



City of San Pablo Planning Commission

AGENDA

May 28, 2019 at 6:30 pm

City Hall Council Chambers, Building 2

13831 San Pablo Avenue, San Pablo, CA 94806

Pledge of Allegiance

Roll Call Paul V. Morris, Chairman
Dr. Charlene Harlan-Ogbeide, Vice-Chair
Roberta Feliciano
Dorothy Gantt
Yuhong Shi

Introductions Introduction of staff members.

Public Comment This is the time for comments on any item within the Planning Commission’s jurisdiction, if such item is NOT listed on the agenda. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda is requested to give a speaker form to staff. There is a 3-minute limit on public comments (6-minute limit w/translation). Comments on agenda items will be heard when that item is called.

Meeting Procedures Members of the public attending a Planning Commission meeting for the first time are encouraged to read the “Meeting Procedures” information following the agenda.

Consent Calendar The Consent Calendar includes routine items that are to be enacted by one motion. There will be no separate discussion of these items. If discussion is requested, the item will be removed from the Consent Calendar and considered separately.

Item number(s):

1. **Approval of Minutes**
From the meeting held on March 26, 2019.
2. **Approval of the Agenda**
At the discretion of the Chair, items on the agenda may be heard in an order different from that which appears on the agenda.

Appeal Date The appeal date for actions taken by the Board at this meeting is no later than 6:00 p.m. on **Monday, June 11, 2019.**

Public Hearing(s)

1. **PLAN1903-0023:** Consideration of a Conditional Use Permit and determination of Public Convenience or Necessity for an on-sale alcohol license for beer and wine only for an existing restaurant, Koi Sushi, at 13501 San Pablo Avenue, Suite H, San Pablo, CA 94806, APN 417-180-023.

Location	13501 San Pablo Avenue, Suite H
APN	417-180-023
Zoning	Commercial Mixed Use (CMU)
CEQA	Categorical Exemption under Section 15301, Existing Facilities Class 1(e), addition to an existing structure.
Owner	Blue Horse Horizon LLC
Applicant	Jie Gao (business owner)
Staff Contact	Sandra Marquez, Assistant Planner

2. **PLAN1905-0014:** Consideration of a finding of general plan conformity for the fiscal year 2020-2021 capital improvement program (CIP). This is a city initiated project and the program is citywide. The project is exempt from the California Environmental Quality Act per guideline 15061(b)(3), no potential for causing a significant effect on the environment with the understanding that each project will be reviewed under CEQA.

Location	Citywide
APN	Citywide
Zoning	NA
CEQA	Categorical Exemption under Section 15061(b)(3), no potential for causing a significant effect on the environment.
Owner	City of San Pablo
Applicant	City of San Pablo
Staff Contact	Elizabeth Dunn, Planning Manager

- Study Session**
- A. Green infrastructure plan and municipal regional storm water permit requirements Presented by Amanda Booth, Senior Management Analyst

Planning Commission Discussion

- A. Memo to the Planning Commission on Two Proposed Procedural Changes: Change to Action Minutes and Change from 6:30 p.m. to 6:00 p.m. Start Time for Planning Commission meetings

Staff Updates

- A. Announcements
- B. Community & Economic Development Department project status

Commissioner Updates

- A. Commission member reports regarding meetings or conferences
- B. Announcements

Adjournment

The next meeting of the City of San Pablo Planning Commission is scheduled on **Tuesday, June 25, 2019.**

ADA In accordance with the Americans with Disabilities Act, persons requiring assistance or auxiliary aids in order to participate should contact the Planning Division at 13831 San Pablo Avenue, Building 3, San Pablo, CA 94806, telephone (510) 215-3030, email ElizabethD@SanPabloCA.gov, as soon as possible prior to the meeting. The City will give such requirements primary consideration, taking into account undue financial and administrative burdens or fundamental alterations in the City service, program or activity.

Records Copies of this agenda and non-exempt records relating to an open session item on this agenda will be available for public review at the City Clerk’s office, 13831 San Pablo Avenue, Building 1, at the same time they are distributed or made available to the Commission.

Meeting Procedures **Function of a Public Hearing** A public hearing is intended to inform the public of pending proposals and to enable members of the public to present relevant information and viewpoints before any Planning Commission action. The Planning Commission encourages community participation at its meetings and has established procedures that are intended to accommodate public input in a timely manner as follows.

Speaker Registration Persons wishing to speak on a particular item on the agenda are requested to submit a speaker form with the staff prior to the Planning Commission’s consideration of the item. The Planning Commission Chairperson will invite you to speak at the appropriate time when the matter is being considered.

Consent Calendar Applications that are considered routine by the Staff have been placed on the consent calendar with a recommendation to approve, conditionally approve, or continue the item to a date certain. The Planning Commission may act in one motion to adopt the staff recommendations on those items.

Prior to voting on the consent calendar, the Chair will ask if any member of the public wishes to speak on any of the items listed on the consent calendar. If you wish to speak, please rise and request that the agenda item be removed from the consent calendar. Items removed will be discussed in the numerical order listed on the agenda.

Public Hearing Procedure

1. Chair identifies the agenda item and explains any deviation from the standard speaker rules.
2. Staff presents a brief project summary and makes a preliminary recommendation.
3. Planning Commission members may ask questions of Staff regarding the proposal.
4. Chair opens the public hearing.
5. Applicant is invited to describe and explain the proposal..... 5 minute limit*
6. Registered speakers..... 5 minute limit*
7. Applicant may make rebuttal comments..... 3 minute limit*
*All time limits shall be doubled if translation is needed.
8. Planning Commission members may ask follow-up questions of the speakers at any time.
9. Staff presents a final summary and recommendation.
10. Planning Commission members discuss the proposal and vote either to close or to continue the public hearing to a specific date.
11. If the public hearing is closed, Planning Commission members further discuss the proposal and vote to approve, to approve with conditions, or to deny the application.

12. Chair informs the audience of the Planning Commission's action and appeal process.

Appeals Decisions of the Planning Commission may be appealed to the City Council within ten (10) days. Appeals must be submitted to the City Clerk's office in writing and must indicate the reasons that the Planning Commission's action should be reversed.

Legal Challenge Notice If you challenge a decision on any of the items on this agenda in court, you may be limited to only those issues you or someone else raised at any public hearing on the item challenged, or in written correspondence delivered to the public entity conducting the hearing at, or prior to, the public hearing.

Meeting Time Limits If all of the agenda items are not completed by 9:00 PM, the items remaining shall be continued to the next regular meeting unless the Planning Commission votes to extend the meeting.

Staff Reports and Tentative Recommendations Copies of the staff reports for the public hearing items on this agenda can be viewed on the City of San Pablo's website at:

<http://www.ci.san-pablo.ca.us/875/Planning-Commission>

Go to: Agendas>Most Recent Agenda (for current agenda)

Cell Phones Please silence all cell phones, pagers, and other electronic devices during the meeting.

Assistance

Any questions related to the Planning Commission hearing, Zoning, or related planning activities can be directed to the Community and Economic Development Department, Planning Division at (510) 215-3030.

- * **If you need Spanish language assistance, please contact the Community and Economic Development Department at (510) 215-3030.**
- * **Si necesita asistencia en español, por favor contacte al Departamento de Desarrollo Comunitario y Económico al (510) 215-3030.**



City of San Pablo Planning Commission MINUTES

Tuesday, March 26, 2019 at 6:30 pm
City Hall Council Chambers, Building 2
13831 San Pablo Avenue, San Pablo, CA 94806

Roll Call

Chairman Morris called the meeting to order at 6:30 p.m. Call of the roll showed present: Commissioner Shi, Commissioner Feliciano, Commissioner Gantt, Chairman Morris and Vice Chair Harlan-Ogbeide. Staff present at the meeting included: Michelle Chavez, Administrative Secretary; Elizabeth Dunn, Planning Manager; Sandra Marquez, Assistant Planner; Lynn Tracy Nerland, City Attorney; Charles Ching, Community & Economic Development Director; Laura Santillan, Administrative Clerk 1.

Public Comment

None.

Meeting Procedures

Members of the public attending a Planning Commission meeting for the first time were encouraged to read the "Meeting Procedures" information following the agenda.

Consent Calendar

1. **Approval of the Minutes**
2. **Approval of the Agenda**

Commissioner Gantt made a motion to approve the Consent Calendar. The motion was seconded by Vice Chair Harlan-Ogbeide and approved by a vote of 5-0-0.

AYES: Feliciano, Gantt, Harlan-Ogbeide, Morris, Shi
NOES: None
ABSENT: None
ABSTAIN: None

Appeal Date

Chairman Morris announced that the appeal date for actions taken by the Board at this meeting would be no later than 6:00 p.m. on **Tuesday, April 9, 2019.**

Public Hearing(s)

1. PLAN1806-0006

CONDITIONAL USE PERMIT FOR TANDEM PARKING

PLAN1806-0006, a request for approval of a Conditional Use Permit for tandem parking on a lot less than 50 feet in width to allow a 388 sq. ft. residential addition, a 51.54 sq. ft. front porch and a 99.4 sq. Ft. rear porch to an existing single-family home at 1963 Tyler Street, San Pablo, CA 94806 (APN 411-222-007). The property is zoned single family residential (R1). This project is exempt under the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1(e), addition to existing structure.

Location	1963 Tyler Street
APN	411-222-007
Zoning	R-1 Single-Family Residential
CEQA	Categorical Exemption under Section 15301, Existing Facilities Class 1(e), addition to an existing structure.
Owner	Paola Osiris Espinoza
Applicant	Paola Osiris Espinoza
Agent for Applicant	Brenda Munoz/ Jorge Deleon
Staff Contact	Sandra Marquez, Assistant Planner
Recommendation	CONDITIONAL APPROVAL

Assistant Planner Marquez gave a presentation of the project and staff recommendations. The adjacent neighbor to the north raised concern of the proposed front addition. North neighbor’s front room has a window facing the proposed addition. Staff asked the designer to complete a shadow study to see if there would be an impact to natural light to the north neighbor’s home. The study showed there would be minimal impact to the adjacent property. During the summer months a little shadow will occur in the early morning: two (2) hours after sunrise and in the winter months, a little shadow will appear around the noon hour. The Planning Commissioners were invited to ask questions of staff. Commissioner Feliciano inquired the reason for a conditional use permit requirement. Assistant Planner Marquez reminded staff that the Municipal Code states on a lot with a width of less than 50 feet, a conditional use permit is required for tandem parking. Lots over 50 feet do not require a conditional use permit, only administrative review.

The Public Hearing was opened and closed as there were no comments from the public on this item. Commissioner Gantt made a motion, seconded by Vice Chair Harlan-Ogbeide, to adopt Resolution 19-02 for approval of a Conditional Use Permit for tandem parking at 1963 Tyler Street. The motion was approved by a vote of 5-0-0.

AYES: Feliciano, Gantt, Harlan-Ogbeide, Morris, Shi
 NOES: None
 ABSENT: None
 ABSTAIN: None

2. PLAN1903-0007 Consideration to amend a Conditional Use Permit to allow the Willow Mobile Home Park to continue to operate at its current location.

Location	2885 Willow Avenue
APN	417-090-013
Zoning	R-1 Single-Family Residential
CEQA	Categorical Exemption under Section 15301, Existing Facilities Class 1(e), addition to an existing structure.
Owner	Roman Catholic Bishop of Oakland
Applicant	Creekside Village MHC, LLC
Agent for Applicant	Creekside Village MHC, LLC
Staff Contact	Elizabeth Dunn, Planning Manager

Planning Manager Dunn gave a presentation of the project, along with staff recommendations. Willow Mobile Home Park was established in 1986 when this use was allowed with a Conditional Use Permit in the C-1, Light Commercial District (the previous zoning district). The Conditional Use Permit had a term of 10 years, but the Park has remained in existence as the City and the Owner (Roman Catholic Bishop of Oakland) have entered into Lease Agreements for the City to lease and operate the Mobile Home Park. In October 2002, the City adopted new zoning regulations which prohibited a mobile home park in the C-1 zoning district. In May 2015, the property was zoned to R-3, Multifamily Residential, which does not

allow a new mobile home park or the expansion of a current mobile home park. As the zoning designations for this location have changed over the past 16 years, the use of the site as a mobile home park is considered to be legal non-conforming per Section 17.08.030(A) of the San Pablo Municipal Code. The use of the existing mobile home park provides a residential use that is in keeping with the intensity of the R-3 zoning district. The prospective new mobile park owner would like to amend the Conditional Use Permit granted in 1986 to eliminate the 10-year term, so as to keep the mobile home park at its current location. Community & Economic Development Director Ching informed the Commission that the prospective owner's intent is that the site will continue to operate as a senior mobile home park. The Planning Commissioners were invited to ask questions of staff. Commissioner Shi raised concern with not having a specified term and the continued mobile home park use. Planning Manager Dunn explained that the majority of Conditional Use Permits do not have a term. They are approved for the specific use, not for a specified timeframe.

The Public Hearing was opened and closed as there were no comments from the public on this item. Commissioner Gantt made a motion, seconded by Vice Chair Harlan-Ogbeide, to adopt Resolution 19-03 for approval of amending the Conditional Use Permit at 2885 Willow Road to continue to operate as a mobile home park and eliminating a term of such use. The motion was approved by a vote of 4-1-0.

AYES: Feliciano, Gantt, Harlan-Ogbeide, Morris
NOES: Shi
ABSENT: None
ABSTAIN: None

Staff Updates

Community and Economic Development Director Ching updated staff on the status of Fire Station 70 at the corner of 23rd and market. The County Board of Supervisors awarded Alta Construction the contract. The groundbreaking ceremony is scheduled for some time in April. There will be a wall tilting ceremony scheduled for the New City Hall in April. Planning Commissioners will be notified and invited to both events.

Commissioner Updates

Planning Commissioners thanked the City for the opportunity to attend the Planning Commission Academy in Long Beach. The Academy was very informative and a pleasure to attend.

Adjournment

There being no further business, Commissioner Gantt made a motion, seconded by Vice Chair Harlan-Ogbeide and passed by a vote of 5-0-0, to adjourn the meeting.

Chairman Morris adjourned the meeting at 7:30 p.m. to the April 23, 2019 meeting.

Paul V. Morris, Chairman

Charles Ching, Secretary

Planning Commission Staff Report

PREPARED BY: Sandra Marquez Assistant Planner

DATE: March 28, 2019

SUBJECT: **PLAN1903-0023:**

CONSIDERATION OF A CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR AN ON-SITE BEER AND WINE LICENSE FOR AN EXISTING RESTAURANT, KOI SUSHI, AT 13501 SAN PABLO AVENUE SUITE H, APN 417-180-023

REQUESTED ACTION

A request for approval of a Conditional Use Permit and determination of public convenience or necessity for on-site beer and wine sales at an existing restaurant at 13501 San Pablo Avenue Suite H, APN 417-180-023. The determination of Public Convenience or Necessity (PCN) is required under the State of California Business and Professions Code Section 23958.4, as there is an undue concentration of on-sale retail alcohol license in the Census Tract where the restaurant is located. The applicant, Ji Gao, has prepared a determination of Public Convenience or Necessity letter for this on-site alcohol license request. The restaurant is located at 13501 San Pablo Avenue Suite H, APN 417-180-023. This request is consistent with the requirements of Section 17.62.020, Alcoholic Beverage Sales, of the City's Zoning Ordinance.

STAFF RECOMMENDATION

Adopt Resolution 19-04 approving PLAN 1903-0023, subject to findings and conditions of approval.

BACKGROUND

Property Owner: Blue Horse Horizon LLC

Applicant: Jie Gao (business owner)

Location: 13501 San Pablo Ave, Suite H

Assessor Parcel Number: 417-180-023

General Plan Designation: SP-2 San Pablo Avenue Specific Plan- Commercial Mixed Use

Zoning District: Commercial Mixed Use

Surrounding Zoning and Land Uses:

The restaurant is located in a shopping strip with other 8 commercial businesses.

North: SP2- Medium Density Residential

South: SP2- Medium Density Residential

East: SP2- Entertainment Overlay District

West: SP2- Medium Density Residential

ENVIRONMENTAL DETERMINATION

The project had been determined to be exempt under the California Environmental Quality Act, Section 15301, Class 1, Existing Facilities. Class 1 addresses an existing private structure, such as the existing commercial building, where the restaurant is currently operating.

PUBLIC HEARING NOTICE

Notices were mailed to owners of properties within a 300-foot radius of the site on May 15, 2018. In addition, a Public Hearing Notice was published in the East Bay Times newspaper on Saturday, May 18, 2019.

SITE LOCATION AND PROJECT DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit for alcoholic beverage sales for on-site beer and wine sales at an existing full-service restaurant located at 13501 San Pablo Avenue, Suite H, in the Commercial Mixed Use designation within the San Pablo Avenue Specific Plan (SP2). A determination of Public Convenience or Necessity is required as there is an undue concentration of on-sale retail alcohol licenses in the Census Tract where the restaurant is located. The applicant must also demonstrate that a determination of Public Convenience or Necessity (PCN) exists to allow the state department of Alcoholic Beverage Control to issue an additional on-site alcohol sales license (for beer and wine only) in an area where “undue concentration” exists. The Planning Commission will make a recommendation on the request for the Conditional Use Permit and the Public Convenience or Necessity determination, and forward this recommendation to the City Council. The City Council is the authorized approving authority for the determination of Public Convenience or Necessity (PCN). The site is regulated by the San Pablo Avenue Specific Plan. The restaurant is facing Vale Road and is located inside the San Pablo Village retail center. The commercial building is divided into nine businesses, including “Koi Sushi” which is the full-service restaurant requesting the on-sale beer and wine license. All businesses share off-street parking which is located at the front of the property.

GENERAL PLAN CONFORMANCE

The site is designated Commercial Mixed Use within the San Pablo Avenue Specific Plan, SP-2. The proposed use is consistent with the following General Plan Actions and Policies for the Mixed Use land use category:

Policy LU-I-20: Mixed Use

Allow small-scale non-residential uses in neighborhoods that contribute to the residential character of an area or provide complementary services within the neighborhood such as child care, neighborhood retail, and other stores.

Restaurants are allowed uses in the Commercial Mixed Use designation within the San Pablo Avenue

Specific Plan (SP-2). However, the alcohol beverage sales use requires an approved Conditional Use Permit before this service can be established. The requested permit is consistent with the General Plan and Zoning Ordinance regulations and the application has been routed for review to the appropriate departments.

