



## Legislation Text

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File #: 24-248, Version: 1

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**PREPARED BY:** SANDRA CASTANEDA

**DATE OF MEETING:** 07/01/2024

**SUBJECT:**

WAIVE SECOND READING AND ADOPT ORDINANCE 2024-002 AMENDING THE SAN PABLO SPECIFIC PLAN CHAPTER 2: LAND USE, TABLE 2-2, LAND USE STANDARDS BY CLASSIFICATION, FOOTNOTE 6, REGARDING 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

CEQA: This project is categorically exempt from environmental review under the California Environmental Quality Act Guidelines Section 15061(b) (3) General Rule with no potential for causing a significant effect on the environment.

**CITY MANAGER RECOMMENDATION**

Waive second reading; adopt Ordinance

**COMPLIANCE STATEMENTS**

**FY 2023-2025 Council Priority Workplan Compliance Statement**

Amending the San Pablo Avenue Specific Plan to conditionally allow drive-through establishments would help to promote the City Council Major Policy Goal of Finding Creative Ways of Attracting New Businesses and Development, Priority 402.

**STAFF RECOMMENDATION**

Waive second reading and adopt an Ordinance amending 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 under certain conditions in the Residential Mixed Use, Mixed Use Center (North and South), Commercial Mixed Use, and Neighborhood and Regional Commercial Districts and at Coffee Shops/Cafes in the Residential Mixed Use and Mixed Use Center North and South Districts.

**ENVIRONMENTAL DOCUMENTATION**

The proposed amendment 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 it 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. Any site-specific drive-through facilities proposed in the area would continue to be subject to the discretionary planning approval process and environmental review, including traffic and circulation analysis.

## **BACKGROUND**

The City of San Pablo Planning Division received an application on February 6, 2024 from Pollo Campero and Marks Architects requesting a text amendment to the San Pablo Avenue Specific Plan, to allow for a drive through facility as part of a Fast Service Restaurant use to be located at 13222 San Pablo Avenue. The proposed use is located in the Regional Commercial with Entertainment Overlay District of the San Pablo Avenue Specific Plan. The proposed text amendment would apply to the Residential Mixed Use, Mixed Use Center (North and South), Commercial Mixed Use, Neighborhood Commercial, and Regional Commercial Zones within the San Pablo Avenue Specific Plan.

This request was initiated by Faizan Khan representing Pollo Campero, and would apply to the Residential Mixed Use, Mixed Use Center North and South, Commercial Mixed Use, Neighborhood Commercial, and Regional Commercial zones of the San Pablo Specific Plan area. If the amendment is approved, the applicant is expected to request planning approval for a drive-through facility at a fast service restaurant to be proposed in a new building at 13222 San Pablo Avenue.

Table 2-2 Land Use Standards By Classification, on pages 2-16 and 2-17 of the Specific Plan sets forth the allowed land uses in each zone of the Specific Plan area. Footnote 6 of this table states that drive-through facilities are not allowed. This footnote applies to Fast Service, Full Service, and General Service restaurants in the Residential Mixed Use, Mixed Use Center (North and South), Commercial Mixed Use, and Neighborhood and Regional Commercial Districts and to Coffee Shops/Cafes in the Residential Mixed Use and Mixed Use Center North and South Districts.

The City of San Pablo adopted the San Pablo Avenue Specific Plan on September 19, 2011 by Resolution 2011-105. This planning document sets land use limitations and development standards for properties located along the San Pablo Avenue corridor. The prohibition on drive-through facilities in certain zoning designations was incorporated with the adoption of the Specific Plan in response to Implementing Policy 2-I-15, which seeks to limit drive-through establishments in the Planning Area. This policy within the Specific Plan was in response to the Health Element of the General Plan, adopted on April 2011, which encouraged mobility and walkability by limiting the number of fast food outlets and drive-through restaurants near schools and pedestrian areas. This Health Element was recently updated as the Community Health and Environmental Justice Element of the San Pablo General Plan (Adopted by Resolution 2024-041 on March 18, 2024). The new Element has an emphasis on promoting Health Food Access and Equity, such as access to locally-grown fruits and vegetables, promotion of healthy food grocers, and expansion of food distribution for low income residents. It does not include policies to limit drive-through restaurant options.

While the proposed Text Amendment will allow drive-through restaurants and cafes along the San Pablo Avenue Specific Plan area, the proposed language 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. By doing so, any proposed uses with a drive through would need to go through a discretionary approval to ensure an appropriate design and location. In addition, the proposed change seeks to provide more economic opportunity along the San Pablo Avenue corridor by allowing a high-demand use.

The proposed amendment will provide additional opportunities for food-based commercial development along San Pablo Avenue, especially in specific empty and under-developed parcels to the north-west and southeast of the Planned Area. In each of these instances, applicants would need to meet the criteria set forth in the Text Amendment and through the Design Review and Conditional use process.

The Planning Commission conducted a public hearing on May 28, 2024, at which oral and written testimony was taken. The Planning Commission approved Resolution PC24-08 recommending approval to the City Council of the text amendment. The City Council conducted a public hearing, waving the first reading and introducing the Ordinance during the regular meeting on June 17<sup>th</sup> 2024.

**SUMMARY OF CHANGES**

This project, initiated by Pollo Campero and assisted by Marks Architects, is a text amendment to Table 2-2 of San Pablo Avenue Specific Plan Chapter 2: Land Use Standards by Classification. The proposed change would apply only to Footnote 6 of the table.

