



CITY OF SAN PABLO  
*City of New Directions*

# PUBLIC HEARING



CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT TO ALLOW A RETAIL CANNABIS BUSINESS USE AT AN EXISTING COMMERCIAL BUILDING LOCATED AT 14501 SAN PABLO AVENUE, APN: 413-352-017.

PLAN2602-0012

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CITY COUNCIL MEETING

APRIL 6, 2026

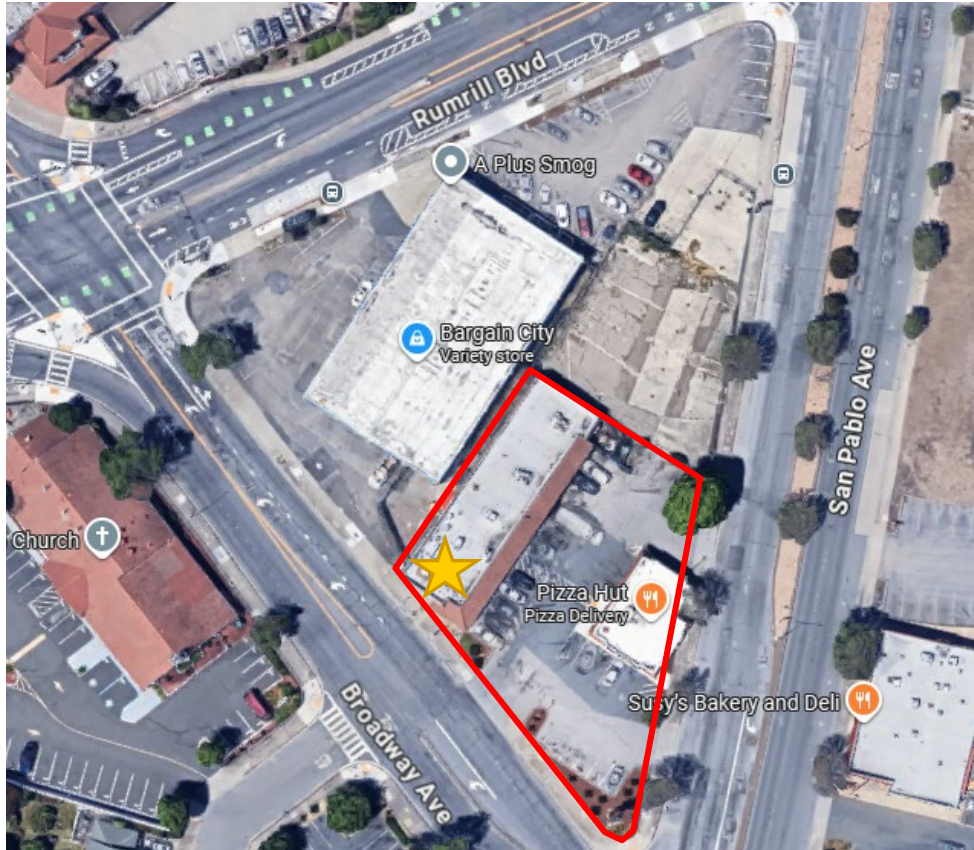


CITY OF SAN PABLO

City of New Directions



# LOCATION



Location: 14501 San Pablo Avenue

General Plan Designation:  
Mixed Use Center North

Zoning District:

San Pablo Avenue Specific Plan-  
Mixed Use Center North



# SITE CHARACTERISTICS



- Small shopping plaza at corner of Broadway Avenue and San Pablo Avenue.
- Plaza contains two commercial pad buildings.
- Building for proposed use has four (4) tenant spaces.
- Proposed suite is 2,120 sq. ft.
- Currently vacant (former convenience store “7-Eleven”).





# BACKGROUND

- July 15, 2024 – City Council adopted Resolution 2024-105 on Cannabis tax ballot measure (M)
- November 5, 2024 – Voters passed Measure M with 72% of the vote during the General Municipal Election
  - Imposed cannabis business license tax
- January 28, 2025 – Planning Commission approved Resolution PC25-01 to change existing regulations to allow retail cannabis business in the City
- February 18, 2025 – Ordinance with changes introduced to City Council
- March 3, 2025 – City Council passed, adopted, and ordered the Ordinance be published