ZONING CONFORMANCE

The property is in the San Pablo Avenue Specific Plan (SP-2) and the land use designation is Commercial Mixed Use. Restaurants are allowed uses in the Commercial Mixed Use district within the San Pablo Avenue Specific Plan (SP-2). However, the alcohol beverage sales use requires an approved Conditional Use Permit before this service can be established and a determination of Public Convenience or Necessity (PCN). The existing restaurant is 1,144 sq. ft. and provides seats for 30 customers. No exterior or interior changes are proposed to the building. Section 17.62.020 of the Zoning Ordinance defines alcoholic beverages, restrictions on locations for selling or serving alcoholic beverages, and full-service restaurant requirements for alcoholic beverage sales. The language from the Zoning Code is included below:

17.62.020 Alcoholic beverage sales.

A. Purpose. The purpose of this section is to establish site planning, development, and/or operating standards for alcoholic beverage sales businesses. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of this use and activities on adjacent and surrounding land uses.

B. Alcoholic Beverage. For the purposes of this section, "alcoholic beverage" means alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

C. Restrictions on Location. No alcoholic beverage sales use shall be located closer than one thousand feet to any other alcoholic beverage sales use, school, licensed day care center, public park or playground, church, senior citizen facility, or licensed alcohol or drug treatment facility except as follows:

1. If the activity is in conjunction with a full-service restaurant; or
2. In establishments with twenty-five or more full-time equivalent employees and a total gross floor area twenty thousand square feet or more.

D. Full-Service Restaurant. For the purposes of this section, "full-service restaurant" means a place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant. The following additional provisions shall be used to define a full-service restaurant:

1. A full-service restaurant shall serve meals to guests at all times the establishment is open for business. An establishment shall not be considered a full-service restaurant if it serves alcohol without meal service being provided, with the exception that alcohol sales to restaurant patrons may continue for up to two hours after meal service has ceased to allow guests to

comfortably complete their meals.

2. The offer of meals is not adequate to meet the above criteria. A full-service restaurant shall make actual and substantial sales of meals to guests for compensation. Substantial sales shall mean that no less than sixty percent of total revenue shall be generated from food service and no more than forty percent of revenue from the sales of alcohol.

3. "Meals" means the usual assortment of foods commonly ordered at various times of the day for the cuisine served. The service of snack foods and/or appetizers alone shall not be deemed compliance with this requirement. Meals shall be prepared on the premises. Heating of food prepared elsewhere shall not constitute a meal for the purposes of this section.

4. Premises shall be equipped for meal service and maintained in good faith. Premises shall possess and maintain appliances for the cooking of a variety of foods such as stoves, ovens, broilers, or other devices, as well as pots, pans, or containers that can be used for cooking. Premises shall possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

5. A full-service restaurant shall comply with all local health department and state standards.

6. A full-service restaurant may have a separate lounge or bar area; provided, that the restaurant and bar/lounge area operate as a single entity. The physical layout, entry location(s), spatial connection between the areas, and operational characteristics, among other factors, shall be used to determine compliance. Any bar/lounge area cannot remain open when the dining area is closed. However, the dining area may be open while the bar/lounge area is closed. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

USE PERMIT AND PUBLIC CONVENIENCE OR NECESSITY

As stated above, the alcohol beverage sales use requires the approval of a Conditional Use Permit before this service can be established. Should the requested Use Permit be approved, then the license is considered by the California Department of Alcoholic Beverage Control (ABC).

California Business and Professional Code Section 23958.4 states that if there is an undue concentration in alcohol licenses or the area is a high crime identified area, the applicant must demonstrate that public convenience or necessity would be served by the issuance of the on-sale beer and wine license. According to ABC, 13501 San Pablo Avenue has been identified as an area with an undue concentration of alcohol licenses (see Attachment B). A determination to demonstrate public convenience or necessity is required in this case. An on-sale beer and wine only – eating place is a Type 41 license (see Attachment E).

The criteria to be used for a determination of "public convenience or necessity" for an on-sale beer and wine license is found in section 23958.4 of the California Business and Professional Code (CBPC), where the issue of "undue concentration" is discussed (see Attachment D). The language in Section 23958.4(a)(1) and (2) and (b)(1) states that an "undue concentration" exists when either:

- There are 20% more crimes in the crime reporting area than the average number of reported crimes from all reporting areas in the City of San Pablo; and/or
- The ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in

the county in which the applicant premises are located.

When an on-sale beer and wine license is to be part of a restaurant, Section 23958.4(b)(2) states that it is the applicant (business or property owner) who must demonstrate that public convenience or necessity would be served by the issuance of the on-sale beer and wine license.

The applicant has submitted a narrative which discusses the business products and services, hours of operation and number of employees, uniqueness and positive impact on the City with the on-sale beer and wine license. The hours of operation would be 11:00am to 3:00pm, and 4:30pm to 9:30pm Monday through Sunday with seating for 30 guests. Lunch and dinner are served at this location. It is expected that no more than 10% of the revenue will come from alcoholic drinks. Beverage staff shall be over 21 years of age, and management and staff would need to have a required Alcohol Beverage Control training. Attachment F is the narrative, proposed menu, and floor plan of the restaurant.

In a conversation with the California Department of Alcohol Beverage Control (ABC) there are 13 on-sale licenses in the corresponding census tract. Based on the census tract map which is Attachment C, there are two (2) other type 41 license in a near location (around 500 feet) which are also within the San Pablo Village retail center. The other two on-sale licenses are also in conjunction with full-service restaurants. The crime rate is not the triggering factor in this situation, but rather the number of alcohol licenses in the area.

SUGGESTED CONDITIONS OF APPROVAL

The Police Department has provided conditions of approval for the request for an on-sale beer and wine license. In addition to the conditions of approval, the Police Department recommends a surveillance system that cover the front door and cashier area. The business owner has indicated that there is a surveillance system in place already. This information has been provided to the applicant. These conditions of approval issued by the Police Department are included below:

- No alcohol sales past 9:30pm. (Planning staff has created additional language which states that any subsequent request to increase the hours of the restaurant and the beer and wine sales will be limited to 12am midnight. Any request to increase the hours associated with the on-sale beer and wine license, or to include the sales of distilled spirits, must be submitted in an application to amend the hours of operation and type of on-sale license of this Use Permit from the City of San Pablo.)
- Upon closing, the management or its representatives will not allow patrons to loiter in or about the business and will not furnish or sell alcohol to anyone on the premises.
- The business shall affix “NO LOITERING” signs to the building that are easily visible by the public.
- The business shall operate as a full service restaurant. 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 licensee 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.

Community and Economic Development staff also recommend the following condition to the Use Permit, as listed below:

- All current and future employees shall attend one free LEAD, License Education on Alcohol and Drugs, prevention and education program. 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. Proof of attendance of this program, provided by the state department of Alcoholic Beverage Control, will be required to be submitted to the Community and Economic Development Department, Planning Division staff, before alcohol beverage service can begin.

CONCLUSION

Staff supports the request for a Use Permit for an on-sale beer and wine license and finding of Public Convenience or Necessity (PCN) at this location as the sales of alcoholic beverages are meant to enhance the restaurant dining experience. It is commonplace and an expected aspect of dining out that a patron, over the age of 21, can purchase beer or wine to add to the enjoyment of their meal. Not having the opportunity to sell beer and wine, in conjunction with a meal, can put a restaurant at a competitive disadvantage with other similar uses. Conditions of approval have been recommended by the Police Department to limit the hours of sales of beer and wine, prevent loitering, and require that monthly records that clearly illustrate the gross sales of food and alcoholic beverages. The applicant has indicated that no more than 10% of the sales will come from the sale of alcoholic beverages. Planning staff has used these percentages in the conditions of approval. Planning staff has also included the condition about attending a LEAD program for each employee, and have incorporated the relevant operating characteristics as discussed in the narrative about the restaurant and alcohol sales use as conditions of approval. Any changes to the approved Conditional Use Permit, including hours of operation or a change in license type, must first be submitted to the City of San Pablo for review.

ATTACHMENTS

- A: Resolution 19-04
- B: Concentration Statistics Form from ABC
- C: Census Tract Map from ABC Website
- D: Section 23958.4 of the California Business and Professions Code
- E: ABC License types and their basic privileges
- F: Narrative, proposed menu, floor plan of the restaurant and photos
- G: Poof of Publication from West County Times

RESOLUTION 19-04

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE ALCOHOL SALES ASSOCIATED WITH AN EXISTING RESTAURANT, KOI SUSHI, AND THE DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR THE ON-SITE BEER AND WINE SALES AT 13501 SAN PABLO AVE SUITE H, APN 417-180-023

WHEREAS, Zoning Code Section 17.16.070(B) states that all projects with multiple approvals shall be processed concurrently, and final action shall be taken by the highest level designated approval authority for all such requested permits;

WHEREAS, the project site is located in the San Pablo Avenue Specific Plan (SP-2) and the land use designation is Commercial Mixed Use; and

WHEREAS, restaurants are an allowed use in the Commercial Mixed Use district within the San Pablo Avenue Specific Plan (SP-2); and

WHEREAS, San Pablo Avenue Specific Plan Table 2-2 allows alcohol beverage sales use in the Commercial Mixed Used district upon approval of a Use Permit; and

WHEREAS, the state department of Alcoholic Beverage Control identifies the City Council as the local governing body to approve a determination of Public Convenience or Necessity. For this reason, final action on the Conditional Use Permit and Public Convenience or Necessity must be made by the City Council; and

WHEREAS, before the City Council makes a final determination, the Planning Commission shall consider finding whether the establishment, maintenance or operation of the proposed on-site beer and wine 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, this project is exempt from the California Environmental Quality Act under Class 1, Existing Facilities, and that Class 1 addresses existing private structures, such as this recently renovated building, where a restaurant will be operating; and

WHEREAS, a public notice 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 East Bay Times in accordance with the requirements of Government Code Section 65091.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed project and approves the Conditional Use Permit, based on the following findings:

- A. 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 addresses an existing private structure, such as the building, where the restaurant is currently operating.

Section 15301, Existing Facilities, Class 1 of the CEQA Guidelines consists of the operating of private structures involving negligible or no expansion of use. As there is no expansion to the existing building, the proposal for a new restaurant with on-site beer and wine sales and outdoor dining is exempt from the California Environmental Quality Act.

- B. That the granting of the Conditional Use Permit will not, under the circumstances of the particular case, 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 use requires a determination by the City Council that there is a public convenience or necessity for an on-sale beer and wine license due to the undue concentration of such uses in the area per section 23958.4 of the California Business and Professional Code.

Granting the Use Permit and a determination of public convenience or necessity allows the existing full-service restaurant to provide for the purchase of beer and wine that are consumed on site with meals, and enables the restaurant to compete with similar dining establishments. Beer and wine sales is an option to those customers who would like to enhance their dining experience with beer or wine. A condition of approval has been included to require employees of the restaurant to receive License Education on Alcohol and Drugs (LEAD) training. This training provides practical information on serving alcoholic beverages safely, responsibly and legally, and preventing illicit drug activity at the restaurant. For this reason, the granting of the Use Permit 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.

- C. The proposed project complies with the development standards of the Commercial Mixed Use district within the San Pablo Avenue Specific Plan (SP-2).

The existing restaurant operates in an existing building that meets the development standards of the Commercial Mixed Use district within the San Pablo Avenue Specific Plan (SP-2).

- D. The proposed project incorporates Policy LU I -20, Mixed Use, for the Mixed Use Land Use category where this policy, “allows small-scale non-residential uses in neighborhoods that contribute to the residential character of an area or provide complimentary services within the neighborhood, such as child care, neighborhood retail, and other stores”.

The commercial location has a variety of uses. The request of a Conditional Use Permit for an on-sale beer and wine license at this location would enhance the restaurant dining experience. It is commonplace and an expected aspect of dining out that a patron, over the age of 21, can purchase beer or wine to add to the enjoyment of their meal. Not having the opportunity to sell beer and wine, in conjunction with a meal, can put a restaurant at a competitive disadvantage with other similar uses. There are two (2) other Type 41 licenses in a near location, which are also within the San Pablo Village center. Conditions of approval have been recommended by the Police Department and as the applicant has indicated, no more than 10% of the sales will come from the sale of alcoholic beverages. Planning staff also included a condition of approval about attending a LEAD program for each employee, and will incorporate the relevant operating characteristics as discussed in the narrative about the restaurant and alcohol sales use as a condition of approval. Lastly, should the Planning Commission recommend approval of the Use Permit for an on-sale beer and wine license to the City Council, along with the determination of Public Convenience or Necessity, any change in the Use Permit must first be submitted to the City of San Pablo for review.

- E. 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 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, May 15, 2019. In addition, a Public Hearing Notice was published in the East Bay Times newspaper on Saturday, May 18, 2019.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo finds that despite the undue concentration of establishments serving alcohol in the census tract where the proposed project is located, that public convenience or necessity would be served by allowing the existing restaurant to provide service, on-site beer and wine sales, as an added feature to its patrons, and in order to be competitive with other restaurants along San Pablo Avenue, and within the City of San Pablo that provide a similar on-site alcohol sales component to the dining experience.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo hereby recommends this application e approved, and forwards this Use Permit to the City Council, along with the determination of Public Convenience or Necessity, for action. The following Conditions of Approval for PLAN1903-0023 are provided below:

1. The Use Permit shall become null and void within one year of the effective date of approval if not applied.
2. The Use Permit is only for on-sale beer and wine sales. No sales of distilled spirits can occur at this location without submitting an application to amend the approved Use Permit.
3. The use shall be conducted in substantial compliance with Exhibit 1, submitted April 21, 2019, on file with the Community and Economic Development Department, PLAN 1903-0023. 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.
4. The applicant shall comply with all of the provisions of Section 17.62.020, Alcoholic Beverage Sales, of the San Pablo Zoning Ordinance including full compliance with Section 17.62.020 (D) regarding full-service restaurant.
5. 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. All food and drink preparation shall be done in strict accordance with Federal, State and local health regulations.
6. The operating hours shall be 11:00am to 3:00pm and 4:30pm to 9:30pm Monday through Sunday. No alcohol sales are allowed after 9:30pm. Any future request to increase the hours associated with the on-sale beer and wine license, or include the sales of distilled spirits, must be submitted in an application to amend the hours of operation and type of on-sale license of this Use Permit from the City of San Pablo. Any subsequent request to increase the hours of the restaurant and the beer and wine sales will be limited to 12midnight.
7. 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.
8. Upon the closing of the restaurant, the management or its representatives will not allow patrons to loiter in or about the business and will not furnish or sell alcohol to anyone on the premises.
9. The business shall affix "NO LOITERING" signs to the building that are easily visible by the public prior to a Business License issuance.
10. A minimum of sixty (60) percent of the revenue of the sales shall come from food, and a maximum of forty (40) percent of sales shall come from alcoholic beverages. The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee 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. The business is currently proposing no more

than then (10) percent of revenue come from alcoholic beverage sales, any request to expand the sale of alcoholic beverages must be reviewed by the City and conform with the forty (40) percent limit.

11. All current and future employees shall attend one free LEAD, License Education on Alcohol and Drugs, prevention and education 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. Proof of attendance of this program by current employees, provided by the California Department of Alcohol Beverage Control, will be required to be submitted to the Community and Economic Development Department, before alcohol beverage service begins.
12. If the use granted by this Conditional Use Permit is discontinued for a period of six consecutive months, the Use Permit automatically expires.
13. 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.
14. 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.
15. No illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.
16. 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 Development Services Planning Division, and building permits from the Building Department.
17. The site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
18. 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 28st day of May, 2019, by the following vote to with:

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

ATTEST:

APPROVED:

Charles Ching
Secretary

Paul V. Morris
Chairman

April 21, 2019

To: The City of San Pablo

Re: Letter of Public Convenience & Necessity

To whom it may concern,

The owner of Gao Ping Inc, a Japanese restaurant located at 13501 San Pablo Ave Suite H, San Pablo, are requesting TYPE 41- Beer & Wine On-Sale General Eating Place license.

Business purpose:

Gao Ping Inc, DBA, Koi Sushi is a public and full service Japanese cuisine with table of approximately 30 seated guests. The restaurant will operate from 11am to 3pm, Monday - Sunday, and 4:30pm to 9:30pm Monday- Sunday. We are closed for an hour and half between lunch and dinner.

Products and services:

Food and drinks naturally go together, they encourages the convivial atmosphere that keeps diners spending great times with families and friends and ordering food for much longer. Sushi and Japanese styled dishes are serve and taste the best with consideration to the consumption of Japanese style beer, wines, and sake. In our experience, we have seen customers turn away due to non-sales of alcohol beverages.

Revenue and management:

Restaurants survive on razor-thin margins and also it's easier to prepare when compare to make a sushi roll or dish without overwhelming the kitchen with more labor cost. We expect that approximately 75% of revenue come from food, 10% from alcohol beverage, and 15% from non-alcohol beverage sales. The restaurant staff will be well trained for food safety and alcohol beverage service. On average, we expect 2 floor staff, 2-3 sushi bar and kitchen staff, beverage

staff over the age of 21 and 1 manager will be present during business hours. Management and beverage staff will have required ABC training.

Uniqueness and Positive impact:

Koi Sushi has its own traditional recipe and different menu items compare to other Japanese restaurants within the area. We have experience chef and well-trained and supportive staffs. The restaurant will also take the efforts to drive the economy by hiring more employees and contribute to the tax revenues of the community.

We thank you for your consideration of our application to provide alcohol sales to the guests of Koi Sushi.

