



## Legislation Text

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**File #:** #PC21-18, **Version:** 1

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**PREPARED BY:** LAURA SANTILLAN

**DATE OF MEETING:** 05/25/21

**SUBJECT:**

CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A MOBILE VENDING USE (FOOD TRUCK) IN THE COMMERCIAL MIXED USE (CMU) DISTRICT AT 2698 EL PORTAL DRIVE, SAN PABLO, APN: 416-101-017

**Location:** 2698 El Portal Drive

**APN:** 416-101-017

**Zoning:** Commercial Mixed Use

**CEQA:** Exempt under Section 15332. In-Fill Development Project

**Owner:** Abuzahriyeh Majed

**Applicant:** Jose Antonio Monico

**Staff Contact:** Laura Santillan, Planning Aide

Conduct public hearing; adopt Resolution

### **REQUESTED ACTION**

A request for approval of a Conditional Use Permit to operate a mobile vending use (food truck) on a portion of a site containing a small strip-style shopping center located at 2698 El Portal Drive under PLAN2103-0010. The request also includes outdoor seating. Staff recommendation is for approval of Resolution PC21-06 approving PLAN2103-0010, subject to the conditions of approval included in the resolution.

### **Surrounding Zoning and Land Uses:**

This parcel is located in the Commercial Mixed Use District. The site is located at the southwest corner of the intersection of El Portal Drive and Church Lane. On-site and surrounding zoning and land uses within the vicinity are as follows:

On-site: CMU - Commercial Mixed Use; Small Strip center with a Liquor Store and Nail Salon

North: CMU - Commercial Mixed Use; Daytona Motors Used Car Sales

South: CMU - Commercial Mixed Use; Laundromat

East: NC - Neighborhood Commercial; Oil Changers

West: CMU - Commercial Mixed Use; East Bay Municipal Utility District pumping plant facility

### **BACKGROUND AND PROJECT DESCRIPTION**

The applicant requests approval of a Conditional Use Permit to allow for a mobile food vending use (food truck) and two tables in an underused portion of a commercial site at 2698 El Portal Drive (APN 416-101-017) in the Commercial Mixed Use (CMU) district. (See Attachment B, Site Location). The subject parcel is an approximately 14,375 square foot lot. The site is located on the southwestern corner of El Portal Drive and Church Lane. The property is located in an area that has a mix of commercial and residential uses. The property contains a small strip-style shopping center with three tenant spaces, only two of which are occupied with uses that generate parking demand (the third space is used for storage for the grocery/liquor store). The site has 20 off-street parking spaces, including two ADA-designated spaces, in front of the building facing El Portal Drive and around the eastern side of the building.

The property is located in an area that has a mix of commercial and residential uses. It is a high vehicle traffic area at the major intersection of El Portal Drive and Church Lane. Nearby uses include the Kona and Cypress Apartments, Helms Middle School, St. Joseph Cemetery, and Contra Costa Collage. The placement of a food truck at this location would be attractive for both motorists and pedestrians and could introduce more foot traffic to this area. The proposed food menu includes basic Mexican-style dishes, including tacos, burritos, and quesadillas. (Attachment C).

As shown in the site plan and annotated photographs submitted as part of the application materials (Attachments B and C), the proposed mobile vending food truck would be located in the western end of the parking area closest to a retail unit that is used for storage. It would take up two unused parking spaces fronting the sidewalk on El Portal Drive adjacent to a striped pedestrian walkway extending from El Portal Drive. In addition to the food truck, two tables for outdoor dining are also proposed in this area. Sufficient parking for the liquor store and nail salon will remain with the mobile food truck and outdoor seating using up two of the 18 on-site parking spaces provided. Parking for the mobile vending use is not required by the Zoning Ordinance, other than for the mobile vending truck itself.

While the applicant has requested to be open Monday through Sunday, from 6 am to 10 pm, the San Pablo Zoning Ordinance limits the hours of operation to 7 a.m. to 8 p.m. The applicant has secured an overnight parking space, food preparation facility, and food storage at the local commissary, La Palmera, located at 3300 Giant Rd. San Pablo. The applicant also has an agreement with the adjacent Liquor Store (Golden 7 Food Store) for use of their restroom facility. (Attachment E).