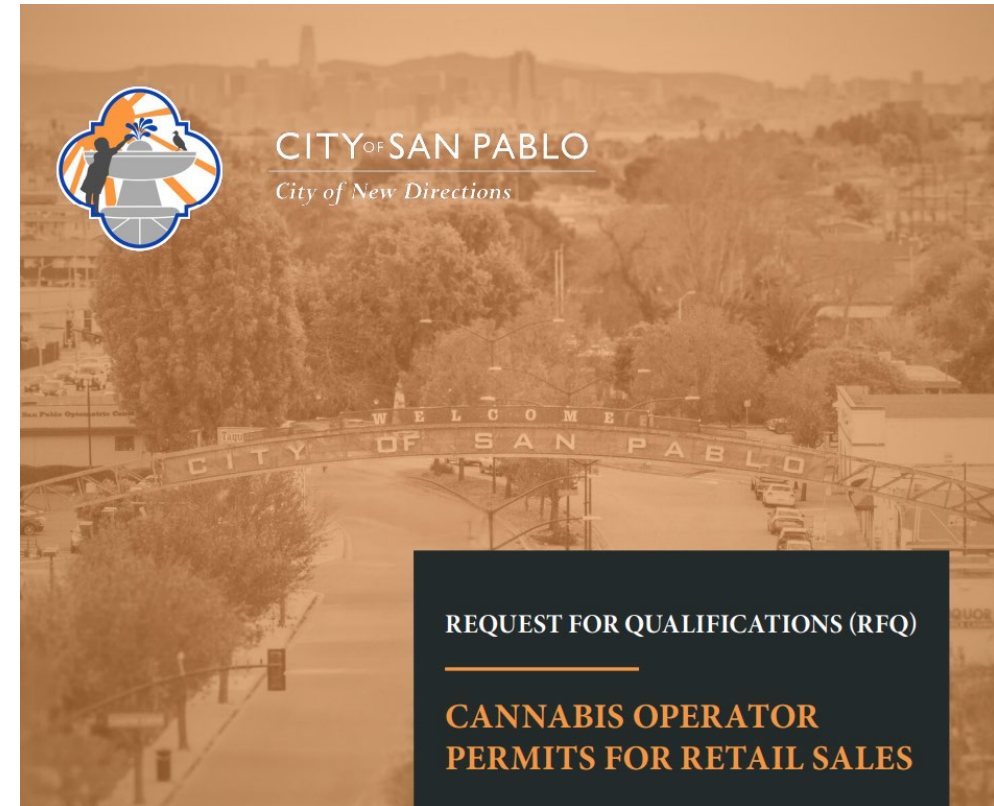
## CITY OF SAN PABLO MEASURE M

New Commercial Cannabis Business License Tax Ballot Measure



# BACKGROUND

- April 21, 2025 – City Council authorized release of an RFQ process to select up to three (3) Cannabis Operator Permits
- April 22, 2025 – Economic Development and Housing division released RFQ
- September 2, 2025 – City Council approved Resolution 2025-114 establishing a ranked eligibility list with the top three (3) applicants invited to proceed with Cannabis Operator Permit application, including Embarc
- September 18, 2025 – Embarc submitted their Cannabis Operator Permit application to the Planning Division
- October 23, 2025 – Zoning Administrator approved Embarc’s Operator Permit per Section 17.62.130(H)(9) of the Zoning Ordinance
- February 24, 2026 – Planning Commission denied Embarc’s request for a Conditional Use Permit (3 ayes, 1 nay, and 1 abstention)





# PLANNING COMMISSION DECISION

- Public hearing for the Conditional Use Permit application brought to Planning Commission February 24, 2026
- 18 public comments, 1 in support of the project, and 17 in opposition
- Motion to deny passed with 3 ayes, 1 nay, and 1 abstention, denying the permit
- Decision was based on project impacts on the surrounding neighborhood and the project's overall detriment to the health, safety, peace, morals, comfort, and general welfare of the neighborhood, including noise, blight, criminal activity, parking, and traffic
- Appeal of Planning Commission decision by Embarc filed on February 26, 2026



# PUBLIC COMMENTS

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- All but one public comment was in opposition to the project.
- Majority of comments came from members or clergy of local churches. Concerns included safety, the proximity of the site to nearby churches, residences, and schools in the neighborhood, and the influence a cannabis retail business could have on local youth.



# APPEAL TO CITY COUNCIL

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## Section 17.16.080 Appeals

- Appeal was filed and fees paid on February 26, 2026
- Appeal considered a *de novo* (new) hearing
- City Council may confirm, modify, or reverse the decision of the Planning Commission
- Council may add or amend such conditions as it deems necessary



# PROJECT DESCRIPTION

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## PLAN2602-0012:

- An appeal of the decision of the Planning Commission to deny a Conditional Use Permit to allow a new Retail Cannabis use in an existing multi-suite shopping plaza located at 14501 San Pablo Avenue
- The property is Zoned within the San Pablo Avenue Specific Plan as Mixed Use Center North and a Conditional Use Permit (CUP) is required for retail cannabis uses under Section 17.62.130 *Regulation of cannabis activity*
- The proposed cannabis use operator was selected through a City-initiated RFQ process and has obtained an Operator Permit as required by 17.62.130 prior to obtaining a CUP
- The proposed business plan for this use includes tenant improvements to the interior and exterior of the suite