Sincerely,

Jie Gao
Gao Ping Inc

Attached:
Lunch and Dinner Menu

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

Concentration Statistics for: SANDRA MARQUEZ (Assistant Planner) *CITY OF SAN PABLO*

2. PREMISES ADDRESS (Street number and name, city, zip code)

13501 SAN PABLO AVE STE H, SAN PABLO, CA 94806-3869

3. LICENSE TYPE

41

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

1,139,513

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

3690.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

6 On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

13 On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

RD #64

14. TOTAL NUMBER OF REPORTING DISTRICTS

33

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

465

16. AVERAGE NO. OF OFFENSES PER DISTRICT

14

17. 120% OF AVERAGE NUMBER OF OFFENSES

17

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

4

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: _____

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Brandon Walton (04/11/2019)



- HOME
- ABOUT US
- BUSINESS
- LAWS, RULES AND REGS
- ESERVICES
- OTHER

License Query System - Map Query

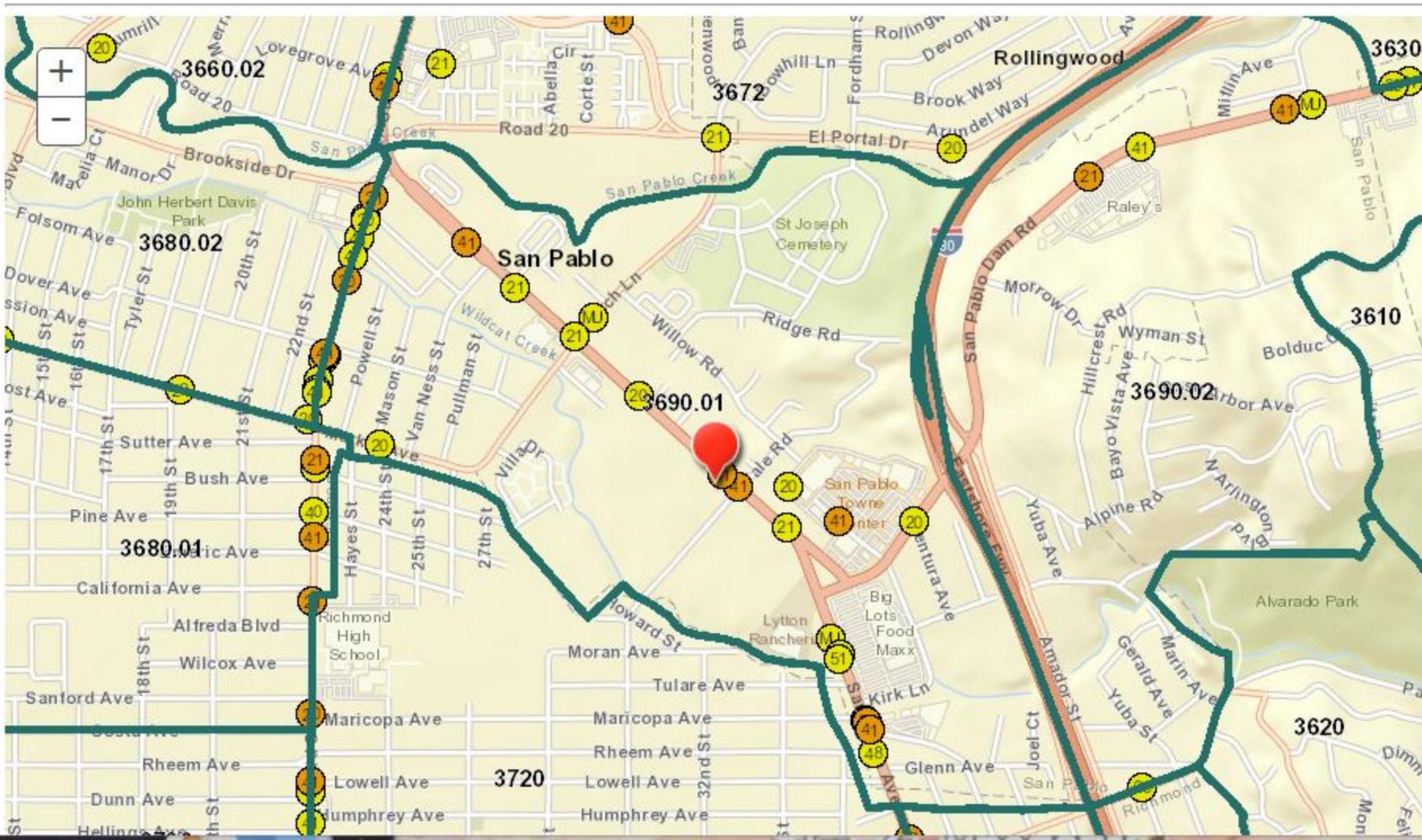
Search for a specific

License Number:

Or, locate a general area by entering:

Premises Address:

Census Tract: City:



State of California

BUSINESS AND PROFESSIONS CODE

Section 23958.4

23958.4. (a) For purposes of Section 23958, “undue concentration” means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer’s license, or a winegrower’s license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) "Reporting districts" means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) "Population within the census tract or census division" means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) "Population in the county" shall be determined by the annual population estimate for California counties published by the Population Research Unit of the Department of Finance.

(5) "Retail licenses" shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A "premises-to-premises transfer" refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be established by the department on an annual basis.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued before April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

(Amended by Stats. 2013, Ch. 76, Sec. 6. (AB 383) Effective January 1, 2014.)

**COMMON ABC LICENSE TYPES
AND THEIR BASIC PRIVILEGES**

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer’s licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer’s licensed premises or at a bona fide eating place contiguous to the manufacturer’s licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	BED AND BREAKFAST INN - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE —Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.



SPECIAL EVENTS

The Department also issues licenses and authorizations for the retail sale of beer, wine and distilled spirits on a temporary basis for special events. The most common are listed below. Other less common ones are found in Business and Professions Code Section 24045.2, et seq.

SPECIAL DAILY BEER AND/OR WINE LICENSE - (Form ABC-221) Authorizes the sale of beer and/or wine for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to non-profit organizations. (Rule 59, California Code of Regulations)

DAILY ON SALE GENERAL LICENSE - (Form ABC-221) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to political parties or affiliates supporting a candidate for public office or a ballot measure or charitable, civic, fraternal or religious organizations. (Section 24045.1 and Rule 59.5 California Code of Regulations)

CATERING AUTHORIZATION - (Form ABC-218) Authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. Type 51 and 52 licensees may only cater alcoholic beverages at their licensed premises. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

EVENT AUTHORIZATION - (Form ABC-218) Authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. *The licensee shall obtain prior approval of the local law enforcement agency.* At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises (including any license conditions) and violations of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399)

WINE SALES EVENT PERMIT - (Form ABC-239) Authorizes Type 02 licensees to sell bottled wine produced by the winegrower for consumption off the premises where sold and only at fairs, festivals or cultural events sponsored by designated tax exempt organizations. The licensee must notify the city and/or county where the event is being held and obtain approval from ABC for each event (Form ABC-222). The licensee must also comply with all restrictions listed in Business and Professions Code Section 23399.6.

Note:

1. "Minor" means any person under 21 years of age.
2. Consult Section 25663(b) regarding age of employees in off-sale premises; consult Sections 25663(a) and 25663.5 regarding age of employees in on-sale premises.
3. In certain situations, ABC may place reasonable conditions upon a license, such as restrictions as to hours of sale, employment of designated persons, display of signs, restrictions on entertainment or dancing, etc. If a license has been conditioned, it will be endorsed as such on the face of the license. (Conditional licenses, Sections 23800-23805.)

4. Licensees whose license allows minors on the premises may have a “house policy” restricting minors from entering certain areas of the premises or prohibiting minors in the premises during certain hours.
5. This handout contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize your license. Also available from the ABC: Quick Summary of Selected ABC Laws (form ABC-608); Alcoholic Beverage Control Act (complete laws); Rules & Regulations; and P-90 (describes privileges of non-retail licenses).

Koi Sushi: Business Information

Gao Ping Inc, D.B.A . Koi Sushi

Address: 13501 San Pablo Ave, San Pablo Ca 94806

Hours of Operation: Monday - Sunday 11:00am - 3:00pm
Monday - Sunday 4:30pm - 9:30pm

Meals: Lunch: 11:00am- 3:00pm
Dinner: 4:30pm - 9:30pm

Business Type: Full Service Restaurant

Reason for Application: Conditional Use Permit-Liquor License

Cuisine Style: Japanese

of Employees: 5

Max Occupancy: 30

Restroom: 1

Parking Spaces: 30

Total Building Area: 1,144 square feet

Total Property Area: 1,144 square feet

Owner Name: Jie Gao

April 21, 2019

To: The City of San Pablo

Re: Letter of Public Convenience & Necessity

To whom it may concern,

The owner of Gao Ping Inc, a Japanese restaurant located at 13501 San Pablo Ave Suite H, San Pablo, are requesting TYPE 41- Beer & Wine On-Sale General Eating Place license.

Business purpose:

Gao Ping Inc, DBA, Koi Sushi is a public and full service Japanese cuisine with table of approximately 30 seated guests. The restaurant will operate from 11am to 3pm, Monday - Sunday, and 4:30pm to 9:30pm Monday- Sunday. We are closed for an hour and half between lunch and dinner.

Products and services:

Food and drinks naturally go together, they encourages the convivial atmosphere that keeps diners spending great times with families and friends and ordering food for much longer. Sushi and Japanese styled dishes are serve and taste the best with consideration to the consumption of Japanese style beer, wines, and sake. In our experience, we have seen customers turn away due to non-sales of alcohol beverages.

Revenue and management:

Restaurants survive on razor-thin margins and also it's easier to prepare when compare to make a sushi roll or dish without overwhelming the kitchen with more labor cost. We expect that approximately 75% of revenue come from food, 10% from alcohol beverage, and 15% from non-alcohol beverage sales. The restaurant staff will be well trained for food safety and alcohol beverage service. On average, we expect 2 floor staff, 2-3 sushi bar and kitchen staff, beverage

staff over the age of 21 and 1 manager will be present during business hours. Management and beverage staff will have required ABC training.

Uniqueness and Positive impact:

Koi Sushi has its own traditional recipe and different menu items compare to other Japanese restaurants within the area. We have experience chef and well-trained and supportive staffs. The restaurant will also take the efforts to drive the economy by hiring more employees and contribute to the tax revenues of the community.

We thank you for your consideration of our application to provide alcohol sales to the guests of Koi Sushi.

Sincerely,

Jie Gao
Gao Ping Inc

Attached:
Lunch and Dinner Menu

Appetizer

Edamame.....3.50 (dry beans)	JALAPENO BOMB.....5.50 (deep fried jalapeno w/ spicy tuna and cream cheese)
AGEDASHI TOFU.....5.50 (deep fried tofu w/ sauce and scallion)	TAKOYAKI(6PC).....5.50 (Deep fried octopus dumpling)
Chicken kara-age.....5.50 (Japanese style fried chicken)	VEGGIE TEMPURA.....5.95 (mixed vegetable deep fried w/ tempura batter)
Gyoza (7PC).....5.50 (pan-fried potstickers)	TEMPURA.....6.95 (2 shrimp and mixed veggie deep fried w/ tempura batter)
Ika-GESO.....5.50 (deep fried calamari legs)	SOFT SHELL CRAB.....7.95 (Deep fried soft shell crab)
Kaki - fry (3pc).....5.50 (deep fried creamy Hiroshima oyster)	HAMACHI KAMA.....9.95 (simply grilled yellow tail collar)
YAKITORI (2PC).....5.50 (chicken skewers)	



Soup & Salad & Rice

STEAM RICE.....1.50	SUSHI RICE.....1.75	MISO SOUP.....1.95	KOI HOUSE SALAD.....2.95 (Romaine lettuce w/ salad dressing)	WAKAME SALAD.....3.50	CUCUMBER SALAD.....4.95 (Cucumber, salad w/ vinegar dressing)	SUNOMONO SALAD.....4.95 (Shrimp and kanikama cucumber salad)	TUNA TARTARE.....5.95 (Raw tuna avocado chips and special house sauce)	TUNA SALAD.....6.95 (Romaine lettuce sliced tuna w/ tobiko ikura / also can be salmon or hamachi)	SEARED TUNA SALAD.....6.95 (Seared tuna w/ sesame seeds & spring mixed)	SEAFOOD POKI SALAD.....7.95 (Assorted raw fish onion tobiko sesame seed and scallion)
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Sashimi

MAGURO(3pc).....5.95 Tuna	SHIOMAGURO (3pc).....5.95 Albacore tuna	SAKE (3pc).....5.95 Salmon	HAMACHI(3PC).....5.95 Yellowtail	SABA (3pc).....5.50 Pickled mackerel	ESCOLAR(3PC).....5.95 Super white tuna
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Special Roll

LION KING ROLL.....9.95 Cal roll top w/ torched salmon, scallion and eel sauce	*DOUBLE HAMACHI.....11.95 Hamachi avocado and scallion top w/ hamachi & scallion	*LILLY ROLL.....10.95 Tempura shrimp sweet potato top w/ tuna avocado & eel sauce and spicy mayo	*STAR ROLL.....10.95 soft shell crab avocado and kyu lettuce crab meat & spicy mayo	*TIGER ROLL.....4.95 Avocado & cucumber	*SPICY TUNA ROLL.....6.50 Spicy tuna w/ cucumber	*VEGGIE ROLL.....5.50 Tempura Veggie w/ kyu avocado & lettuce	*TUNA-AVO.....6.50 Tuna w/ avocado	*ROCK N ROLL.....6.95 Eel avo kyu & eel sauce	*PHILLY ROLL.....6.50 Fresh salmon w/ cream cheese	*TEMPURA ROLL.....6.50 Tempura shrimp avo kyu lettuce crab meat & eel sauce
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Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

Classic Roll

CALIFORNIA ROLL.....4.95 Crab meat & avocado	ALASKA ROLL.....6.50 Salmon w/ avocado	NEW YORK ROLL.....6.50 Shrimp with avocado and kyu	S.T.C.....6.50 Spicy tuna w/ crunchy rice	NEGHAMA.....6.50 Yellowtail and avocado scallion	SPIDER ROLL.....6.95 soft shell crab avocado and kyu lettuce crab meat & spicy mayo	TIGER ROLL.....4.95 Salmon skin kyu scallion and tobiko	AVO-KYU.....4.95 Avocado & cucumber	SPICY TUNA ROLL.....6.50 Spicy tuna w/ cucumber	VEGGIE ROLL.....5.50 Tempura Veggie w/ kyu avocado & lettuce	TUNA-AVO.....6.50 Tuna w/ avocado	*ROCK N ROLL.....6.95 Eel avo kyu & eel sauce	*PHILLY ROLL.....6.50 Fresh salmon w/ cream cheese	*TEMPURA ROLL.....6.50 Tempura shrimp avo kyu lettuce crab meat & eel sauce
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Tempura Roll

GODZILLA ROLL.....7.95 Deep fried spicy tuna roll top w/ scallion tobiko eel sauce spicy mayo	GEISHA.....7.95 Deep fried hamachi avo cream cheese top w/ scallion & eel sauce	VEGAS ROLL.....7.95 Deep fried salmon, cream cheese asparagus top w/ tobiko special sauce	HOUSE SPECIAL ROLL.....6.95 Deep fried California roll with eel sauce	ROCK STAR ROLL.....7.95 Deep fried spicy crab eel and avo & eel sauce and spicy mayo	GOLDEN TIGER ROLL.....8.95 Deep fried cream cheese avocado shrimp tempura top w/ spicy crab meat spicy mayo eel sauce	COWBOY ROLL.....7.95 Deep fried Grill steak avocado cream cheese asparagus top w/ eel sauce and wasabi mayo
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Lunch Bento Box

Two items \$10.95 with your choice from each column. Served with miso soup, salad and rice.

A	B
California roll	Chicken Teriyaki
Alaska roll	Beef teriyaki
Spicy Tuna roll	Saba shioyaki
Tiger roll	Salmon teriyaki
Tempura roll	Mix tempura
Veggie roll	Gyoza (4pc)
Avo + Kyu roll	Kara-age
Seaweed salad	Chicken katsu
Philly roll	Agodashi tofu



Lunch Special

Monday - Sunday 11:00 - 3:00 (SERVED WITH MISO SOUP AND RICE)

CHICKEN TERIYAKI.....9.95 Grilled boneless chicken w/ Teriyaki sauce	SABA SHIOYAKI.....9.95 Grilled mackerel	SALMON TERIYAKI.....11.95 Grilled salmon w/ teriyaki sauce	CHICKEN KATSU.....9.95 Deep fried breaded chicken cutlet	BEEF TERIYAKI.....11.95 Grilled rib eye beef w/ house teriyaki sauce
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Dinner Bento Box

Two items \$12.95 with your choice from each column. Served with miso soup, salad and rice.

California roll	Chicken Teriyaki
Alaska roll	Beef teriyaki
Spicy Tuna roll	Saba shioyaki
Tiger roll	Salmon teriyaki
Tempura roll	Mix tempura
Veggie roll	Gyoza (4pc)
Avo + Kyu roll	Kara-age
Sashimi (4pc) chef choice	Chicken katsu
3pc daily sushi	Agodashi ToFu



Dinner Entrees

PLATES	NOODLE
CHICKEN TERIYAKI.....10.95 Grilled boneless chicken w/ teriyaki sauce	SHOYU RAMEN.....9.95 Tokyo style soy flavor ramen with cha-shu egg
SABA SHIOYAKI.....10.95 Grilled mackerel	NABERAYKI UDON.....9.95 Udon w/ chicken fishcake egg
SALMON TERIYAKI.....12.95 Grilled salmon w/ teriyaki sauce	TEMPURA UDON.....9.95 Udon, Noodle soup with assorted tempura on the side
CHICKEN KATSU.....10.95 Deep fried breaded chicken cutlet	TOKOTSU RAMEN.....9.95 Pork soup base ramen w/ cha-shu egg
TEMPURA DINNER.....11.95 4 shrimp tempura and assorted veggie deep fried	SU-UDON.....5.95 Plain udon
BEEF TERIYAKI.....12.95 Grilled rib eye beef w/ house teriyaki sauce (SERVED WITH MISO SOUP AND RICE)	YAKI UDON
DONBURI	VEGGIE YAKI UDON.....8.95 Stirred, Fried udon noodles w/ assorted veggie
KATSU DON.....9.95 Chicken katsu cutlet with poached egg	CHICKEN YAKI UDON.....9.95 Stirred, Fried udon noodles w/ chicken veggie
UNAGI DON.....15.95 Barbecued eel over rice	BEEF YAKI UDON.....10.95 Stirred, fried udon noodles w/ beef
SAN SHOUKU DON.....9.95 Slices of tuna hamachi and salmon over sushi rice	SEAFOOD YAKI UDON.....10.95 Stirred, Fried udon noodles w/ shrimp veggie
OYAKO DON.....9.95 Japanese rice bowl w/ chicken egg and scallion	
TERKA DON.....15.95 Tuna, sashimi over sushi rice	
CHIRASHI.....15.95 Assorted sashimi over sushi rice	



Dinner Combination

SASHIMI MINI (SPICES) Slice of tuna salmon and hamachi w/ rice.....11.95	VEGGIE SUSHI COMBO Kappa, avocado inari and veggie roll.....12.95
SUSHI STARTER Sake nigiri (2pc) ebi nigiri (2pc) tekka maki and California roll.....14.95	KOI SUSHI COMBO 6 pieces assorted sushi with cal roll.....14.95
SASHIMI COMBO (12pc) Slices of tuna, salmon, hamachi and one chef choice w/ rice.....19.95	SUSHI DELUXE 8 pieces assorted sushi with spicy tuna roll.....19.95



Hosomaki

KAPPA Maki.....3.25 Cucumber	OSHINKO.....3.25 Pickled radish
AVOCADO Maki.....3.25 Salmon	KANPO.....3.25 Season squash
NATTO.....3.25 Fermented soybean	SALMON SKIN.....3.25 Salmon skin w/ scallion & tobiko
UME-KYU.....3.25 Sour plum with cucumber	IKU IKURA.....4.25 Squid and salmon oie
TEKKA Maki.....4.25 Tuna	SAKE Maki.....4.25 Salmon



Soft Drink

APPLE JUICE.....2.00	BOTTLE WATER.....1.00	SPARKING WATER.....2.50	SUNKIST.....1.50	COKE, DIET COKE, SPRITE.....1.50	ICE TEA, LEMONADE (FREE REFILL).....2.00	RAMUNE (JAPANESE SODA).....2.95	Snapple.....2.00
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Dessert