### **GENERAL PLAN CONFORMANCE**

The site is designated as Commercial Mixed Use by the San Pablo General Plan. The proposed use would be consistent with the following Land Use Guiding and Implementing policies:

*LU-G-6: Promote site-sensitive design and pedestrian-oriented activities in mixed-use developments.*

*LU-G-7: Retain and enhance existing commercial, industrial, educational and entertainment land use areas to strengthen San Pablo's economic base.*

*LU-I-29 Allow secondary uses in large commercial or industrial mixed-use developments, such as restaurants, cafes, dry cleaners, day care, and other complementary employee-serving uses, upon finding that such uses are compatible with the primary use.*

*LU-I-31: Establish zoning standards, including maximum size and separation requirements, for any commercial land use type that could adversely affect adjacent residential areas or create health and safety impacts.*

The proposed food truck would serve residents and employees in the area and would be generally compatible with the primary commercial use of the site. The Zoning Ordinance contains standards for mobile vending to protect health and safety. The food truck would comply with these standards as shown below.

### **ZONING CONFORMANCE**

The food truck is subject to Zoning Ordinance Section 17.62.140, Mobile Vending. Following is a summary of Zoning Ordinance standards and the conformance of the proposed project:

#### **Summary of Zoning Ordinance Development Standards:**

<b>DEVELOPMENT STANDARDS FOR MOBILE VENDING</b>			
<b>Standards</b>	<b>Zoning Ordinance Requires</b>	<b>Proposed Project</b>	<b>Complies?</b>
Location C. 1.	On private property with written approval from property owner.	On private property and written approval was provided with application.	Yes
Parking D.1.	Adequate parking for the established business and mobile truck customers	The food truck will utilize an underused area of the property. Adequate parking will remain.	Yes
Traffic flow D.3.	Not impede on-site traffic flow or impact safe sight lines	Food truck would be located on existing private property and would not impede traffic flow or impact sight lines.	Yes
Overnight parking D.4.	Approved off-site location for overnight parking required	Approved off-site parking at commissary at 3300 Giant Rd. San Pablo	Yes (Condition of Approval)
Site Placement F.1.	Not located in required parking for established business	There are more than sufficient available spaces for existing businesses	Yes
Site Placement F.2.	Not located within a 10-foot radius of the outer edge of any entrance	Located on the northwest portion of the property to the west of the entranceway to/from El Portal	Yes

Site Placement F.3	Not located where space for pedestrian passage be reduced to less than ten feet.	Will be required to keep striped pedestrian way clear	Yes
Site Placement F.4	Not located within ten feet of a residential unit.	Not located within ten feet of a residential unit.	Yes
Health services license G.1.	A copy of the Contra Costa Health Services license for sale and preparation of food item	Application provided in Attachment E	Yes (Condition of Approval)
State certification G.2	Proof that vehicle is state certified, include HCD compliance, plumbing, electrical standards, and the display of certification on the vehicle.	Certificate Provided In Attachment G	Yes (Condition of Approval)
Certified commissary G.3.	Proof of Contra Costa Health Services approval of commissary for off-preparation	Provided Attachment E	Yes
Disposal of used cooking grease and oils G.4.	Proof of Contra Costa health services approval of certified facility for disposal of used cooking grease and oils	Application Provided in Attachment E	Yes (Condition of Approval)
Cleaning of vehicle G.5	Copy of signed approval for cleaning of a vehicle	Condition of Approval	Yes
Vehicle insurance G.6.	Proof of current vehicle insurance and registration	Registration Application And Proof of Insurance Provided Attachment G	Yes
Use of restrooms G.7	Written approval allowing vending operation employees the use of restrooms.	Application Provided Attachment E	Yes
Storage of vehicle G.8.	Permission of site where the vehicle is to be stored	Application Provided Attachment E	Yes
Washing H.	Wash-down of truck is permitted at approved facility. Wash down of truck shall not be performed on the subject property	Application Provided Attachment E	Yes (see Condition of Approval)