# LOCATION & BUFFER REQUIREMENTS

## Outlined in Section 17.62.130(F) of the Zoning Ordinance

Zoning Districts permitting retail cannabis businesses, with a CUP:

- ❖ NC – Neighborhood Commercial
- ❖ CR – Regional Commercial
- ❖ CMU – Commercial Mixed Use
- ❖ IMU – Industrial Mixed Use
- ❖ EMU – Employment Mixed Use
- ❖ MUCW – Mixed Use Center West

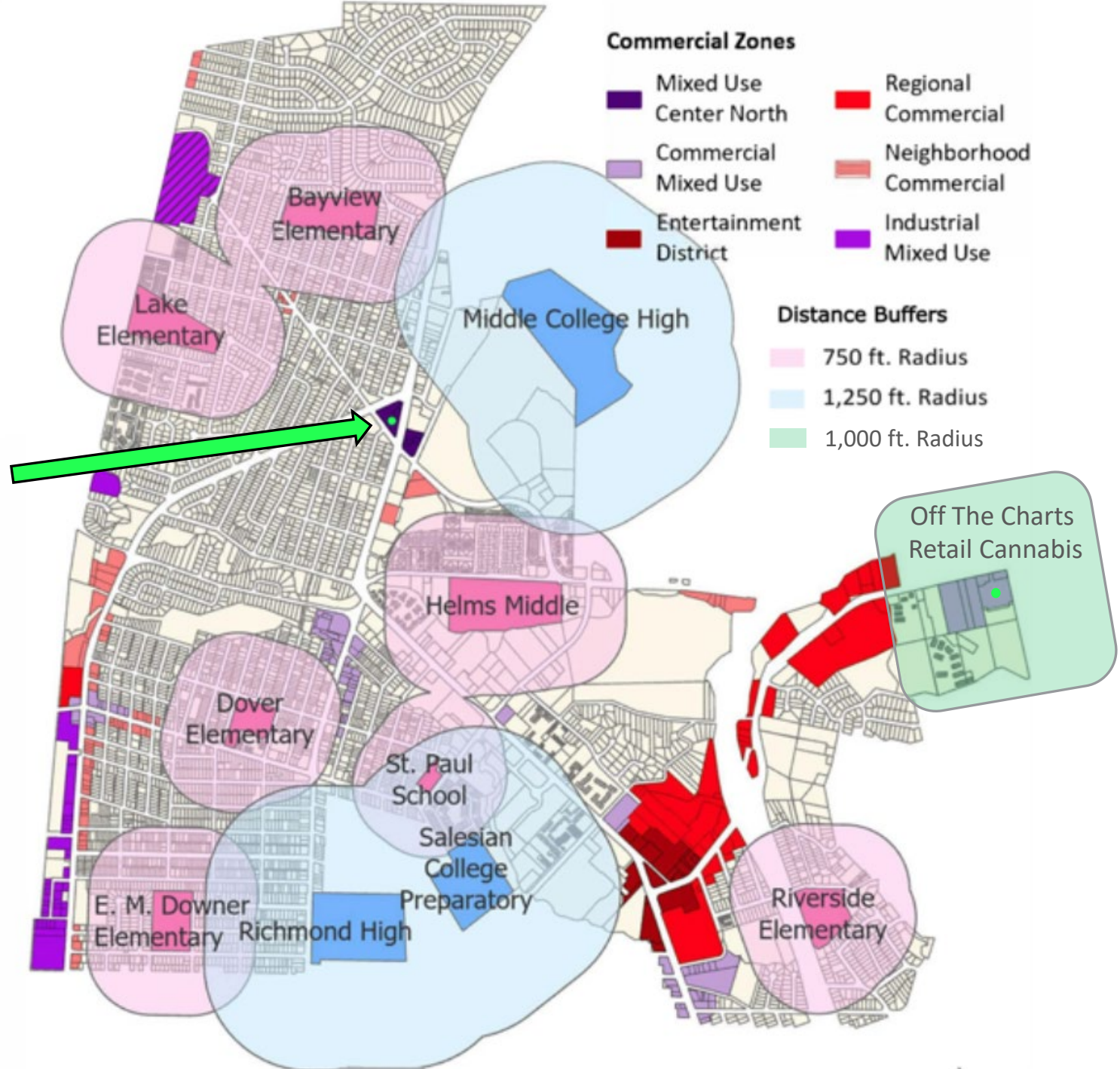
Buffers from K-12 schools recommended by California Business & Professions Code Section 26054(b):

- ❖ 600 ft.