ICE CREAM.....1.95	MOCHI ICE CREAM (2PC).....3.50	FRIED BANANA.....4.95	CHEESE CAKE.....4.50
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Koi

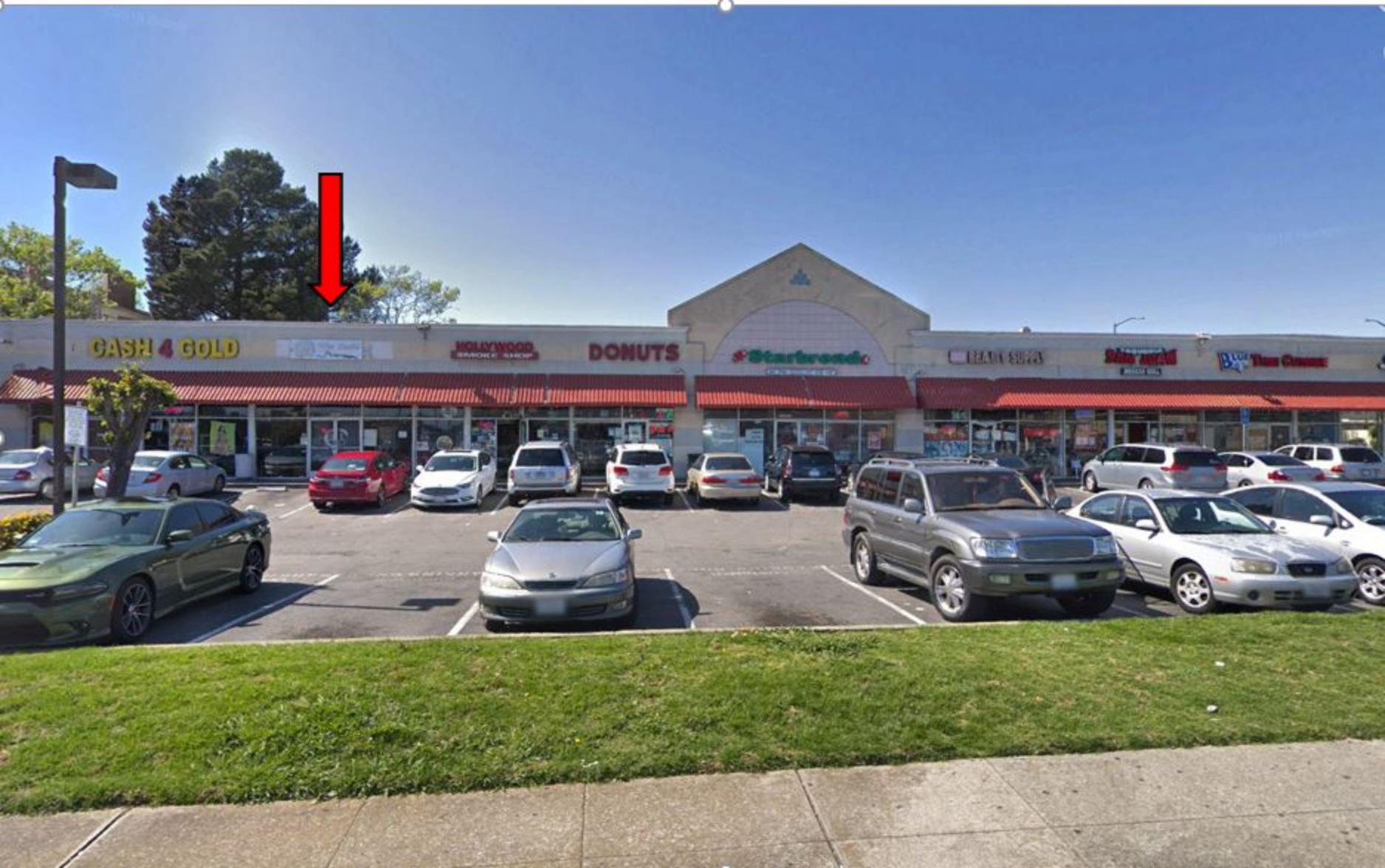
Sushi

LUNCH:
Monday - Sunday
11:00 am - 3:00 pm

DINNER:
Monday - Sunday
4:30 pm - 9:30 pm

13501 SAN PABLO AVE #H
SAN PABLO, CA 94806
(510)-374-6733





CASH 4 GOLD

HOLLYWOOD
DONUTS

DONUTS

Starbuck's

LEAVY SUGA

State Street

Blue Bonnet



Grace Ln

San Pablo Ave

Vale Rd

Las Moradas Cir

San Pablo Village

West County Times

1050 Marina Way S
Richmond, CA 94804
(510) 262-2740

2015901

SAN PABLO CITY OF
CITY CLERK OFFICE
LEHNY CORBIN
13831 SAN PABLO AV BLDG #1
SAN PABLO, CA 94806

PROOF OF PUBLICATION

FILE NO. PLAN1903-0023/1905-0014

In the matter of

West County Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/18/2019

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 20th day of May, 2019.



Signature

Legal No.

0006340927



CITY OF SAN PABLO
City of New Directions

CITY OF SAN PABLO NOTICE OF PUBLIC HEARING TUESDAY, MAY 28, 2019

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of San Pablo, State of California, will hold a public hearing on the following items:

PLAN1903-0023: Consideration of a Conditional Use Permit and determination of Public Convenience or Necessity for an on-sale alcohol license for beer and wine only for an existing restaurant, Koi Sushi, at 13501 San Pablo Avenue, Suite H, San Pablo, CA 94806, APN 417-180-023. The property is within the San Pablo Avenue Specific Plan and has a Commercial Mixed Use designation. It has been determined that the proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA Guidelines Section 15301, Class 1, Existing Facilities. Class 1 addresses an existing private structure, such as this recently renovated building, where a restaurant will be operating.

PLAN1905-0014, City of San Pablo Capital Improvement Program: Consideration of a finding of General Plan conformance for the Fiscal Year 2020/21 Capital Improvement Program (CIP). This is a City initiated project and the program is citywide. The project is exempt from the California Environmental Quality Act per guideline 15061(b)(3), with no potential for causing a significant effect on the environment.

NOTICE IS HEREBY FURTHER GIVEN that said hearings before the Planning Commission will be on Tuesday, May 28, 2019. The meeting will be held at 6:30 p.m. in the City Council Chambers located at One Alvarado Square, 13831 San Pablo Avenue, San Pablo, CA, 94806 at which time and place all persons interested may appear and be heard thereon. Questions may be directed to the City of San Pablo Community and Economic Development Department at (510) 215-3030.

NOTE: If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

If you need Spanish language assistance, please contact Development Services at (510) 215-3030. Si necesita asistencia en español, por favor contacte al Departamento de Desarrollo Comunitario y Económico al (510) 215-3030.

**Elizabeth Dunn, Planning Manager
Community and Economic Development**

WCT 6340927 May 18, 2019

ATTACHMENT G

Planning Commission Staff Report

PREPARED BY: Elizabeth Dunn, Planning Manager

DATE: May 28, 2019

SUBJECT: PLAN1905-0014: CONSIDERATION OF A FINDING OF GENERAL PLAN CONFORMITY FOR THE FISCAL YEAR 2020/21 CAPITAL IMPROVEMENT PROGRAM (CIP). THIS IS A CITY INITIATED PROJECT AND THE PROGRAM IS CITYWIDE. THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER GUIDELINE 15061(b) (3), NO POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE ENVIRONMENT WITH THE UNDERSTANDING THAT EACH PROJECT WILL BE REVIEWED UNDER CEQA.

STAFF RECOMMENDATION

Adopt Resolution 19-04 (Attachment A) and find the CIP for Fiscal Years 2020-2021 to be in conformance with the General Plan and recommend the 2020-21 CIP for consideration to the City Council.

BACKGROUND

Applicant: City of San Pablo
Location: Citywide
Parcel Number: NA
General Plan Designation: Citywide
Zoning District: Citywide

PROJECT DESCRIPTION

In accordance with California State Government Code Section 65401, the City's Capital Improvement Program (CIP) must be reviewed by the Planning Commission to determine conformance with the General Plan prior to adoption by the City Council. This review is for the proposed 2 year CIP for Fiscal Years 2020/21.

The purpose of the CIP is to translate capital improvement policies of the City Council into specific projects. After review by the Planning Commission, the City Council will review the range of capital projects submitted for consideration in the 2020-2021 CIP budget. Staff will

then present the FY 2020/21 CIP budget to the City Council for a decision at its regular meeting on June 3, 2019.

There are ten (10) categories in the FY 2020/21 CIP; the new project or projects and the categories are provided below:

1. Americans with Disabilities Act (ADA) Improvements
 - a. ADA Transition Plan
2. Buildings
 - a. 2023 Vale Road HVAC
 - b. Corp Yard Replacement
 - c. Police Department (“PD”) Elevator Upgrade
 - d. PD HVAC Upgrade
 - e. PD Building Improvements
 - f. Rollingwood/Wilart Recreation Center
3. Creeks and Bridges
 - a. No new projects
4. Drainage
 - a. Sutter Street Drainage Rehabilitation
 - b. Desilting Basin
 - c. Rumrill Boulevard Mainline Upgrade
5. Geotechnical Projects
 - a. East of I-80
6. Lighting/Landscape/Beautification
 - a. No new projects
7. Streets
 - a. Dover Avenue and Tyler Street Pavement Rehabilitation
 - b. Sanford Street Pavement Rehabilitation
 - c. Giant Road Rehabilitation
8. Transportation Improvements
 - a. Church/Willow and El Portal/Mission Bell Intersection Improvements
 - b. Wildcat Creek Train Crossing Improvements
9. Plans and Studies
 - a. No new projects
10. Miscellaneous
 - a. No new projects

ANALYSIS

There are Tier I (funded) and Tier II (unfunded) capital improvement projects that are included in the CIP for funding consideration through the fiscal years.

The Planning Commission review is to determine the consistency between the proposed CIP listed projects and the adopted General Plan, and forward this recommendation of consistency to the City Council. The proposed projects have been reviewed by staff to determine the consistency with the goals, objectives and policies of the General Plan and its various functional elements of Land Use & Design, Housing, Economic Development, Growth Management, Circulation, Parks, Schools, Community Facilities & Utilities, Health, and Safety & Noise.

GENERAL PLAN FINDINGS FOR CONFORMANCE

Although each individual project contained in the CIP has been reviewed for conformity, for discussion purposes, the projects proposed have been separated into categories. Applicable General Plan Goals, Objectives and Policies for each category are then presented. Finally, a brief explanation of General Plan conformity is provided for each category.

Overall, the proposed Capital Improvement Program (CIP) meets the following General Plan policy.

Implementing Policy GME-I-6

Prepare and adopt a Capital Improvement Program (CIP) that describes City-sponsored capital projects. The CIP shall include funding sources covering the complete cost of the project as well as the intended phasing, and be reviewed every five years so that it accurately reflects the City's priorities and community needs.

New FY 2020/21 CIP Projects

1. Americans with Disabilities Act (ADA) Improvements

- ADA Transition Plan

The above listed project is in conformance with the identified General Plan policies and actions that follow. The above listed project is in conformance with the identified General Plan policies and actions that follow. This project will ensure that the City is addressing the Americans with Disabilities Act improvements at public facilities and streets and sidewalks.

Implementing Policy C-I-23 Circulation

Provide pedestrian facilities that are accessible to persons with disabilities and ensure that roadway improvement projects address accessibility and universal design concepts.

Implementing Policy PSCU-I-12 Parks, Schools, Community Facilities & Utilities

Ensure equal access to City facilities and services and other buildings offering health and social services, consistent with Americans with Disabilities Act (ADA) requirements.

Implementing Policy PSCU-I-3 Parks, Schools, Community Facilities & Utilities

Develop new park and recreation facilities and continue to upgrade existing ones with universal accessibility, durability, and low maintenance in mind.

2. Buildings

- 2023 Vale Road HVAC
- Corp Yard Replacement
- PD Elevator
- PD HVAC Upgrade
- PD Building Improvements
- Rollingwood/Wilart Recreation Center

The above listed projects are in conformance with the identified General Plan policies and actions that follow. These projects will improve the City's public facilities and the health facility at 2023 Vale Road that the City owns and leases to an entity to provide needed community health services.

Guiding Policy LU-G-9 Land Use & Physical Design

Provide for the development of civic and institutional land uses to meet the educational, medical, social, economic, cultural, and religious needs of the community.

Implementing Policy LU-I-32 Land Use & Physical Design

Designate land for civic and institutional land uses, including parks and open spaces, health and medical facilities, emergency services, educational institutions, and other City services.

Implementing Policy LU-I-35 Land Use & Physical Design

Initiate planning, rezoning, and marketing of the City Hall site, consistent with the San Pablo Avenue Specific Plan, if the City Hall moves to an alternative location.

Guiding Policy GME-G-2: Provide adequate infrastructure and facilities to meet the demands of new development and population growth.

Guiding Policy PSGU-G-2: Facilitate the provision of a broad range of community serving facilities to meet local needs, including, but not limited to, schools, community centers, and libraries.

Guiding Policy PSGU-G-4: Promote equitable distribution of and access to community-serving facilities throughout San Pablo.

Implementing Policy PSCU-I-18: Promote sustainable practices in the design, construction and renovation of both public and private community-serving facilities.

Implementing Policy PSCU-I-22: Prioritize the development of new, upgraded, or revitalized community facilities and infrastructure in neighborhoods that are currently underserved or where they can be put to maximum use.

HEA-I-10: Encourage businesses or non-profit organizations to offer indoor recreational facilities and programs compatible with existing commercial structures and zones, such as

batting cages, rock climbing walls basketball/indoor soccer courts, and studios offering martial arts, aerobics, and yoga classes.

3. Bridges

- No new projects

4. Creeks and Storm Drains

- Sutter Street Drainage Rehabilitation
- Desilting Basin
- Rumrill Boulevard Mainline Upgrade

The above listed projects are in conformance with the identified General Plan policies and actions that follow. These projects will generally upgrade the City’s identified creek area and storm drain system.

Guiding Policy OSC-G-3 Open Space & Conservation

Protect and enhance wetlands, creek systems, and rare and endangered species and their habitats.

Guiding Policy OSC-G-4 Open Space & Conservation

Ensure both access and ecological functionality of the creek system in San Pablo.

Implementing Policy OSC-I-10 Open Space & Conservation

Maintain, protect, and enhance San Pablo’s creeks, including Rheem, San Pablo, and Wildcat Creeks, as local environmental and aesthetic resources, with approaches including: Establish a Creek Improvement Program to widen, day-light, and improve San Pablo and Wildcat creeks for the enjoyment of residents; and Strengthening stormwater management requirements for properties adjacent to the creek areas by applying techniques that maintain or restore nature character.

Guiding Policy PSCU-G-5 Parks, Schools, Community Facilities & Utilities

Continue to ensure the successful provision, maintenance, and operation of City-owned public infrastructure and utilities.

Guiding Policy PSCU-G-7 Parks, Schools, Community Facilities & Utilities

Maintain a comprehensive storm drainage system to protect life and property.

5. Geotechnical Projects

- East of I-80

The above listed project is in conformance with the identified General Plan policies and actions that follow as this project is to address hillside stability within the City.

Guiding Policy SN-G-1 Safety and Noise

Minimize risks of property damage and personal injury posed by geologic and seismic hazards.

Implementing Policy SN-I-6 Safety and Noise

Require erosion prevention of hillside areas by re-vegetation or other acceptable methods

6. Lighting/Landscape/Beautification

- No new projects

7. Streets

- Dover Avenue and Tyler Street Pavement Rehabilitation
- Sanford Street Pavement Rehabilitation
- Giant Road Rehabilitation

The above listed projects are in conformance with the identified General Plan goals, objectives and policies that follow. These projects enable staff to effectively operate and provide transportation safety and upgrades to City systems and services.

Guiding Policy C-G-2 Overall Transportation System

Protect the character of local residential streets.

Guiding Policy C-G-4 Maintenance Standards

Maintain acceptable levels of services for all modes of travel

Implementing Policy C-I-3 Overall Transportation System Planning

Ensure that public right-of-way improvement designs are consistent with the character of each neighborhood.

Implementing Policy C-I-12 Circulation

Schedule public transportation improvements projects in the Capital Improvement Program.

8. Transportation Improvements

- Church/Willow and El Portal/Mission Bell Intersection Improvements
- Wildcat Creek Train Crossing Improvements

The above listed projects are in conformance with the identified General Plan policies and actions that follow. These projects will generally upgrade and improve heavily traveled arterial streets, and the intersection of a creek with a train crossing at the western edge of the City.

Guiding Policy C-G-4 Maintenance Standards

Maintain acceptable levels of services for all modes of travel

Implementing Policy C-I-3 Overall Transportation System Planning

Ensure that public right-of-way improvement designs are consistent with the character of each neighborhood.

Implementing Policy C-I-5 Overall Transportation System Planning

Install traffic calming devices, such as signage, road bulbs (also called curb extensions), chicanes, raised crosswalks and speed humps, as needed and appropriate in existing neighborhoods.

Implementing Policy C-I-12 Circulation

Schedule public transportation improvements projects in the Capital Improvement Program.

Implementing Policy OSC-I-10 Open Space & Conservation

Maintain, protect, and enhance San Pablo’s creeks, including Rheem, San Pablo, and Wildcat creeks, as local environmental and aesthetic resources, with approaches including: Establish a Creek Improvement Program to widen, day-light, and improve San Pablo and Wildcat creeks for the enjoyment of residents; Strengthening stormwater management requirements for properties adjacent to the creek areas by applying techniques that maintain or restore nature character; identifying and working with property owners to take advantage of unique opportunities where human active use (e.g. through trail development) would enhance creek appreciate without further disrupting ecological function.

Implementing Policy OSC-I-11 Open Space & Conservation

Require property owners with properties adjacent to creek to pay for creek improvement maintenance.

9. Plans and Studies

- No new projects

10. Miscellaneous

- No new projects

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed Capital Improvement Program has been determined to be exempt from the provisions of CEQA, in accordance with CEQA Guidelines 15061(b)(3), no potential for causing a significant effect on the environment, as it is a planning document and each project shall be assessed under CEQA.

PUBLIC HEARING NOTICE

As this is a project that has the potential to address citywide issues, a legal ad was published in the May 18, 2019 edition of the West County Times.

RECOMMENDED ACTION

Open the Public Hearing and consider public comment. Close the Public Hearing and adopt Resolution 19-05 to make a finding of General Plan consistency for the FY 2020-21 Capital Improvement Program (CIP) and forward this recommendation to the City Council of the City of San Pablo.