Trash I.	Adequate trash receptacles provided site to accommodate generated by the bus	Trash receptacle to be provided on-site	Yes
Cleanup J.	Employees to clean site and adjacent area at ended of each business day.	Conditions of Approval	Yes (see Conditions of Approval)
Hours of Operation K.	Operation limited to 10 hours between 7 a.m. and 8 p.m.	Hours to be limited to between 7 a.m. and 8 p.m.	Condition of Approval
Overnight Parking L.	Mobile food truck must leave the site and the conclusion of each business day.	Will be moved to off-site location	Yes (see Conditions of Approval)
Preparation of Food M.	Preparation of food items may only occur at Costa Health Services approved facilities.	Will occur at both food truck and off-site facility	Yes (see Conditions of Approval)
Cooking Waste N.	Disposal of cooking waste may only occur at Costa Health Services approved facilities.	Will occur at off-site facility	Yes (see Conditions of Approval)

### **CONDITIONAL USE PERMIT**

The San Pablo Zoning Ordinance requires that a Conditional Use Permit be obtained for a mobile food vending use in the Commercial Mixed Use (CMU) zone (Table 17.34A). Through the Use Permit process, the Planning Commission is given an opportunity to review uses with this classification, impose conditions of approval, approve or deny such proposals, and set terms for revocation of uses. In approving the Use Permit for the food truck, the Planning Commission shall make a finding that the establishment, maintenance, or operation of the use 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.

Findings to support the granting of a Conditional Use Permit in this case include the following:

- A. The establishment, maintenance or operation of the use 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 the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city because the property is zoned Commercial Mixed Use and a food truck provides a service to this commercial and residential area. The use complies with the development standards for Mobile Vending.

- B. The proposed mobile vending use would be located on an underused portion of a commercial lot in an area that is developed with a mix of commercial and residential uses and would add to the vitality of the area by serving nearby residents and workers.
- C. The proposed mobile vending use would be responsive to General Plan policies calling for expansion of existing commercial areas with secondary uses.
- D. The proposed mobile vending use would be compliant with Zoning Ordinance development regulations pertaining to such uses.
- E. The proposed project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines pursuant to Section 15332, Infill Projects.
- F. Public notice of hearing has been given by mail to the applicant, local affected agencies and to all property owners within 300 feet of the subject property and has been published in the West County Times (West Contra Costa edition of the East Bay Times) in accordance with the requirements of Government Code Section 65905.

### **ENVIRONMENTAL DOCUMENTATION**

The proposed project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines pursuant to Section 15332, In-Fill Development Projects, as it involves development on a site that is five acres or less, is surrounded by urban uses, has no habitat value, is adequately served by all required utilities and public services, would not result in any significant effects on traffic, noise or air quality, and would be consistent with general plan and zoning regulations.

Pursuant to CEQA Guidelines Section 15332, the City finds as follows: (a) the project is consistent with the applicable general plan, specific plan, and zoning designations, policies, and regulations; (b) the project occurs within City limits on a site that is less than five acres which is substantially surrounded by urban uses; (c) the project is located on a site that has no value as habitat for endangered, rare, or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

### **PUBLIC HEARING NOTICE**

Notices regarding this public hearing were mailed to owners of properties within a 300-foot radius of the site on May 12, 2021. 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, May 15, 2021.

### **CONCLUSION**

Staff recommends approval of the Conditional Use Permit, along with the conditions of approval identified in the attached proposed Resolution (Attachment A). Any changes to the approvals must first be submitted to the City of San Pablo for review.

### **ATTACHMENTS**

- A. Resolution PC21-06
- B. Site Plan

- C. Site Photos and Menu
- D. Application & Property Owner Authorization
- E. Contra Costa County Mobile Food Facility Permit Application
- F. Vehicle Certification
- G. Insurance & Registration
- H. Proof of Publication from West County Times