Buffers adopted by City of San Pablo:

- ❖ 750 ft. from any kindergarten, elementary, middle, or junior high school
- ❖ 1,250 ft. from any high school
- ❖ 1,000 ft. from any other cannabis retail

Proposed location:  
14501 San Pablo Ave



Map showing "Buffer Zones" of Sensitive Uses for Cannabis Operator Permits  
-Section 17.62.130(F)

600 ft. buffer from K-12 schools recommended by California Business & Professions Code Section 26054(b)

# Middle College High School Buffer Determination

 1,250 ft. Radius  
*Buffer from high schools*

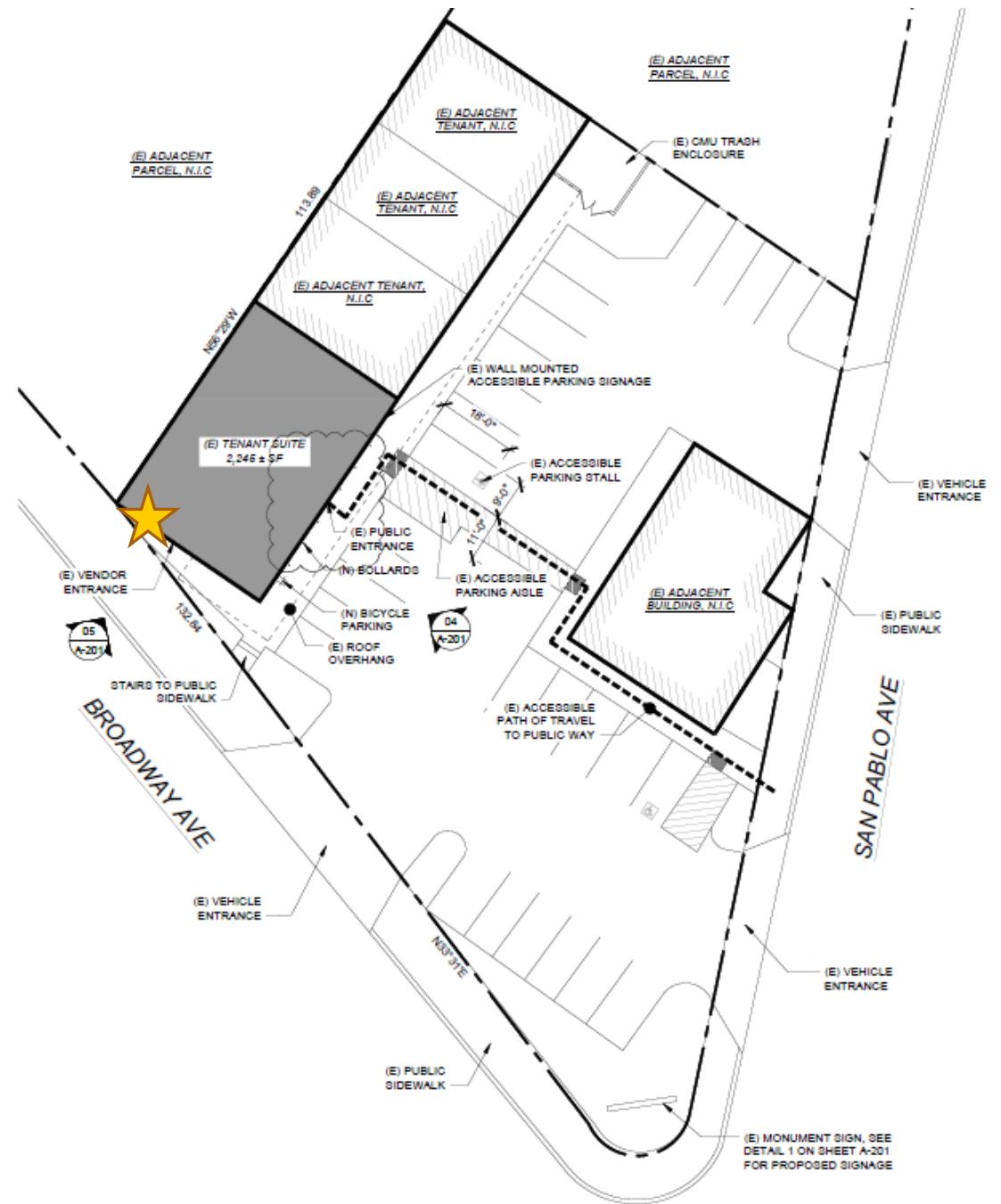
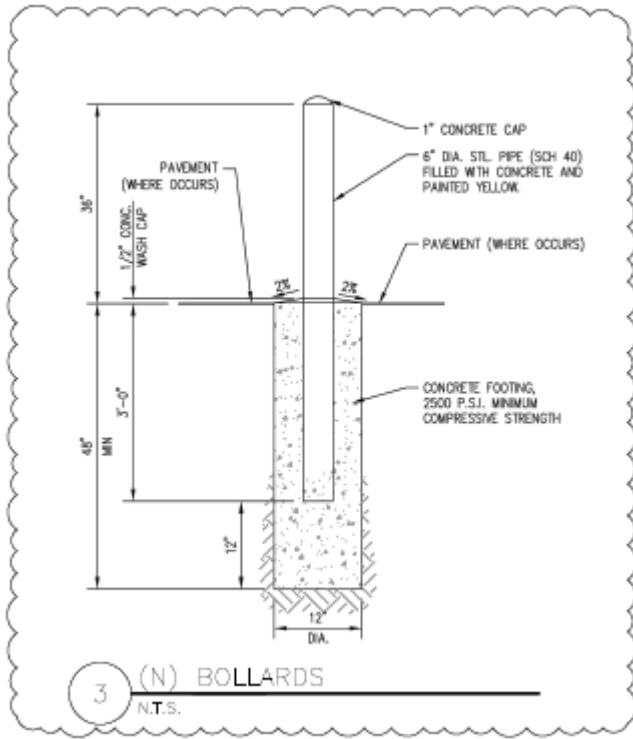
Operation, administration, and MCHS classes located in the building within the parcel outlined in blue