ATTACHMENTS

- A) Resolution 19-05
- B) Legal Ad for Public Hearing

RESOLUTION 19-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO FINDING THAT THE FISCAL YEAR 2020/21 PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP) TO BE IN CONFORMANCE WITH THE CITY OF SAN PABLO GENERAL PLAN 2030 POLICIES AND RECOMMENDING ACTION BY THE SAN PABLO CITY COUNCIL

WHEREAS, the City Council of the City of San Pablo each year appropriates funding for capital improvement projects to be designed and constructed; and

WHEREAS, the City desires to construct various improvements and to perform major maintenance or improvements to City-owned facilities; and

WHEREAS, these improvements and maintenance activities for Fiscal Years 2020/21 and associated funding are presented in the Fiscal Year 2020/21 Capital Improvement Program (CIP); and

WHEREAS, a Public Hearing Notice was published in the East Bay Times newspaper on Saturday, May 18, 2019; and

WHEREAS, funding for these projects may come from a variety of sources, bond proceeds, general fund designated reserves, Rule 20A funds, and a variety of local, State and Federal grants; and

WHEREAS, after each project has been defined through the selection of an appropriate design, staff will prepare the environmental document(s) required under the California Environmental Quality Act (CEQA) and will bring the project to the City Council for a determination as to whether to go forward with construction; and

WHEREAS, the City Council is anticipated to consider the 2020/21 Capital Improvement Program at a regular scheduled meeting in June for adoption.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Pablo hereby finds that the foregoing recitations are true and correct, and are included herein by reference as findings;

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo finds the Fiscal Year 2020/21 proposed Capital Improvement Program is consistent with the City's General Plan as set forth below;

- 1. Americans with Disabilities Act (ADA) Improvements**
 - ADA Transition Plan

The above listed project is in conformance with the identified General Plan policies and actions that follow. This project will ensure that the City is in compliance with the Americans with Disabilities Act at public facilities and streets and sidewalks.

Implementing Policy C-I-23 Circulation

Provide pedestrian facilities that are accessible to persons with disabilities and ensure that roadway improvement projects address accessibility and universal design concepts.

Implementing Policy PSCU-I-12 Parks, Schools, Community Facilities & Utilities

Ensure equal access to City facilities and services and other buildings offering health and social services, consistent with Americans with Disabilities Act (ADA) requirements.

Implementing Policy PSCU-I-3 Parks, Schools, Community Facilities & Utilities

Develop new park and recreation facilities and continue to upgrade existing ones with universal accessibility, durability, and low maintenance in mind.

2. Buildings

- 2023 Vale Road HVAC
- Corp Yard Replacement
- Police Department (“PD”) Elevator
- PD HVAC Upgrade
- PD Building Improvements
- Rollingwood/Wilart Recreation Center

The above listed projects are in conformance with the identified General Plan policies and actions that follow. These projects will improve the City’s public facilities and the health facility at 2023 Vale Road that the City owns and leases to an entity to provided needed community health services.

Guiding Policy LU-G-9 Land Use & Physical Design

Provide for the development of civic and institutional land uses to meet the educational, medical, social, economic, cultural, and religious needs of the community.

Implementing Policy LU-I-32 Land Use & Physical Design

Designate land for civic and institutional land uses, including parks and open spaces, health and medical facilities, emergency services, educational institutions, and other City services.

Implementing Policy LU-I-35 Land Use & Physical Design

Initiate planning, rezoning, and marketing of the City Hall site, consistent with the San Pablo Avenue Specific Plan, if the City Hall moves to an alternative location.

Guiding Policy GME-G-2: Provide adequate infrastructure and facilities to meet the demands of new development and population growth.

Guiding Policy PSGU-G-2: Facilitate the provision of a broad range of community serving facilities to meet local needs, including, but not limited to, schools, community centers, and libraries.

Guiding Policy PSGU-G-4: Promote equitable distribution of and access to community-serving facilities throughout San Pablo.

Implementing Policy PSCU-I-18: Promote sustainable practices in the design, construction and renovation of both public and private community-serving facilities.

Implementing Policy PSCU-I-22: Prioritize the development of new, upgraded, or revitalized community facilities and infrastructure in neighborhoods that are currently underserved or where they can be put to maximum use.

HEA-I-10: Encourage businesses or non-profit organizations to offer indoor recreational facilities and programs compatible with existing commercial structures and zones, such as batting cages, rock climbing walls basketball/indoor soccer courts, and studios offering martial arts, aerobics, and yoga classes.

3. Bridges

- No new projects

4. Creeks and Storm Drains

- Sutter Street Drainage Rehabilitation
- Desilting Basin
- Rumrill Boulevard Mainline Upgrade

The above listed projects are in conformance with the identified General Plan policies and actions that follow. These projects will generally upgrade the City’s identified creek area and storm drain system.

Guiding Policy OSC-G-3 Open Space & Conservation

Protect and enhance wetlands, creek systems, and rare and endangered species and their habitats.

Guiding Policy OSC-G-4 Open Space & Conservation

Ensure both access and ecological functionality of the creek system in San Pablo.

Implementing Policy OSC-I-10 Open Space & Conservation

Maintain, protect, and enhance San Pablo’s creeks, including Rheem, San Pablo, and Wildcat creeks, as local environmental and aesthetic resources, with approaches including: Establish a Creek Improvement Program to widen, day-light, and improve San Pablo and Wildcat creeks for the enjoyment of residents; and Strengthening stormwater management requirements for properties adjacent to the creek areas by applying techniques that maintain or restore nature character.

Guiding Policy PSCU-G-5 Parks, Schools, Community Facilities & Utilities

Continue to ensure the successful provision, maintenance, and operation of City-owned public infrastructure and utilities.

Guiding Policy PSCU-G-7 Parks, Schools, Community Facilities & Utilities

Maintain a comprehensive storm drainage system to protect life and property.

5. Geotechnical Project focused on areas east of I-80

The above listed project is in conformance with the identified General Plan policies and actions that follow, as this project is for increased hillside stability within the City.

Guiding Policy SN-G-1 Safety and Noise

Minimize risks of property damage and personal injury posed by geologic and seismic hazards.

Implementing Policy SN-I-6 Safety and Noise

Require erosion prevention of hillside areas by re-vegetation or other acceptable methods.

6. Lighting/Landscape/Beautification

- No new projects

7. Streets

- Dover Avenue and Tyler Street Pavement Rehabilitation
- Sanford Street Pavement Rehabilitation
- Giant Road Rehabilitation

The above listed projects are in conformance with the identified General Plan goals, objectives and policies that follow. These projects enable staff to effectively operate and provide transportation safety and upgrades to City systems and services.

Guiding Policy C-G-2 Overall Transportation System

Protect the character of local residential streets.

Guiding Policy C-G-4 Maintenance Standards

Maintain acceptable levels of services for all modes of travel

Implementing Policy C-I-3 Overall Transportation System Planning

Ensure that public right-of-way improvement designs are consistent with the character of each neighborhood.

Implementing Policy C-I-12 Circulation

Schedule public transportation improvements projects in the Capital Improvement Program.

8. Transportation Improvements

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Guiding Policy C-G-4 Maintenance Standards

Maintain acceptable levels of services for all modes of travel

Implementing Policy C-I-3 Overall Transportation System Planning

Ensure that public right-of-way improvement designs are consistent with the character of each neighborhood.

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Install traffic calming devices, such as signage, road bulbs (also called curb extensions), chicanes, raised crosswalks and speed humps, as needed and appropriate in existing neighborhoods.

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Schedule public transportation improvements projects in the Capital Improvement Program.

Implementing Policy OSC-I-10 Open Space & Conservation

Maintain, protect, and enhance San Pablo’s creeks, including Rheem, San Pablo, and Wildcat creeks, as local environmental and aesthetic resources, with approaches including: Establish a Creek Improvement Program to widen, day-light, and improve San Pablo and Wildcat creeks for the enjoyment of residents; Strengthening stormwater management requirements for properties adjacent to the creek areas by applying techniques that maintain or restore nature character; identifying and working with property owners to take advantage of unique opportunities where human active use (e.g. through trail development) would enhance creek appreciation without further disrupting ecological function.

Implementing Policy OSC-I-11 Open Space & Conservation

Require property owners with properties adjacent to creek to pay for creek improvement maintenance.

9. Plans and Studies

- No new projects

10. Miscellaneous

- No new projects

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo hereby recommends that the City Council of the City of San Pablo adopt Fiscal Year 2018-2021 Capital Improvement Program and appropriate funding as designated therein.

Adopted this 28th day of May, 2019, by the following vote:

AYES: Commissioner (s)
NOES: Commissioner (s)
ABSENT: Commissioner (s)
ABSTAIN: Commissioner (s)

ATTEST:

APPROVED:

Charles Ching, Secretary

Paul V. Morris, Chairman

West County Times

1050 Marina Way S
Richmond, CA 94804
(510) 262-2740

2015901

SAN PABLO CITY OF
CITY CLERK OFFICE
LEHNY CORBIN
13831 SAN PABLO AV BLDG #1
SAN PABLO, CA 94806

PROOF OF PUBLICATION

FILE NO. PLAN1903-0023/1905-0014

In the matter of

West County Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/18/2019

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 20th day of May, 2019.



Signature

Legal No.

0006340927



CITY OF SAN PABLO
City of New Directions

CITY OF SAN PABLO NOTICE OF PUBLIC HEARING TUESDAY, MAY 28, 2019

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of San Pablo, State of California, will hold a public hearing on the following items:

PLAN1903-0023: Consideration of a Conditional Use Permit and determination of Public Convenience or Necessity for an on-sale alcohol license for beer and wine only for an existing restaurant, Koi Sushi, at 13501 San Pablo Avenue, Suite H, San Pablo, CA 94806, APN 417-180-023. The property is within the San Pablo Avenue Specific Plan and has a Commercial Mixed Use designation. It has been determined that the proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA Guidelines Section 15301, Class 1, Existing Facilities. Class 1 addresses an existing private structure, such as this recently renovated building, where a restaurant will be operating.

PLAN1905-0014, City of San Pablo Capital Improvement Program: Consideration of a finding of General Plan conformance for the Fiscal Year 2020/21 Capital Improvement Program (CIP). This is a City initiated project and the program is citywide. The project is exempt from the California Environmental Quality Act per guideline 15061(b)(3), with no potential for causing a significant effect on the environment.

NOTICE IS HEREBY FURTHER GIVEN that said hearings before the Planning Commission will be on Tuesday, May 28, 2019. The meeting will be held at 6:30 p.m. in the City Council Chambers located at One Alvarado Square, 13831 San Pablo Avenue, San Pablo, CA, 94806 at which time and place all persons interested may appear and be heard thereon. Questions may be directed to the City of San Pablo Community and Economic Development Department at (510) 215-3030.

NOTE: If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

If you need Spanish language assistance, please contact Development Services at (510) 215-3030. Si necesita asistencia en español, por favor contacte al Departamento de Desarrollo Comunitario y Económico al (510) 215-3030.

Elizabeth Dunn, Planning Manager
Community and Economic Development

WCT 6340927 May 18, 2019

ATTACHMENT B

**City of San Pablo
Green Infrastructure
Plan**

and

**Municipal Regional
Stormwater
Permit Requirements**

Amanda Booth
May 28, 2019

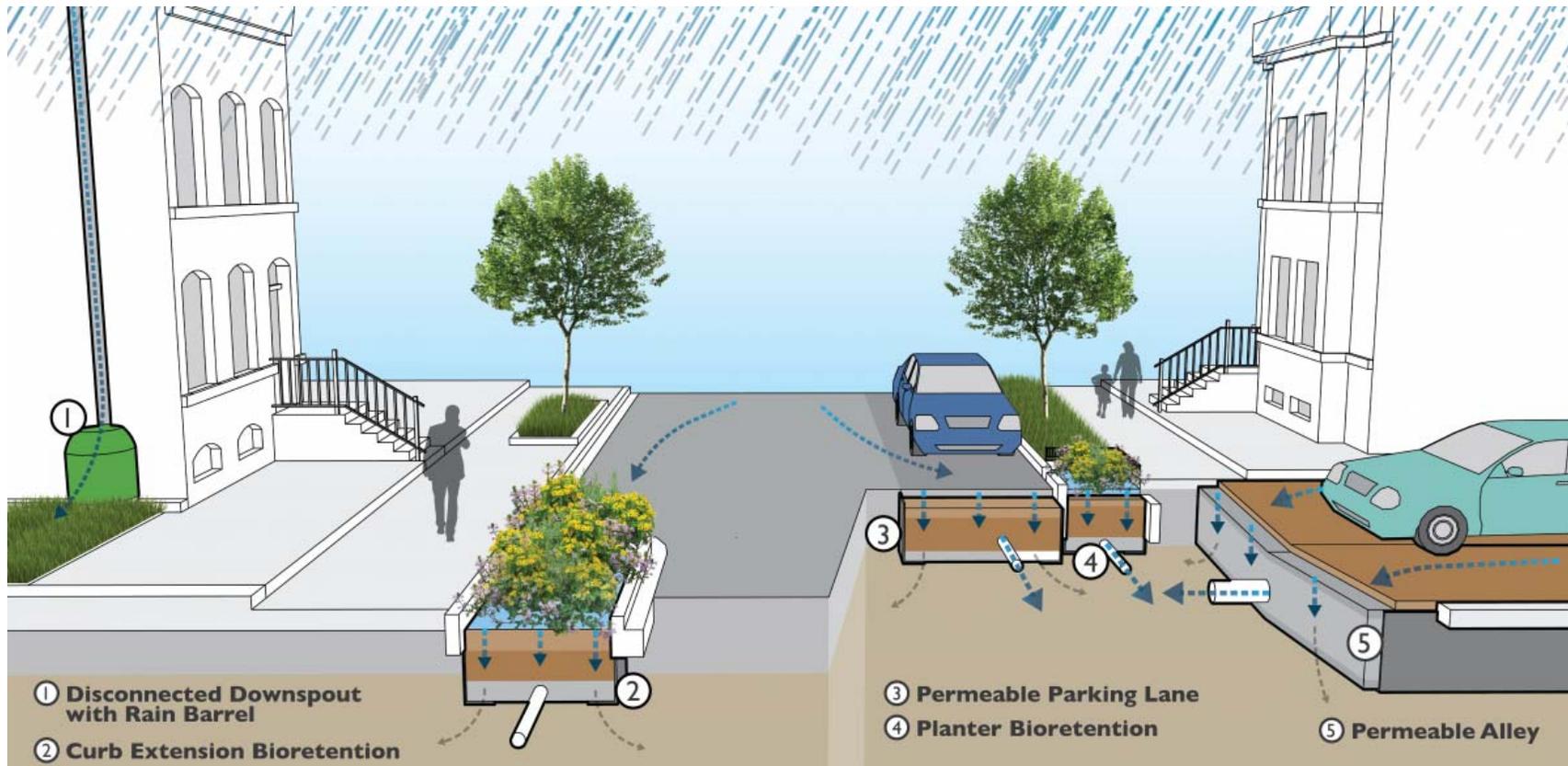


Municipal Regional Stormwater Permit

- 1987: Federal Clean Water Act was amended to establish the National Pollutant Discharge Elimination System (NPDES) program, which regulates stormwater discharge in municipalities
- 2009: Joint regional permit called the Municipal Regional Stormwater Permit (MRP) was developed to regulate stormwater discharges from 76 municipalities in the Bay Area
- 2016: MRP 2.0 was approved by the San Francisco Bay Regional Water Quality Control Board (Water Board):
 1. Green Infrastructure Plan to submit to Water Board for approval in 2019
 2. Reduce Pollutants (PCBs and Mercury)
 3. Reduce Trash

What is Green Infrastructure (GI)?

Green infrastructure (GI) refers to specially designed landscaping that collects stormwater runoff, removes pollutants from runoff, encourages water infiltration into the soil, and restores the natural water cycle to create healthier urban environments







Benefits of Green Infrastructure

- Long-term solution to meet mandated water quality goals
 1. Reduce pollutants
 2. Capture trash
- Increase infiltration (replenish groundwater supply)
- Reduce localized flooding and creek erosion

Additional potential benefits:

- Neighborhood greening
- Recreation space
- Traffic calming
- Habitat creation
- Heat island mitigation



How does this impact local private development?

- No changes from existing stormwater management requirements
- The MRP outlines green infrastructure requirements for private new development and redevelopment
- City typical details and specifications for GI facilities
- The City is required to identify location and timeframe for projected private development BUT no obligation for private property owners to carry out development

How does this impact City development?