The proposed amendment updates language to allow for drive-through restaurants with a conditional use permit where previously not allowed, so long as drive-through entrances are not located directly on San Pablo Avenue. Prominent pedestrian access to the restaurant must also be provided. A new footnote 6 would be added to Table 2-2 of the San Pablo Specific Plan as follows:

| <b>TABLE 2-2 LAND USES STANDARDS BY CLASSIFICATION</b> |                                      |                            |                                    |                      |  |
|--|--------------------------------------|----------------------------|------------------------------------|----------------------|--|
| Permitted Uses   | Residential (Medium Density)         | Residential (High Density) | Mixed Use Center (North and South) | Commercial Mixed Use | Commercial (Neighborhood and Regional) |
| Restaurants  | <i>See sub-classifications below</i> |                            |                                    |                      |  |
| Coffee Shops/Cafes                                     | R(4)(10)                             | R(6)                       | R(6)                               | R(11)                | R(11)                                  |
| Fast Service   | -                                    | U(6)                       | U(6)                               | U(6)                 | U(6)                                   |
| Full Service   | -                                    | R(6)                       | R(6)                               | R(6)                 | R(6)                                   |
| General  | -                                    | 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 onto San Pablo Avenue. Prominent pedestrian access to the restaurant must also be provided.

**GENERAL PLAN CONFORMANCE**

The San Pablo General Plan provides the direction for the future growth of the city, and articulated a vision of what San Pablo aspires to be. A major goal of the General Plan is to enhance the city's economy and competitiveness to attract jobs and investments. The proposed amendment is consistent with the overall intent of the General Plan and Specific Plan to provide for a vibrant, pedestrian-friendly corridor.

*Guiding Policies for Economic Development*

*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.*

*Implementing Policies:*

*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.*

*Guiding Policy for Land Use & Physical Design*

*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:*

*Implementing Policy:*

*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.

### **SPECIFIC PLAN CONFORMANCE**

This project seeks to amend the land use standards by use classification in the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan contains the following policies that are of relevance to the proposed Amendment:

*Guiding Policy 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.*

*Implementing Policy:*

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

*Guiding Policy for Urban Design and Building Development Standards:*

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

*Implementing Policy:*

*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. In the case of the applicant, Pollo Campero will not consider locations where customers do not have a choice of dine-in, pick-up, drive-through, and outdoor dining options. The site plan proposed by Pollo Campero shows that it would accommodate both pedestrian and vehicular traffic at this location, with a prominent pedestrian entrance on San Pablo Avenue and ample outdoor seating. The drive-through facility would be located in the rear of the restaurant and would be integrated within the existing parking area of the Food Maxx shopping center. The restaurant would not function nor appear as a standard fast-food style restaurant and would not impede the ability of San Pablo residents to make healthy food and lifestyle choices.

**AMENDMENT PROCESS**

According to San Pablo Municipal Code Section 17.04.040 and Table 17.16-A, the Planning Commission is responsible for hearing and making recommendations to the City Council on applications for General and Specific Plan Amendments. According to State Law, a Specific Plan is prepared, adopted, and amended in the same manner as a general plan but may be amended as often as deemed necessary (Government Code Section 65453(a)).

According to San Pablo Municipal Code 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. The applicant, Faizan Khan representing Pollo Campero, which has a real property interest along the San Pablo Avenue corridor, has initiated this request.

## **FINDINGS**

In accordance with San Pablo Municipal Code Section 17.22.030(G) and Government Code Sections 65453-65454, the following findings shall be made prior to the approval of the amendment to the specific plan:

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

*The amendment would remain internally consistent with the policies of the San Pablo Avenue Specific Plan and San Pablo General Plan as set forth in the Specific Plan Conformance and General Plan Conformance sections of this staff report. Further, the amendment would be in the general interest of the public interest by providing for additional economic opportunities for food-based uses along the San Pablo Avenue corridor*

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

*The 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 Economic Development and help to provide an attractive boulevard and entertainment opportunities along San Pablo Avenue.*

3. The proposed Specific Plan Amendment is consistent with the City of San Pablo design guidelines.

*The 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.*

In addition, the proposed amendment has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15061(b)(3) General Rule with no potential for causing a significant effect on the environment. because it 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. Any site-specific drive-through facilities proposed in the area would continue to be subject to planning approval and environmental review, including traffic and circulation analysis.

### **STAFF RECOMMENDATION**

Staff's recommendation is for the City Council to waive the second reading and adopt the Ordinance amending the San Pablo Avenue Specific Plan Table 2-2 of Chapter 2: Land Use Standards By Classification; of the San Pablo Avenue Specific Plan to allow drive-through facilities at Fast Service, Full Service, and General restaurants under certain conditions in the Residential Mixed Use, Mixed Use Center (North and South), Commercial Mixed Use, and Neighborhood and Regional Commercial Districts and at Coffee Shops/Cafes in the Residential Mixed Use and Mixed Use Center North and South Districts.

### **FISCAL IMPACT**

The proposed amendment should have a positive fiscal impact on the City of San Pablo as it will provide additional opportunities for food-based commercial development along San Pablo Avenue, especially in specific empty and under-developed parcels to the north-west and southeast of the Planned Area, which would help support the economic base of the City.

### **ATTACHMENTS**

Att A - Ordinance 2024-002

Att B - Resolution PC24-08- recommending approval of the Specific Plan amendment to the City Council by the Planning Commission.

Att C - Application

Att D - Potential Site Plan for Pollo Campero proposal

Att E - San Pablo Avenue Specific Plan, adopted September 19, 2011