Primary intended use of facilities for parcel outlined in pink is education of adult students enrolled at CCC

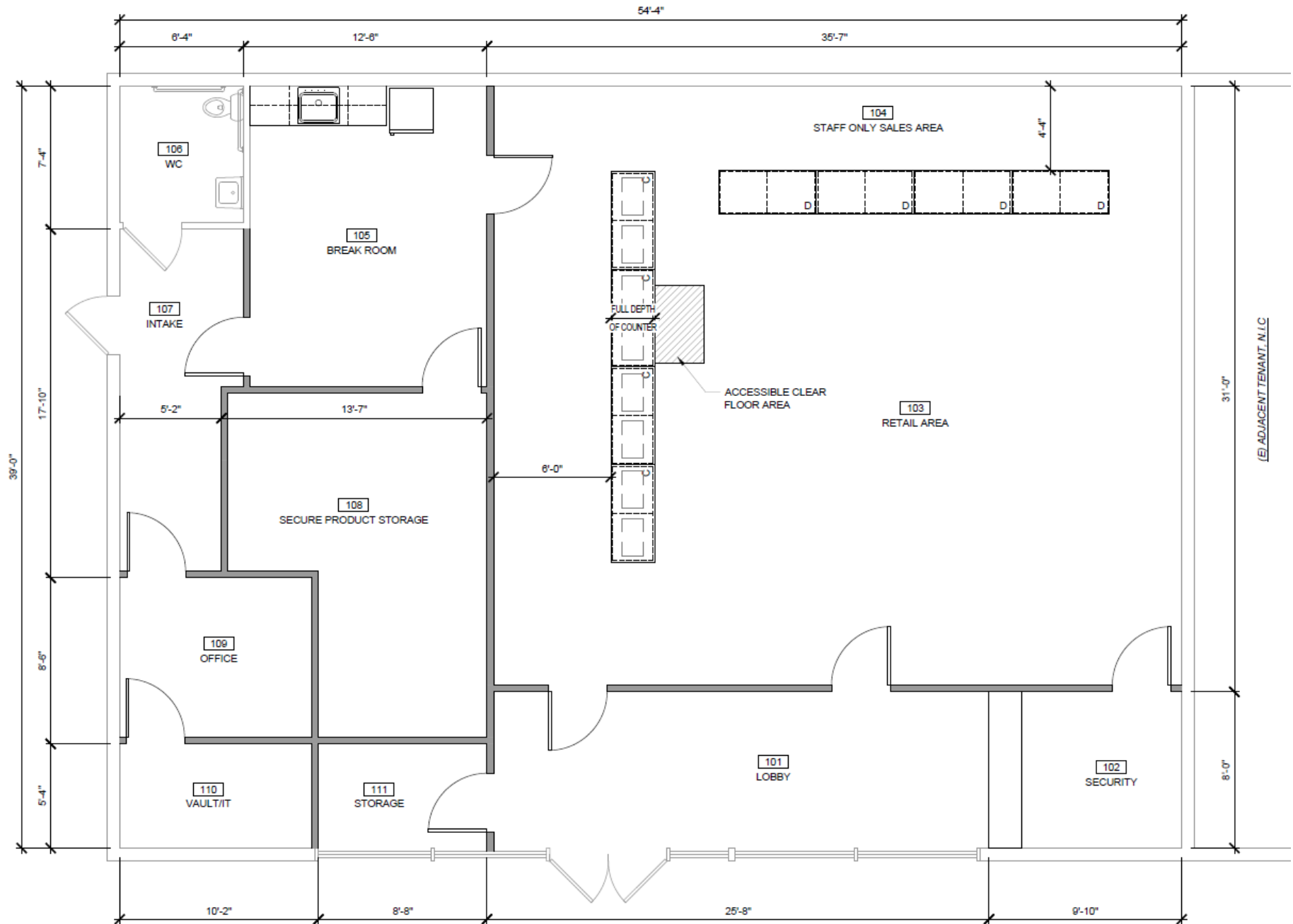


# SITE PLAN

Section 17.62.130(L)(M) requires bollards