- Design guidelines, typical details and specifications for City projects
- Plan identifies projected parcel-based projects and priority right-of-way (ROW) improvement projects
- The City is required to identify location and timeframe for projected City development BUT no obligation for City to carry out development

Requirements of the Green Infrastructure Plan

1. Identify and prioritize projects (2020, 2030, 2040)
2. Targets for impervious surface reductions (2020, 2030, 2040)
3. Technical specifications for GI
4. General design guidance
5. Updates to existing planning documents
6. Funding options
7. Community engagement and outreach

Requirements of the Green Infrastructure Plan

- 1. Identify and prioritize projects (2020, 2030, 2040)**
2. Targets for impervious surface reductions (2020, 2030, 2040)
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7. Community engagement and outreach

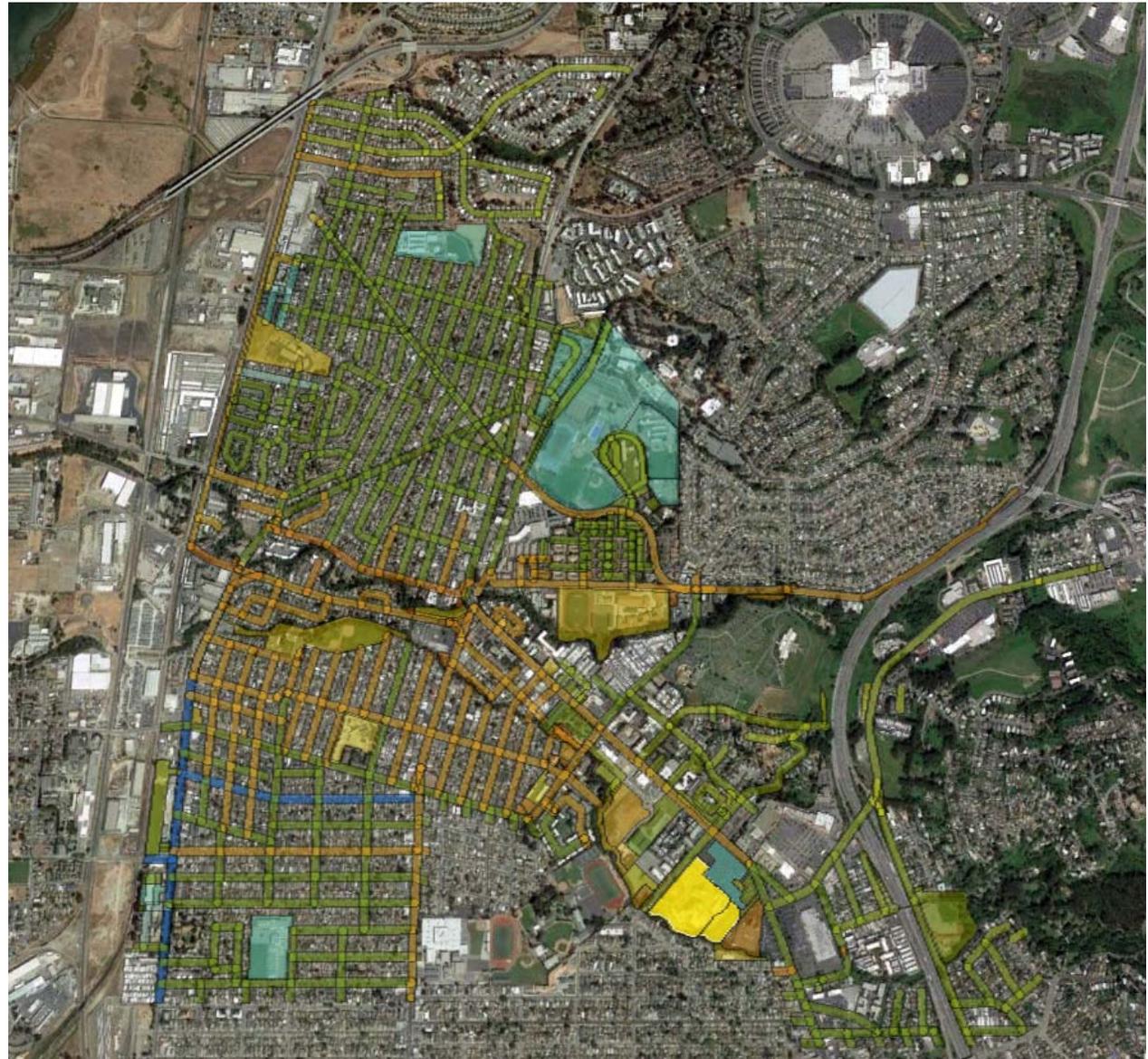
Public Project Prioritization

Regional Stormwater Resource Plan Criteria:

- Size
- Slope
- Infiltration
- Pollutant load
- Water supply
- Restore
- Other benefit

San Pablo Additional Criteria:

- Opportunity
- Safety
- Additional benefits
- Implementation
- Cost



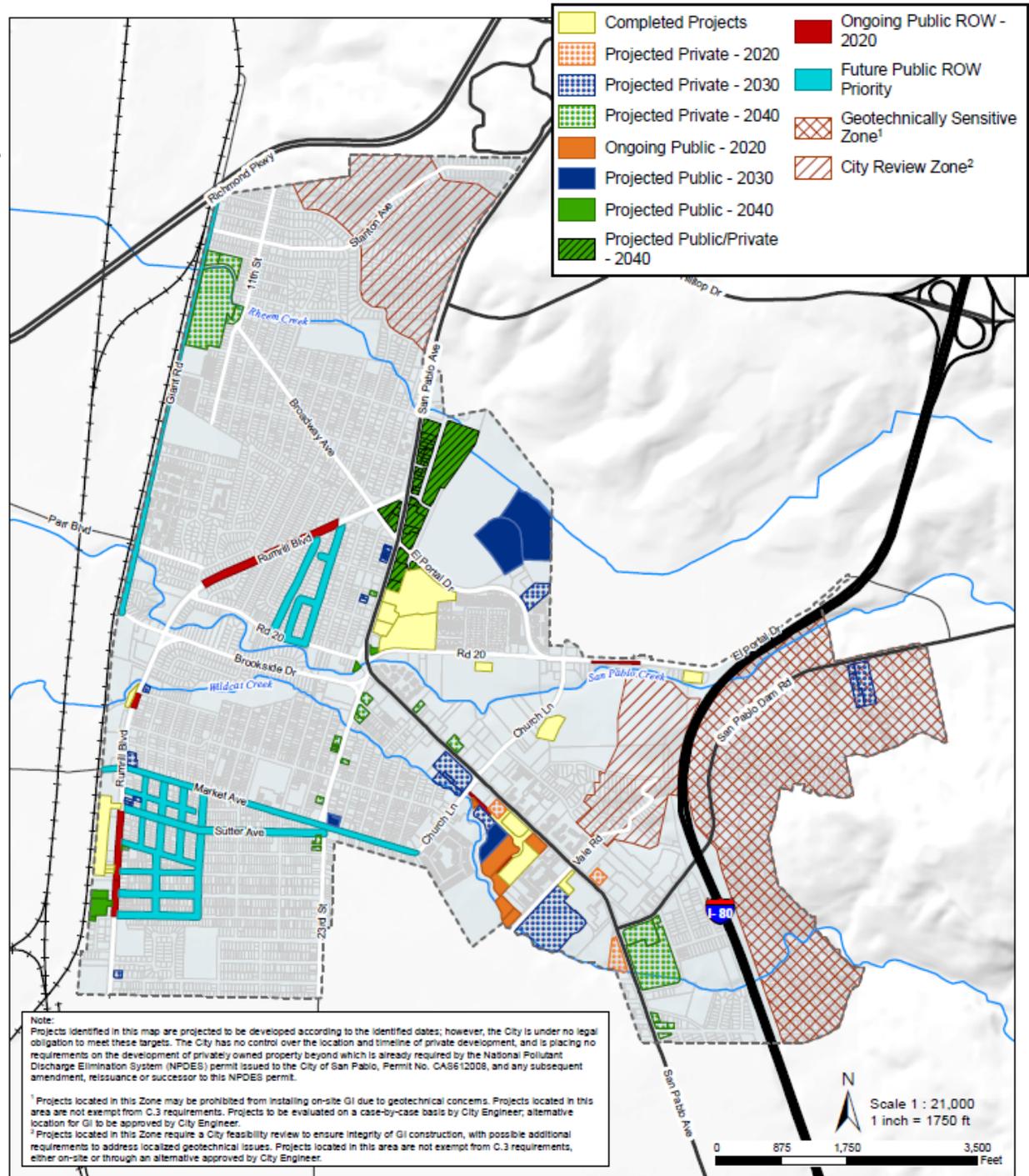
Project Identification

Public Projects (2020):

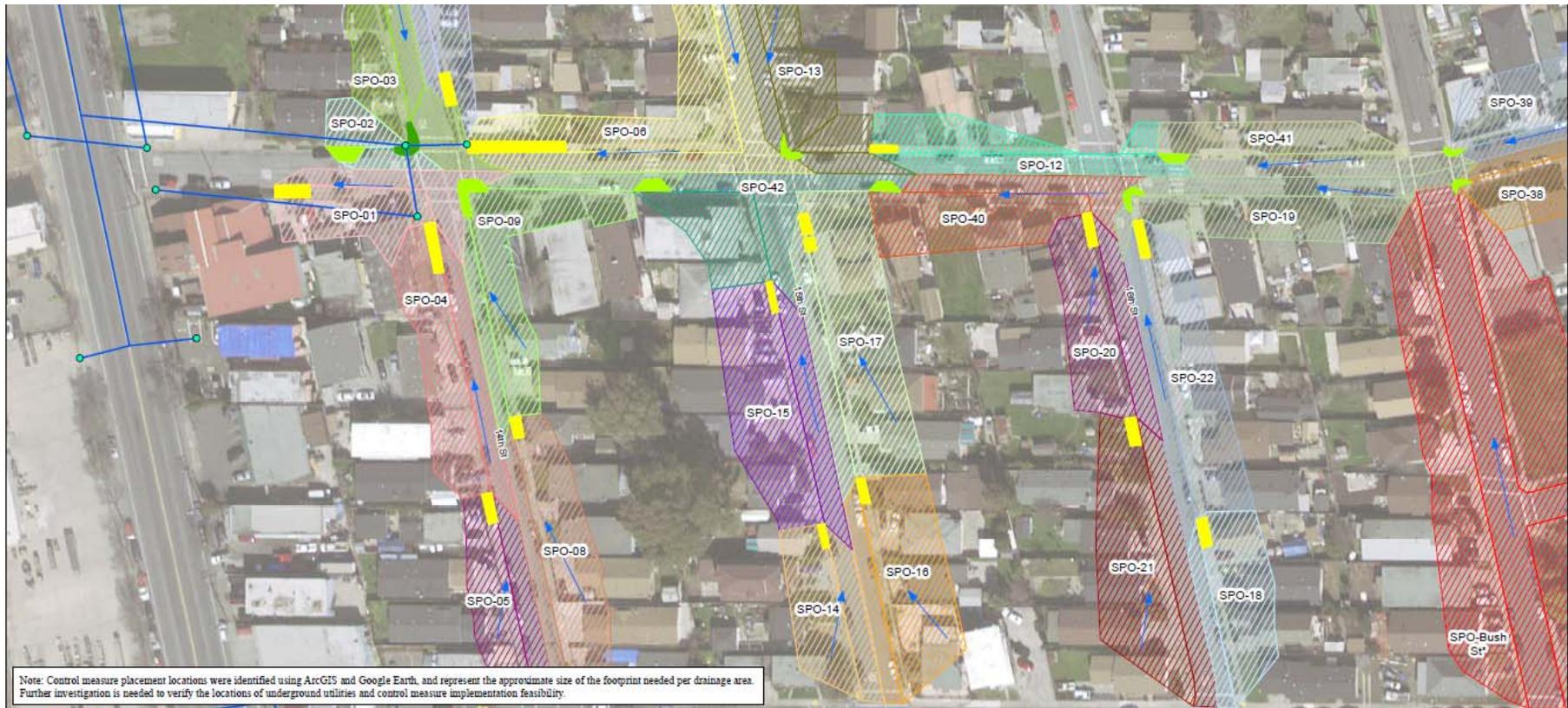
- Rumrill Complete Streets
- El Portal Drive Greening
- WIC Building
- City Hall
- West County Health Facility

Projects beyond 2020:

- Projection ONLY
- Not required
- Dependent on funding



Example Project: Sutter Street



Legend

- Existing Stormwater Infrastructure**
- Inlet
 - Surface Flow Direction
 - Storm Drain

Control Measure Drainage Areas

SPO-01	SPO-06	SPO-13	SPO-18	SPO-38
SPO-02	SPO-07	SPO-14	SPO-19	SPO-39
SPO-03	SPO-08	SPO-15	SPO-20	SPO-40
SPO-04	SPO-09	SPO-16	SPO-21	SPO-41
SPO-05	SPO-12	SPO-17	SPO-22	SPO-42

- Proposed Control Measures**
- Silva Cells Under Permeable Paving
 - Bioretention Without Underdrain
 - Bioretention With Underdrain
- Bush St
- 0 80 Feet

Contra Costa Watersheds Stormwater Resource Plan
 Sutter Avenue Green Street Retrofits
 10% Conceptual Design
 Detail Panel 1
 San Pablo, CA

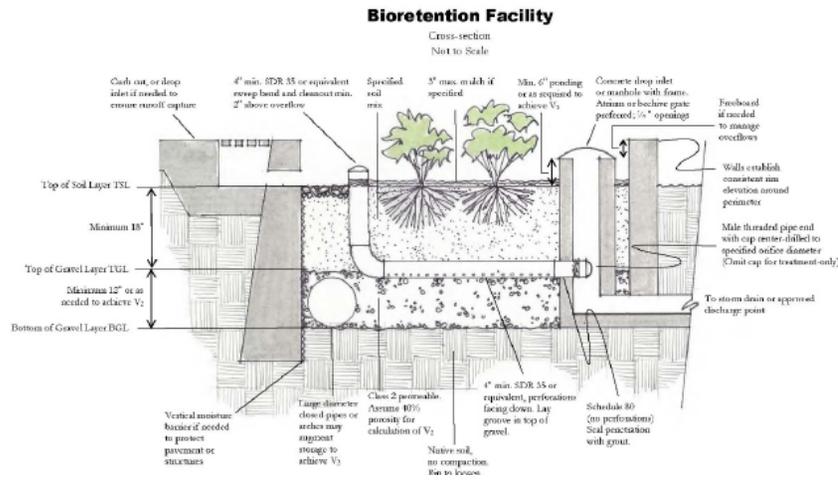
Geosyntec consultants

CONTRA COSTA CLEAN WATER PROGRAM

WW2371 May 2018

Figure D - 42

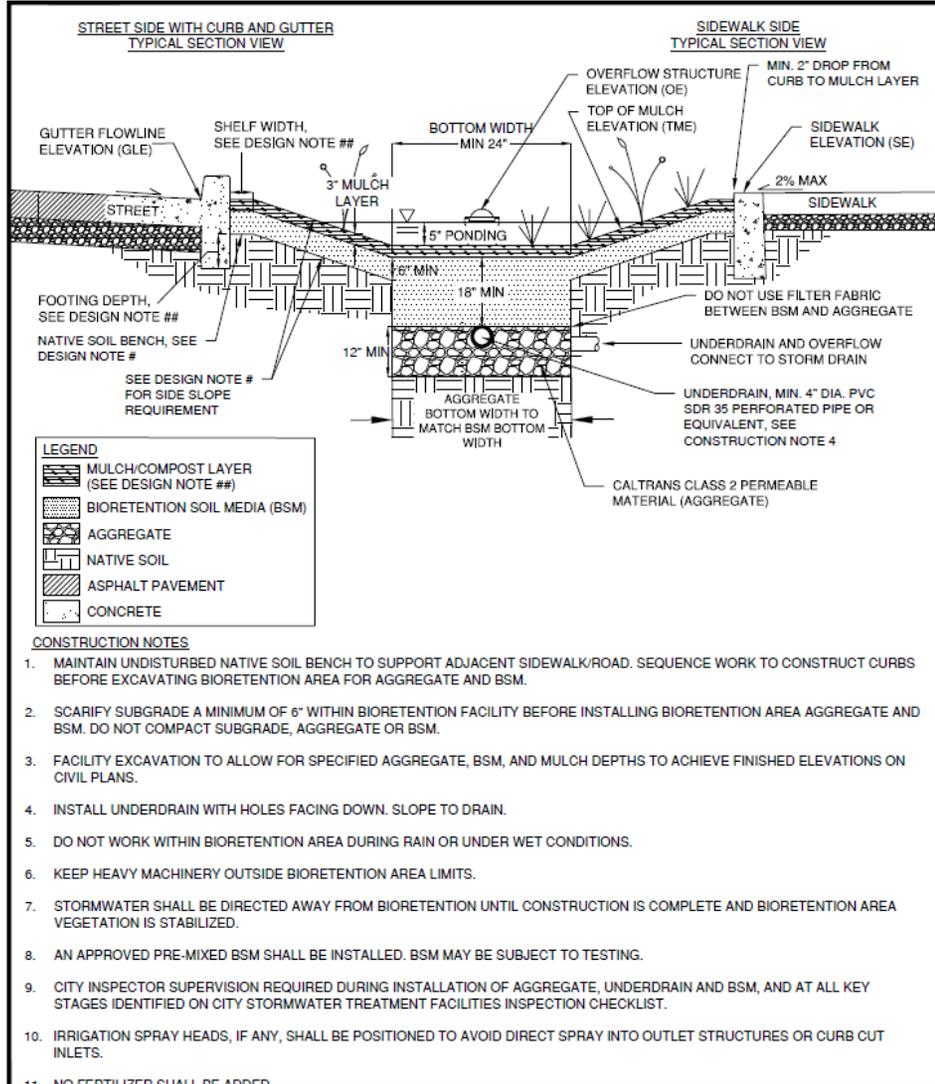
Example Project: Sutter Street



Requirements of the Green Infrastructure Plan

1. Identify and prioritize projects (2020, 2030, 2040)
2. Targets for impervious surface reductions (2020, 2030, 2040)
- 3. Technical specifications for GI**
4. General design guidance
5. Updates to existing planning documents
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7. Community engagement and outreach

Technical Specifications for GI



- DESIGN NOTES**
1. BIORETENTION FACILITIES TO MEET CONTRA COSTA CLEAN WATER PROGRAM STORMWATER C.3 GUIDEBOOK.
 2. BIORETENTION SOIL MEDIA (BSM), MULCH AND PLANT SELECTION TO FOLLOW CONTRA COSTA CLEAN WATER PROGRAM STORMWATER C.3 GUIDEBOOK.
 3. PROVIDE SPOT ELEVATIONS AT CURB CUT INLETS AND OVERFLOW STRUCTURES ON CIVIL PLANS (TME, OE, GFE, SE).
 4. LONGITUDINAL ELEVATION SHOULD BE SLOPED AT A MAXIMUM OF 4% OR WITH EXCEPTION FROM CITY ENGINEER.
 5. CONCRETE CHECK DAMS SHOULD BE PLACED FOR EVERY 4 - 6' OF LONGITUDINAL ELEVATION CHANGE (DETAIL SW-##).
 6. SIDE SLOPE 4:1 (H:V) PREFERRED, 3:1 MINIMUM WITH SHELF OR WITH EXCEPTION FROM CITY ENGINEER.
 7. SHELF WIDTH SHOULD BE SAME WIDTH AS NATIVE SOIL BENCH BELOW. FOR INSTALLATIONS IN NEW STREETS, MINIMUM SHELF WIDTH IS 12" OR WITH EXCEPTION FROM CITY ENGINEER. FOR INSTALLATIONS IN EXISTING STREETS, SHELF WIDTH MAY BE DECREASED WITH AN INCREASED FOOTING DEPTH OF THE BIORETENTION CURB AND GUTTER.
 8. BIORETENTION FACILITY DESIGN SHOULD OPTIMIZE THE FLAT BOTTOM DIMENSIONS TO MAXIMIZE THE FUNCTIONAL AREA OF THE FACILITY. MIN 2' WIDE FLAT BOTTOM OR WITH EXCEPTION FROM CITY ENGINEER.
 9. DEPTH OF AGGREGATE DETERMINED BY SITE SPECIFIC REQUIREMENTS. MINIMUM DEPTH OF 12" UNLESS HYDROMODIFICATION IS REQUIRED. HYDROMODIFICATION DEPTH TO BE APPROVED BY CITY ENGINEER.
 10. CAPTURE AND CONVEY OVERFLOW TO STORM DRAIN SYSTEM.
 11. DO NOT USE FILTER FABRIC BETWEEN BSM AND AGGREGATE.
 12. PROVIDE CAPPED, THREADED PVC CLEANOUT FOR UNDERDRAIN, 4" MINIMUM DIAMETER WITH SWEEP BEND.
 13. PROVIDE A MINIMUM OF ONE CLEAN-OUT/OBSERVATION PORT IN EACH FACILITY.
 14. CURB CUT INLET PER DETAIL SW-XX.
 15. CURB AND GUTTER PER DETAIL SW-XX.
 16. FOR BIORETENTION FACILITIES ADJACENT TO PARKING LOTS, CURB STOPS (BUMPERS) ARE REQUIRED. PARKING LOT BIORETENTION FACILITIES WITHOUT CURB STOPS ARE REQUIRED TO FOLLOW "STREET SIDE WITH CURB AND GUTTER TYPICAL SECTION VIEW" STANDARD.
 17. LOCATE CURB CUTS AND GUTTER MODIFICATIONS TO AVOID ACCESSIBILITY CONFLICTS (E.G. LOCATE OUTSIDE OF CROSSWALKS). PROVIDE PEDESTRIAN CROSSINGS THROUGH BIORETENTION FACILITIES AS APPROPRIATE.
 18. DESIGNER MUST EVALUATE UTILITY SURVEYS FOR POTENTIALLY UTILITY CROSSINGS OR CONFLICTS. CONSULT WITH CITY ENGINEER TO ADDRESS UTILITY CONFLICTS.

