all property owners within 300 feet of the subject property, and has been published in the West County Times newspaper (West Contra Costa edition of the East Bay Times), in accordance with the requirements of Government Code Section 65905.

Notices were mailed to owners of properties within a 300-foot radius of the site. The notices were mailed on Wednesday, March 11, 2026. In addition, a Public Hearing Notice was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Saturday, March 14, 2026.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo hereby grants approval of an amended Conditional Use Permit to allow on-site general alcohol sales and expansion of the use into both Suites A and B, along with the following Conditions of Approval for PLAN2602-0003 provided below:

1. This Amended Conditional Use Permit and the conditions included herein shall supersede the approval and the previous conditions of the existing Use Permit #1672.
2. The Use Permit shall become null and void within one year of the effective date of approval if not exercised.

3. The restaurant's hours of operation shall be 10 am to 9 pm Sunday through Thursday and 10 am to 9:30 pm on Friday. Closed on Saturdays.
4. Any request to increase or modify the hours associated with the on-sale general alcohol license must be requested in an application to amend this Amended Conditional Use Permit from the City of San Pablo.
5. The use shall be conducted in substantial compliance with the narrative, menu, and floor plan of the restaurant, submitted on February 4, 2026, as later revised on March 9, 2026, and on file with the Community Development Department, PLAN2602-0003. Minor amendments to this Conditional Use Permit may be approved by the Zoning Administrator if it is determined the overall intent of the permit is fulfilled.
6. The business shall operate as a full-service restaurant, as defined in San Pablo Municipal Code section 17.62.020 (D), Alcoholic beverage sales. Substantial sales shall mean that no less than 60 percent of total revenue shall be generated from food service and no more than 40 percent of revenue from the sales of alcohol. The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The business shall at all times maintain records which reflect a separate gross sale of food and the gross sales of alcoholic beverages of the licensed business. Records will be kept on a monthly basis and shall be made available to the San Pablo Police Department on demand.
7. All current and future employees shall attend at least one LEAD, License Education on Alcohol and Drugs, prevention and education program provided by the California Department of Alcoholic Beverage Control or equivalent program before engaging in alcohol beverage service. The purpose of this training is to provide the licensee with practical information on serving alcoholic beverages safely, responsibly and legally, and preventing illicit drug activity at the restaurant. Per the state department of Alcoholic Beverage Control regulations, new hires must be certified by the LEAD program within sixty (60) days of employment. Proof of attendance of this program by current employees, provided by the California Department of Alcohol Beverage Control, shall be required to be submitted to the Community Development Department, before alcohol beverage service begins.
8. The applicant shall obtain a City of San Pablo business license and all permits and licenses needed to serve food and drinks, including but not limited to licenses from the Contra Costa County Health Department. Nothing other than food, drinks and associated restaurant items shall be sold at this location. All food and drink preparation shall be done in strict accordance with Federal, State and local health regulations.
9. The applicant, in the operation of the business, shall not serve alcohol to an obviously intoxicated person; serve or sell alcohol to a minor; serve or sell alcohol without valid identification verifying age; or serve or sell alcohol outside of the permitted hours. If two such violations occur in a 12-month period, the Use Permit may be revoked.
10. All tenant improvements requiring a building permit shall be obtained through the Community Development Department prior to implementation.
11. No unpermitted signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.
12. All signs shall be subject to the review and approval by the City. No other outside displays are permitted. Prior to the installation of any signs, the applicant shall obtain design review approval from the Planning Division, and building permits from the Building Department.

13. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
14. If the use granted by this Conditional Use Permit is discontinued for a period of six consecutive months, the Use Permit shall automatically expire.
15. Failure to comply with any of the terms or conditions of this Use Permit is a violation of the City of San Pablo Municipal Code, subject to the enforcement provisions prescribed by Chapter 17.10, Enforcement, and any and all other penalties and remedies that may be provided by law.
16. Any Use Permit granted in accordance with the terms of the City of San Pablo Municipal Code may be revoked if any of the conditions or terms of such permit are violated, the use is discontinued, or if any law or ordinance is violated in connection therewith.
17. Indemnification: Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless the City of San Pablo and its agents, officers, or employees from any claim to attack, set aside, void or annul, the City's approval concerning this planning application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense.

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

Adopted this 24th day of March 2026, by the following vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:

ATTEST:

APPROVED:

 Sandra Castaneda Marquez, Secretary

 Johana Gurdian, Chair