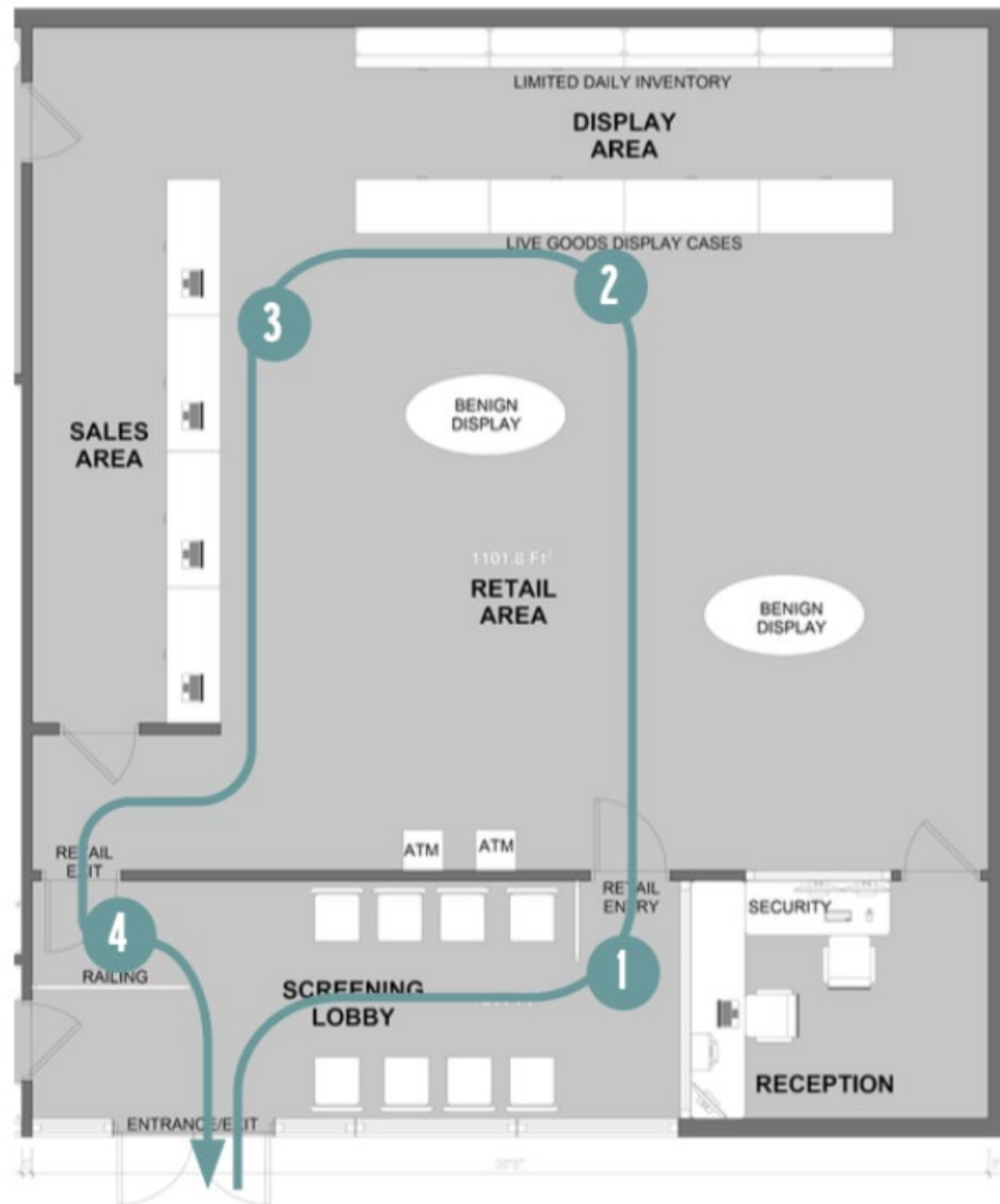
# PROPOSED FLOOR PLAN



1 FLOOR PLAN  
1/4"=1'-0"



# PROPOSED CUSTOMER FLOW PATH





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# PROPOSED EXTERIOR TENANT IMPROVEMENTS