CITY OF SAN PABLO STORMWATER GREEN INFRASTRUCTURE STANDARD DETAILS

	CITY OF SAN PABLO PUBLIC WORKS DEPT. 13631 SAN PABLO AVE BUILDING 3 SAN PABLO CA 94806 TEL: (510) 219-3099	APPROVED BY:	SLOPE-SIDED BIORETENTION FACILITY	STANDARD PLAN NO.
		VERSION:		SW-1
		05/09/2019	DETAILS ADAPTED FROM LIDI CASQA PROPOSITION 84 GRANT	SHEET 1 OF 2

CITY OF SAN PABLO STORMWATER GREEN INFRASTRUCTURE STANDARD DETAILS

	CITY OF SAN PABLO PUBLIC WORKS DEPT. 13631 SAN PABLO AVE BUILDING 3 SAN PABLO CA 94806 TEL: (510) 219-3099	APPROVED BY:	SLOPE-SIDED BIORETENTION FACILITY	STANDARD PLAN NO.
		VERSION:		SW-1
		05/09/2019	DETAILS ADAPTED FROM LIDI CASQA PROPOSITION 84 GRANT	SHEET 2 OF 2

Requirements of the Green Infrastructure Plan

1. Identify and prioritize projects (2020, 2030, 2040)
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3. Technical specifications for GI
- 4. General design guidance**
5. Updates to existing planning documents
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General Design Guidelines

Table 13: Complete Green Streets Checklist

Street Feature	Recommended Street Locations	Definition	Design Considerations	Green Street Opportunities
Bicycle Facilities	Residential Districts Mixed-Use Districts Commercial Corridor Arterial & Boulevard Shared-Use Pathways	<i>Class I:</i> Shared bicycle and pedestrian path <i>Class II:</i> Separated bicycle facility on roadway <i>Class III:</i> Shared bicycle and vehicle traffic facility ("bike route" or "sharrow") <i>Class IV:</i> Separated and protected bicycle facility on roadway	Design bicycle facilities in accordance with Caltrans requirements. Use different pavement materials and colors to delineate bicycle lane from vehicular travel lane. Class IV facilities are preferred for high-traffic and high-speed roadways.	Bioretention facilities can serve as buffers for Class IV bicycle facilities to increase safety and collect stormwater runoff.
Sidewalks / Walkways	Residential Districts Mixed-Use Districts Commercial Corridor Arterial & Boulevard	Paved paths for pedestrians, typically adjacent to roadways.	Design sidewalks and walkways in accordance with the Americans with Disabilities Act (ADA), City, County, and Caltrans requirements. Wider sidewalks support pedestrian activity, especially around non-residential land uses. Include landscaping and street furniture, as appropriate given street design and available space.	Incorporate bioretention facilities and/or street trees. Incorporate pervious pavers and/or pervious paving when appropriate.
Curb Bulb-Out	Residential Districts Mixed-Use Districts Commercial Corridor Arterial & Boulevard Parking Lots	Extended curb, primarily used to extend the sidewalk into the roadway and reduce the crossing distance for pedestrians. A traffic-calming measure.	Design curb bulb-outs in accordance with ADA, City, County, and Caltrans requirements. Appropriate at corners and mid-block, especially where there is on-street parking. Mid-block locations may support mid-block crossings. Bus bulb-outs may be used in locations with transit service in combination with on-street parking. If space permits, incorporate shelters, benches, and trash/recycling receptacles. Consider impacts to street operations and maintenance, such as street sweeping. Consider impacts of curb radius at intersections on crossing distance. Small radii may reduce the speed of turning movements onto residential streets.	New curb space may incorporate pervious pavers, bioretention facilities, or street trees.

Requirements of the Green Infrastructure Plan

1. Identify and prioritize projects (2020, 2030, 2040)
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Updates to Planning Documents

Planning Document	Completion Date
<i>San Pablo General Plan 2030</i>	Potential <i>General Plan</i> amendment in late 2019. Full <i>General Plan</i> update 2019-2023.
<i>City of San Pablo, California Zoning Ordinance</i>	Potential update late 2019.
<i>San Pablo Municipal Code</i>	Potential update 2019-2020.
<i>San Pablo Avenue Specific Plan</i>	Potential update 2021-2023.
<i>23rd Street Specific Plan</i>	Potential update 2021-2023.
<i>City of San Pablo Bicycle & Pedestrian Master Plan</i>	No planned update, but relevant policies will be incorporated in the short-run into the <i>General Plan</i> .
<i>City of San Pablo Climate Action Plan</i>	No identified update.
<i>Davis Park Master Plan</i>	No planned update, but relevant policies will be incorporated in the short-run into the <i>General Plan</i> .
<i>City of San Pablo Storm Drain Master Plan</i>	No identified update.
<i>City of San Pablo Master Landscape Plan</i>	No identified update.

Example language: Minimize the risks to property, life, and the environment due to flooding hazards. Integrate stormwater management efforts, including green infrastructure, to reduce flood risks and volumes.

Requirements of the Green Infrastructure Plan

1. Identify and prioritize projects (2020, 2030, 2040)
2. Targets for impervious surface reductions (2020, 2030, 2040)
3. Technical specifications for GI
4. General design guidance
5. Updates to existing planning documents
6. Funding options
7. **Community engagement and outreach**

Outreach and Education

Past

- Outreach events held through the Countywide Stormwater Resource Plan process (2017-'18)

March 2019

- Local Watershed Council Meeting Presentation
- Economic Development Standing Committee Presentation

April 2019

- Public Meeting

May 2019

- City Council Presentation
- Planning Commission Presentation

Questions?

Supplemental Slides

Requirements of the Green Infrastructure Plan

1. Identify and prioritize projects (2020, 2030, 2040)
2. **Targets for impervious surface reductions (2020, 2030, 2040)**
3. Technical specifications for GI
4. General design guidance
5. Updates to existing planning documents
6. Funding options
7. Community engagement and outreach

Impervious Surface Targets

Existing Summary	Acres	%
Total City Area	1667	
2006 Baseline Impervious Area	949	56.9%
2006 Baseline Pervious Area	718	43.1%

	Disconnected Impervious Retrofits (acres)	San Pablo Target Percentage Increase
Existing	32.8	N/A
2020 (cumulative)	43.8	6%
2030 (cumulative)	57.2	8%
2040 (cumulative)	85.9	12%

Requirements of the Green Infrastructure Plan

1. Identify and prioritize projects (2020, 2030, 2040)
2. Targets for impervious surface reductions (2020, 2030, 2040)
3. Technical specifications for GI
4. General design guidance
5. Updates to existing planning documents
- 6. Funding options**
7. Community engagement and outreach

Funding – Estimated Cost (Public Projects Only)

Per Treatment Acre Costs

- Parcel-based: \$250K/acre treated area
- Right-of-Way (ROW): \$500K/acre treated area
 - Utility conflicts, space constraints, limited design options

Public Projects	2020	2030	2040	Total Acres
Parcel-based	6.6	18.6	21.6	46.8
Right-of-Way	8.7	0	21.5	30.2
Total	15.3	18.6	43.1	77.0

Public Projects	2020	2030	2040	Total Cost
Parcel-based	\$1.6M	\$5.4M	\$7.0M	\$14.0M
Right-of-Way	\$4.4M	\$0	\$13.9M	\$18.3M
Total	\$6.0M	\$5.4M	\$20.9M	\$32.4M

Approximately \$1.6 million per year over 20 years

Funding – Current Opportunities

Grant Funding

- Proposition 1:
 - Second Round: \$65 Million (SF Bay Area), Spring 2019
- Proposition 68:
 - Urban Green Infrastructure: \$18.5 Million, Spring 2019
 - Trail and Greenways: \$28 Million, June 2019
 - Urban Stormwater & Waterway Improvement: \$93 Million, Summer 2019
 - River Parkways: \$7 Million, Late 2019

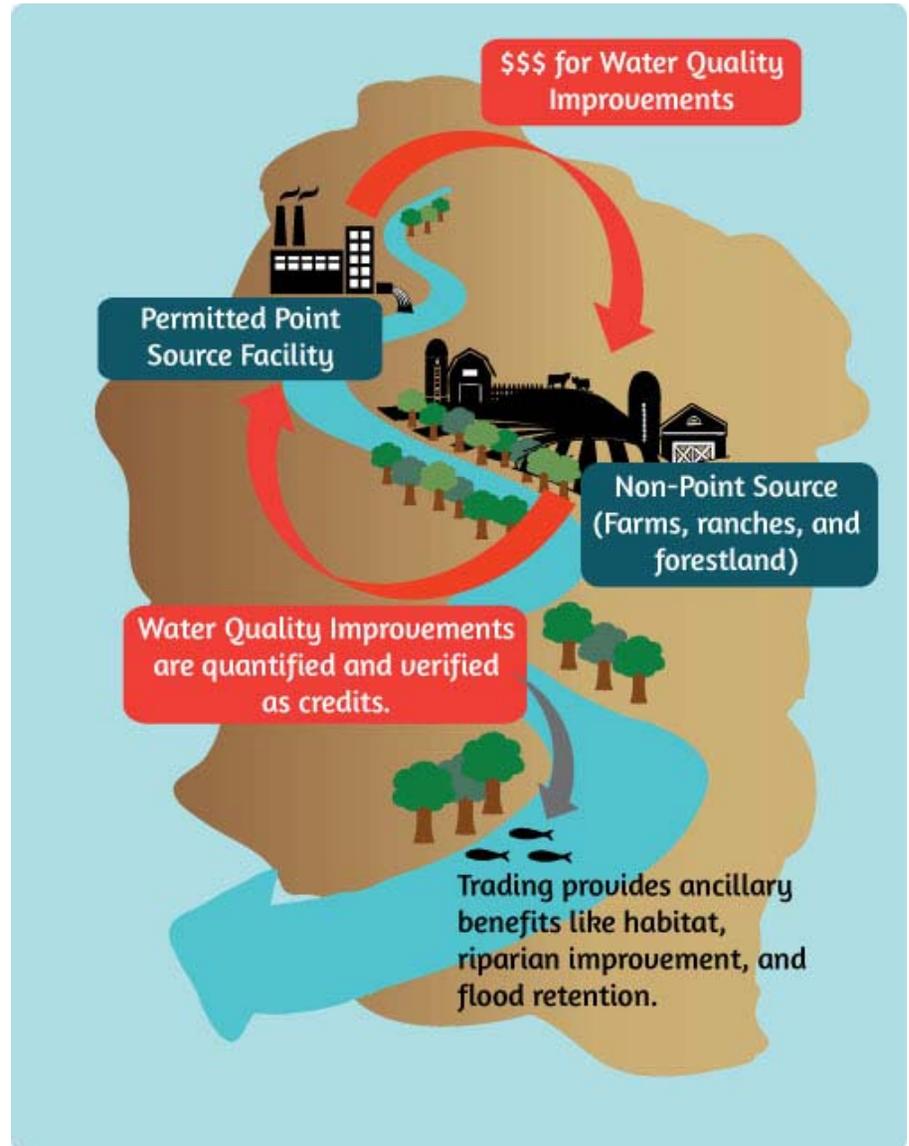
Local Alternative Compliance

- Caltrans:
 - \$2.4 Million in funding for Rumrill, potential future opportunities
- Large Industrial Sites:
 - Refineries- \$400K in funding for Rumrill, potential future opportunities
 - Ports
 - Other Bay shoreline properties

Funding – Future Opportunities

Regional Alternative Compliance/Water Quality Trading

- Cities of San Pablo, Richmond and Walnut Creek partnered for an EPA grant to develop a regional trading system for the Bay Area
- More cost effective way to meet PCBs reduction requirements on a countywide scale
- Potential for funding for projects in San Pablo





MEMORANDUM

TO: Planning Commission

FROM: Elizabeth Dunn, Planning Manager

DATE: May 28, 2019

SUBJECT: Two Proposed Procedural Changes: Change to Action Minutes and Change from 6:30 p.m. to 6:00 p.m. Start Time for Planning Commission meetings

BACKGROUND

The purpose of this memo is to propose two procedural changes for consideration by the Planning Commission:

- Change the type of minutes that are taken, from verbatim to action
- Move the start time of the Planning Commission meetings to 6:00pm

1. Change the type of meeting minutes, from more verbatim to action

Staff is recommending this change for several reasons:

- The potential for a statement to not be captured correctly
- There is an audio file for each meeting that is recorded, and saved electronically for two_ years. This timeframe of two years is the City policy, and exceeds the state requirement of 30 days for retention of audio recordings of meetings.
- The time it takes additional staff time to prepare and review more detailed minutes
- The City Council prepares action meeting minutes
- When the Planning Commission moves to an electronic delivery of its packets, by using Legistar, there is an option to video record the Commission meeting, which is not currently occurring now. This allows another level of record keeping for the meetings of the Planning Commission.

Staff believes that having action Planning Commission meeting minutes, such as those prepared by the City of El Cerrito (Attachment A), is appropriate for the San Pablo Planning Commission.

2. Move the start time of the Planning Commission meetings to 6pm.

Staff is recommending this change for several reasons:

- The City Council meetings start at 6pm, and there would be consistency between the meeting times of the City Council and Planning Commission
- This type of change can be accomplished by a vote of the Commission, and does not require approval by the City Council or change to the Municipal Code in case it becomes necessary in the future to change the meeting time.

The San Pablo Municipal Code provisions regarding the Planning Commission have been included as Attachment B.

RECOMMENDATION: Change the type of meeting minutes, from verbatim to action, and move the start time of the Planning Commission to 6pm.



MINUTES
REGULAR MEETING
OF THE
PLANNING COMMISSION

7:30 p.m.
Wednesday, April 17, 2019
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call – Chair: Leslie Mendez; Commissioners: Brendan Bloom, Greg Crump, Erin Gillett, Carla Hansen, Andrea Lucas, and Joy Navarrete.

1. Comments from the Public

No comments were received.

2. Approval of Minutes

Motion to approve the March 20, 2019 meeting minutes: Hansen; second: Bloom.

Vote:

Ayes: Bloom, Crump, Gillett, Hansen, Lucas, Mendez, Navarrete

Noes: None

Abstain: None

Absent: None

3. Commissioner Communication/Conflict of Interest Disclosure

Commissioner Navarrete disclosed that Toby Long was the architect for her home, but this did not constitute a conflict of interest. She also disclosed that she was contacted by neighbors of the project at 1431 Scott Street and visited their home.

Chair Mendez noted that she had met with Mark Rhoades, the applicant's representative for the Polaris project.

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Sean Moss, Staff Liaison at (510) 215-4330 (voice) at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

10890 San Pablo Avenue, El Cerrito, CA 94530 Tel: (510) 215-4330

E-mail: smoss@ci.el-cerrito.ca.us

ATTACHMENT A

4. Public Hearing: Appeal of Polaris Apartments (formerly Baxter Creek Apartments) Tier II Design Review Approval

Application: PL17-0028
Appellant: Sara Dudley of Adams, Broadwell, Joseph & Cardozo on behalf of El Cerrito Residents for Responsible Development
Applicant: Charles Oewel
Location: 11965 San Pablo Avenue
APN: 513-340-059
Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
Request: Planning Commission consideration of an appeal of the Design Review Board's approval of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan, for a new 8-story building containing 144 residential units pursuant to the California Density Bonus Law (Government Code Sections 65915 – 65918).

Acting Planning Manager, Sean Moss presented the staff report and answered questions from the Commission.

The appellant, Sara Dudley presented the appeal.

Mark Rhoades and Joe DeCredico, representing the applicant, presented the project and answered questions from the Commission.

The appellant, Sara Dudley offered a rebuttal.

The public hearing was opened.

The following speakers addressed the Commission:

Gene Gauge, Richmond
Dustin Link, El Sobrante
Matthew Warhol
Jesse Perales
Howdy Goudey, El Cerrito

The public hearing was closed.

Motion to deny the appeal and approve Tier II Design Review pursuant to the San Pablo Avenue Specific Plan, for a new 8-story building containing 144 residential units pursuant to the California Density Bonus Law: Bloom; second: Hansen.

Vote:

Ayes: Bloom, Crump, Gillett, Hansen, Lucas, Mendez, Navarrete

Noes: None

Abstain: None

Absent: None

5. Public Hearing: Revised Tentative Subdivision Map – 10192 San Pablo Avenue

Application: PL18-0068
Applicant: Lisa Vilhauer, Branagh Land, Inc.
Location: 10192 San Pablo Avenue
APN: 504-012-036 and -037
Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
Request: Request Planning Commission consideration of a revised Tentative Subdivision Map for a project containing a total of 26 residential units (ECMC Chapter 18.12 Tentative Map).
CEQA: This project has been found to be consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182.

Consulting Planner, Carla Violet presented the staff report.

The applicant, Lisa Vilhauer presented the project.

The public hearing was opened.

The following speakers addressed the Commission:
Yohance Edwards, El Cerrito

The public hearing was closed.

Motion to approve Tentative Subdivision Map for a project containing a total of 26 residential units: Navarrete; second: Mendez.

Vote:

Ayes: Bloom, Crump, Gillett, Hansen, Lucas, Mendez, Navarrete

Noes: None

Abstain: None

Absent: None

Commissioner Gillett left the meeting.

6. Public Hearing: Conditional Use Permit and Variances – 1431 Scott Street

Application: PL18-0163
Applicant: Cody Fornari
Location: 1431 Scott Street
APN: 502-330-008
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a proposed new single family residence that requires Variances for a reduced rear yard setback and reduced covered parking and a Conditional Use Permit for exceeding building envelope

requirements due to a constrained site with a storm drain easement (Chapter 19.36 and Chapter 19.34, ECMC)
CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 of the CEQA Guidelines, Class 3: New Construction or Conversion of Small Structures.

Associate Planner, Jeff Ballantine presented the staff report and answered questions from the Commission.

The applicant, Cody Fornari presented the project and answered questions from the Commission.

The public hearing was opened.

The following speakers addressed the Commission:

- Greg Visineau
- Flossie Lewis
- Corwin Guana, 1461 Navellier St.
- Steven Lind, 1429 Scott St.
- Brianna Lind, 1439 Scott St.
- Maia Bazjanac, 1461 Scott St.
- Sblend Sblendario
- Kevin Guana, 1461 Scott St

The public hearing was closed.

Motion to continue the item to May 15, 2019: Mendez; second: Lucas.

Vote:

Ayes: Bloom, Crump, Hansen, Lucas, Mendez, Navarrete

Noes: None

Abstain: None

Absent: Gillett

7. Public Hearing: Tier IV Design Review – 10919 San Pablo Avenue

Application: PL17-0112
Applicant: Toby Long, Toby Long Design
Location: 10919 San Pablo Avenue
APN: 509-120-015
Zoning: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
General Plan: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
Request: Planning Commission consideration of Tier IV Design Review, pursuant to the San Pablo Avenue Specific Plan, for a new mixed-use development project consisting of a 90-unit apartment building with 2,998 square feet of ground floor commercial space and 71 parking spaces.
CEQA: This project has been found to be consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182.

Consulting Planner, Carla Violet presented the staff report and answered questions from the Commission

The applicant, Toby Long presented the project and answered questions from the Commission.

The public hearing was opened.

The following speakers addressed the Commission:
Howdy Goudey, El Cerrito

The public hearing was closed.

Motion to continue the item to May 15, 2019: Bloom; second: Mendez.

Vote:

Ayes: Bloom, Crump, Hansen, Lucas, Mendez, Navarrete

Noes: None

Abstain: None

Absent: Gillett

8. Staff Communications

Nothing was reported.

9. Adjournment

12:25 a.m.

MUNICIPAL CODE PROVISIONS REGARDING THE PLANNING COMMISSION

Chapter 2.28 PLANNING COMMISSION

Sections:

- [2.28.010](#) Established.
- [2.28.020](#) Composition.
- [2.28.030](#) Appointment of members.
- [2.28.040](#) Regular meetings.>
- [2.28.050](#) Special meetings.
- [2.28.060](#) Removal of members for absence from more than two consecutive regular meetings.
- [2.28.070](#) Rights, duties, powers and compensation.

2.28.010 Established.

There is created and established a planning commission. (Prior code § 2.125)

2.28.020 Composition.

The planning commission shall consist of five members. All commissioners shall be residents of the city at the time of their appointment and shall remain residents for their entire term. (Ord. 02-007 § 1, 2002: Ord. 98-001 § 1, 1998: prior code § 2.126)

2.28.030 Appointment of members.

The members of the planning commission shall be appointed by the mayor, with the approval of the city council. (Prior code § 2.127)

2.28.040 Regular meetings.

The planning commission shall hold regular meetings on the fourth Tuesday of each month. Such regular meeting may be adjourned from time to time. (Ord. 2018-002 § 1, 2018: Ord. 2012-004 § 1, 2012: Ord. 02-007 § 2, 2002: prior code § 2.128)

2.28.050 Special meetings.

The planning commission shall hold special meetings whenever it is deemed for the best interests of the city that special meetings be held. The special meetings shall be held upon the call of the chairman

of the planning commission or upon the request of three members of the commission for a special meeting. (Prior code § 2.129)

2.28.060 Removal of members for absence from more than two consecutive regular meetings.

Any member of the planning commission who fails to attend more than two consecutive regular meetings of the planning commission shall be removed from the commission unless such member furnishes a satisfactory excuse for his absence to the chairman of the planning commission. (Prior code § 2.130)

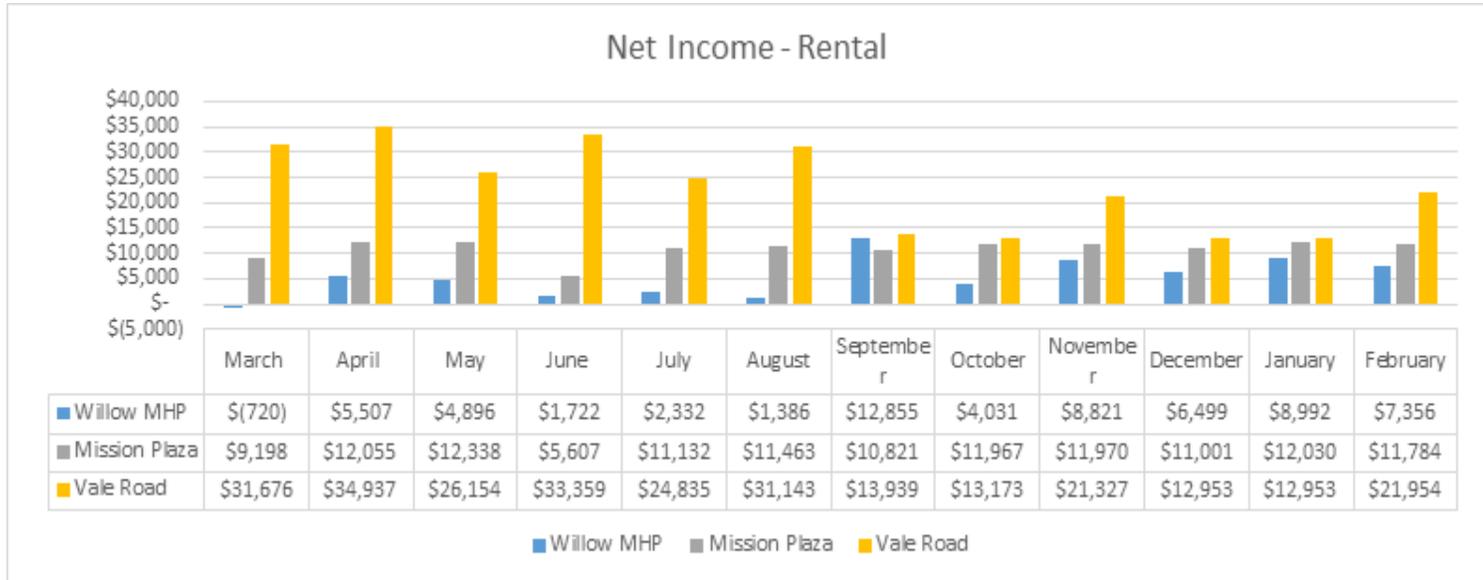
2.28.070 Rights, duties, powers and compensation.

The rights, duties, powers and compensation of the members of the planning commission shall be as provided by the State Government Code, Section [6500](#) et seq. (Prior code § [2.131](#))

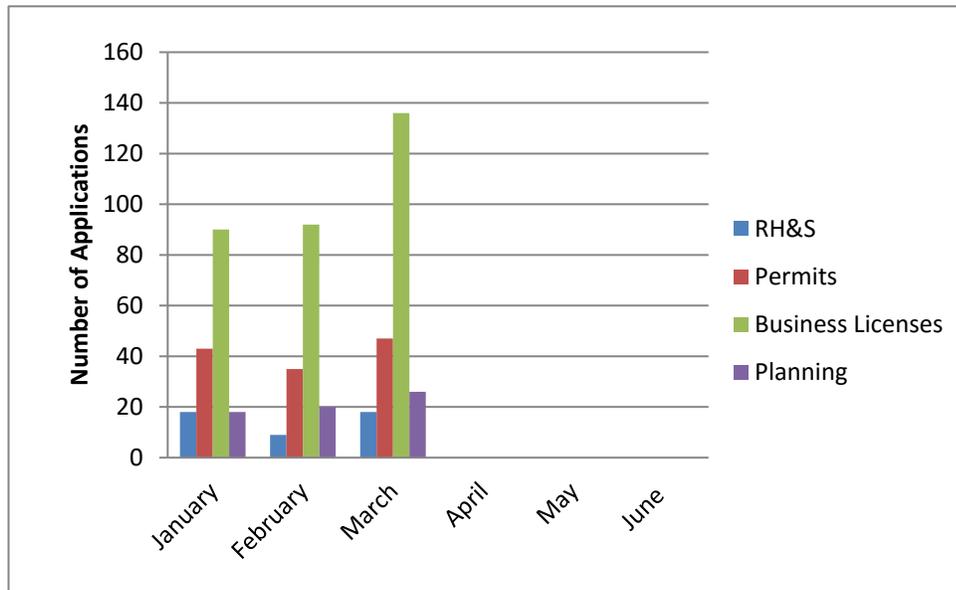
COMMUNITY & ECONOMIC DEVELOPMENT

Statistical Data

ECONOMIC DEVELOPMENT STATISTICAL DATA 2018-2019



BUILDING AND PLANNING STATISTICAL DATA 2019



Applications Received: Residential Health & Safety, Building Permits, Business Licenses & Community Planning

FYTD Total Applications Received – 552 FYTD Total Fees Collected - \$279,839.99

FYTD Total Number of Customers Assisted – 960

Total # of applications received in March: 227
Total # of customers assisted at counter in March: 352

Residential Health & Safety Program March summary:

Total fees collected: \$10,475.00

- Single Family Resale: \$4,301.00
- Single Family Rental: \$1,173.00
- Multi-Family Resale/Rental: \$5,001.00
- Total units inspected:47
- Total Certificates of Compliance issued:11
- Customer Counter Assistance: 14

Building Permit March summary:

Total fees collected: \$47,777.17

- Building Permits: \$28,994.02
- Electrical Permits: \$4,599
- Plumbing permits: \$2,761.91
- Mechanical permits: \$1,950
- Plancheck fees: \$4,917.17
- Imaging fees: \$2,016.71
- Technology fees: \$2,538.36
- Total Permits finalized: 17
- Fee Estimates provided: 5
- Customer Counter Assistance:104

Business License March summary:

Total fees collected: \$47,001.77

- Business licenses issued: 136
- Customer Counter Assistance: 64

Community Planning March summary:

- Total Fees Collected: \$20,078.00 for Land Use Review (3), Info. /Misc. (12), Lot Line Adjustment (2), Use Permit/ Planning Commission (2), Sign review (5), Design review (5), Home Occupation (1).
- Customer Counter Assistance: 40
- Customer Counter Assistance for One-Stop Shop Service:
- Dump Vouchers: 25
- Public Works: 10
- Code Enforcement: 8
- Miscellaneous: 87 (Tree cutting, PG&E, tenant issues, visitor for Charles, visitor for Elizabeth, pavement repair, visitor for Sarah, forms, cigarette bond, property tax, hall rental, general info, payment information, deed questions, etc.

Planning Commission: Planning Commission Meeting was held on March 26, 2019.

Public Hearings:

PLAN1806-0006, a request for approval of a **Conditional Use Permit** for tandem parking on a lot less than 50 feet in width to allow a 388 sq. ft. residential addition, a 51.54 sq. ft. front porch and a 99.4 sq. Ft. rear porch to an existing single-family home at 1963 Tyler Street, San Pablo, CA 94806 (APN 411-222-007). The property is zoned single family residential (R1). This project is exempt under the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1(e), addition to existing structure.

Result: Planning Commission Resolution 19-02 was passed by a vote of 5-0-0 approving a Conditional Use Permit for tandem parking at 1963 Tyler Street.

PLAN1903-0007, a request to amend a Conditional Use Permit to allow the Willow Mobile Home Park to continue to operate at its current location at 2885 Willow Avenue.

Result: Planning Commission Resolution 19-03 was passed by a vote of 4-1-0 for approval of amending the Conditional Use Permit at 2885 Willow Road to continue to operate in the City of San Pablo

Significant Events / Work Plan Accomplishments

City Wide

1. Laura Santillan, Admin Clerk 1 was chosen as employee of the month
2. Mayra, Michelle and Jessica participated in Active Shooter Training Class

Departmental

1. Title 24 – HERS Registry Training

Economic Development

1. Received a CALED Award for WIC
2. Fire Station 70 – Awarded construction contract and adopted feasibility resolution

Building

1. Mayra Corleto attended the last of a three session supervisor/manager training

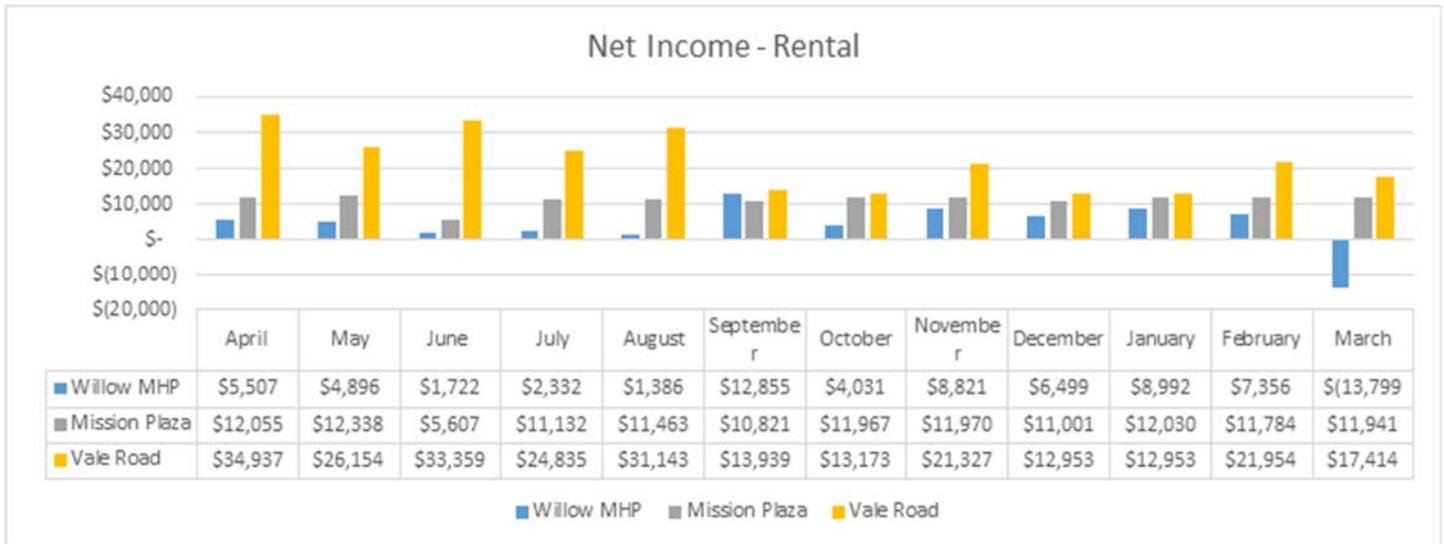
Planning

1. Willow Mobile Home Park granted Conditional Use Permit amending term
2. Submitted Measure J compliance report

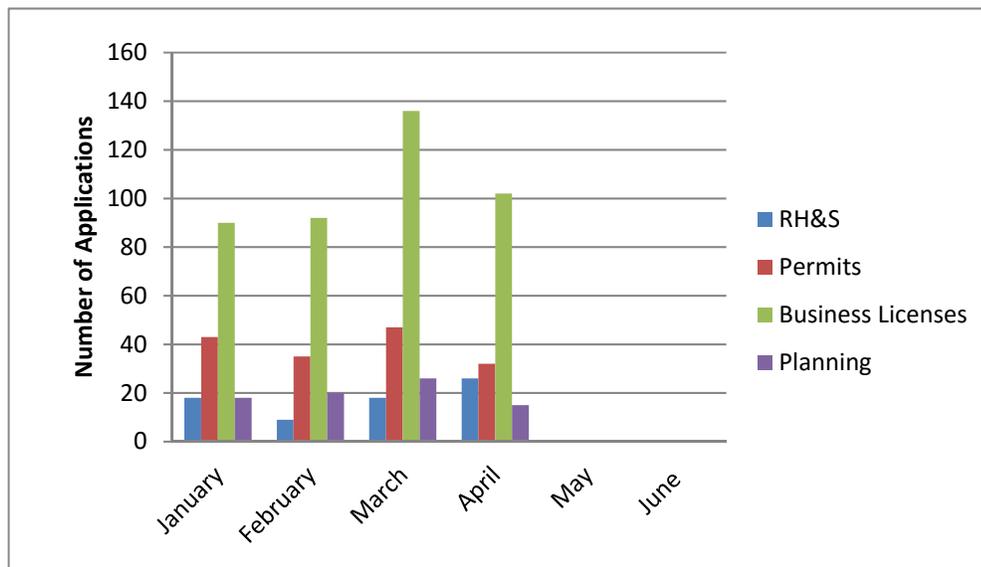
COMMUNITY & ECONOMIC DEVELOPMENT

Statistical Data

ECONOMIC DEVELOPMENT STATISTICAL DATA 2018-2019



BUILDING AND PLANNING STATISTICAL DATA 2019



Applications Received: Residential Health & Safety, Building Permits, Business Licenses & Community Planning

FYTD Total Applications Received – 727 FYTD Total Fees Collected - \$392,475.91

FYTD Total Number of Customers Assisted – 1,259

Total # of applications received in April: 175

Total # of customers assisted at counter in April: 299

Residential Health & Safety Program April summary:

Total fees collected: \$16,644.00

- Single Family Resale: \$3,519.00
- Single Family Rental: \$1,173.00
- Multi-Family Resale/Rental: \$11,952.00
- Total units inspected: 33
- Total Certificates of Compliance issued: 9
- Customer Counter Assistance: 12

Building Permit April summary:

Total fees collected: \$56,942.26

- Building Permits: \$17,498.94
- Electrical Permits: \$3,519.90
- Plumbing permits: \$2,637.00
- Mechanical permits: \$2,396.00
- Plancheck fees: \$26,500.14
- Imaging fees: \$1,951.10
- Technology fees: \$2,439.18
- Total Permits finalized: 38
- Fee Estimates provided: 6
- Customer Counter Assistance: 83

Business License April summary:

Total fees collected: \$30,707.66

- Business licenses issued: 102
- Customer Counter Assistance: 54

Community Planning April summary:

- Total Fees Collected: \$8,342.00 for Home Occupation (3), Info./Misc. (7), Design Review (2), Sign Review (2), Land Use Review (1).
- Customer Counter Assistance: 33
- Customer Counter Assistance for One-Stop Shop Service:
- Dump Vouchers: 21
- Public Works: 7
- Code Enforcement: 10
- Miscellaneous: 79 (Trash enclosure, PG&E, tenant issues, deed questions, visitor for Charles, pavement repair, handouts, hall rental, general info, payment information, , etc.)

Planning Commission: Planning Commission Meeting scheduled for April 23, 2019 was cancelled.

Significant Events / Work Plan Accomplishments

City Wide

1. Fire Station 70 Ground Breaking
2. Mayra Corleto & Michelle Chavez participated in CPR training certification class
3. New City Hall Wall Tilting
4. C&ED attended City Wide Project 101
5. Participated in City Wide shred day

Economic Development

1. City received LEED Silver designation for the New San Pablo Library

Building

1. Richard Thomas attended CALBO's Building Official Leadership Academy

Planning

1. Sandra Marquez & Laura Santillan attended National APA Conference
2. Elizabeth Dunn presented study session to City Council regarding findings to the CASA Compact Report and it's impacts on local housing policy
3. Elizabeth Dunn - SB 2 Planning Grants Seminar