- Bollards
- Weighted planters
- Lighting
- Paint
- Signage





# BUSINESS PLAN

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## Hours of Operation:

Monday – Sunday 8:00 AM - 10:00 PM

- Applicant Dustin Moore has ownership of/operates 18 other Embarc locations in California
- 16 full-time employees (FTE) in year 1, 21 FTE by year 5
- In the process of obtaining a Type 10 *Storefront Retail with Delivery license with both Adult Use (A) and Medical (M) designations* from the California Department of Cannabis Control (DCC)



# BUSINESS PLAN

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- Embarc states that it only conducts business with licensed cultivators and manufacturers and sources their products from licensed distributors that operate within the scope of compliance with local and state regulations.
- The goods that they will offer for retail include the following: cannabis flower, pre-rolls, extract/concentrates, vaporizers, edibles, infused beverages, capsules/tablets/pills, tinctures, topicals, CBD dominant products, medicinal cannabis products, and non-cannabis goods such as branded merchandise and smoking accessories.
- All cannabis goods would be packaged and labeled in their final form and in compliance with State Law



# SECURITY



The proposed security measures include, but are not limited to:

- On-site security guards during all hours of operation
- Signage and active monitoring from trained staff and licensed Security Officers to prevent loitering on the premises
- A secured entry lobby, physically separated from the Retail Sales Area
- Access-controlled doors and back-of-house areas
- Panic buttons, motion sensors, glass break sensors, and an alarm system
- Full interior and exterior video surveillance
- Exterior analytics cameras with real-time “talk-down” features to deter after-hours activity
- Managers with active security certifications on-site during business hours
- 24-hour contact for neighbors to report any impact experienced in relation to Embarc’s operations



# PROJECT RESPONSE TO CONCERNS

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- Applicant proposes to incorporate an annual community listening session into their community relations plan.
- Re-affirmed commitment to reserving a seat on the Community Advisory Board for a neighborhood representative (added as a condition of approval).
- Implement Neighborhood Compatibility Plan to provide prompt response to concerns.
- Work in partnership with San Pablo Police Department.
- Employ strategies for accessibility, accountability, beautification, and community safety.



# General Plan Conformance

## Land Use & Physical Design Policies:

**LU-G-7** Recognize the importance of promoting mixed-use development within Priority Development Areas to the vitality and quality of life in San Pablo.

**LU-G-8** Promote site sensitive design and pedestrian-oriented activities in mixed-use developments.

**LU-I-25** Integrate a vibrant mix of residential and commercial uses and promote redevelopment within Priority Development Areas to revitalize San Pablo's commercial corridors, support economic vitality, and foster new uses to serve the community.

**LU-I-41** Ensure that noise, traffic, and other potential conflicts that may arise in a mix of commercial and residential uses are mitigated through sensitive site planning, building design, and/or appropriate operational measures.



San Pablo General Plan 2035

Adopted July 7, 2025



# General Plan Conformance

## Economic Development Policies:

**ED-G-1** Review, assess, and respond to changing economic conditions.

**ED-G-2** Pursue the Major Goals identified in the 2024 Economic Development Strategy, including the following:

- Expand economic opportunities for San Pablo's resident workforce
- Revitalize and diversify San Pablo's older commercial and industrial areas
- Promote expanded opportunities for home ownership
- Strengthen the City's fiscal position

**ED-I-1** Annually monitor economic trends and leading indicators to identify emerging industries and new market opportunities, so that City policies and strategies can be proactive and timed to market changes.



San Pablo General Plan 2035

Adopted July 7, 2025



# San Pablo Avenue Specific Plan Conformance

## Guiding Policies for Land Use:

***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-G-3*** Promote pedestrian- and transit-friendly development that enhances the public realm.

## Guiding Policies for Urban Design and Building Development Standards:

***4-I-11*** Ensure that the San Pablo Avenue frontage of the block is lined with commercial space

***4-I-12*** Capitalize on the block's narrow corners to maximize visibility of commercial spaces.





# ZONING CONFORMANCE

- ❖ Section 17.62.130 (Special Nonresidential Uses – Regulation of cannabis activity) of the Zoning Ordinance includes special provisions for new cannabis activity regarding location, distance, operator permit requirements and Use Permit Conditions.
- ❖ Section 17.62.130 establishes standards to mitigate the potential adverse impacts of this use and activities on adjacent and surrounding land uses. Retail cannabis businesses within the city shall be allowed only in commercial districts on parcels that fall outside of the sensitive use buffers, subject to the issuance of a Cannabis Operator Permit by the Zoning Administrator, and a Conditional Use Permit approved by the Planning Commission. No retail cannabis business shall be established within one thousand feet of another retail cannabis business.
- ❖ There are no other retail cannabis businesses within 1,000 feet of the proposed location. The proposed cannabis retail operation by Embarc meets the location and distance requirements per Section 17.62.130 and would be able to operate at this location, subject to approval of an Operator Permit and a Conditional Use Permit.



# OPERATOR PERMIT

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- ❖ Required for all cannabis retail businesses operating within the City of San Pablo
- ❖ Administered and enforced by the Zoning Administrator
- ❖ Issued for a maximum of three (3) years
- ❖ Application requirements include: information of ownership and management of the proposed business, description of the proposed site, conceptual elevations of the proposed building, identifying information for the owners and key employees, a full description of the proposed operation, proof of State license compliance, information regarding other local licenses, disclosure of litigation proceedings, a security plan, certificate of insurance, a community benefits and retail business plan, signatures of applicants and property owners, identification of any hazardous materials, pro forma, and fees (Section 17.62.130(G))
- ❖ Zoning Administrator can impose conditions deemed necessary to maintain the health, safety, and general welfare of the public



# OPERATOR PERMIT – PERFORMANCE STANDARDS

- ❖ Section 17.62.130(I) outlines Operator Permit performance standards
- ❖ Failure to comply with performance standards is grounds for suspension or revocation of Operator Permit
- ❖ Performance standards include:
  - ❖ Limits on hours of operation, not to exceed 8 am-10 pm daily
  - ❖ Alarm and video surveillance requirements
  - ❖ Insurance coverage and ledger requirements
  - ❖ City inspections
  - ❖ Restrictions for on-site consumption and deliveries
  - ❖ Notification requirements
  - ❖ Requests for regular meetings with City officials, among other requirements...
- ❖ Zoning Administrator issued an Operator Permit to Embarc on October 23, 2025



# CONDITIONAL USE PERMIT (CUP)

San Pablo Zoning Ordinance Section 17.62.130(K) requires a Conditional Use Permit for cannabis storefront retail businesses.

In order to grant any Conditional Use Permit, the findings of the City Council shall be that the:

*“establishment, maintenance, or operation of the use of the building applied for 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.”*



# CONDITIONAL USE PERMIT (CUP)

- The City Council may deny, approve, or conditionally approve a Conditional Use Permit for a cannabis retail business upon making the following findings, pursuant to Section 17.62.130(K)(3):
  - a) The proposed use will not cause impacts to the surrounding neighborhood related to noise, blight, criminal activity, parking, or traffic that are greater than any such impacts associated with a different commercial use;
  - b) The proposed use will not place a burden on the provision of public services, including police department resources, that is disproportionate to other commercial uses.
- Findings to support the granting of the Conditional Use Permit are included within the proposed Resolution.



# CONDITIONS OF APPROVAL

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In addition to general conditions of approval contained in the Resolution, some notable conditions include:

- **Signage**. Any new signage added to the building must be reviewed and approved by the Planning Division and a sign permit is required by the Building Division.
- **Hours of operation**. Cannabis retail businesses shall not be open to the public and shall not conduct retail sales or deliveries before eight a.m. or after ten p.m. on any day of the week.
- **Security**. The Applicant submitted a Security Plan, which has been reviewed and approved by the Police Department.
- **On-site consumption**. Cannabis shall not be consumed on the premises of a cannabis retail business.
- **Regular meetings**. Cannabis business operators shall schedule and be available for an in-person meeting with City staff not less than once every 180 days. These meetings shall be used to discuss ongoing operation of the cannabis business and any modifications to the operating permit necessary to maintain peace, order, and welfare of the public.



# CONDITIONS OF APPROVAL

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Additional condition added to the Resolution:

28. Business shall reserve one seat on its Community Advisory Board for a neighborhood representative.



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# CEQA DETERMINATION



The proposed project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act, in accordance with CEQA Guidelines pursuant to Section 15301, Existing Facilities, Class 1. This Class applies to projects within existing private structures, such as the existing commercial building where the new business wishes to be located. The project involves minor tenant improvement alterations to the existing commercial building, and this application is for a new business that wishes to locate in the existing building with no major improvements proposed.



# STAFF RECOMMENDATION

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❖ Conduct a Public Hearing

❖ Adopt the Resolution-

Reversing the Planning Commission's decision, granting the appeal, and approving the Conditional Use Permit to allow the retail cannabis business use at an existing commercial building located in the Mixed Use Center North District in the San Pablo Avenue Specific Plan at 14501 San Pablo Avenue, and determining that the request is exempt from environmental review under the California Environmental Quality Act

❖ Include recommended conditions of approval



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# QUESTIONS?