



City of San Pablo

Council Chambers
13831 San Pablo Avenue
San Pablo, CA 94806
(510) 215-3030
www.SanPabloCA.gov

Meeting Agenda

Planning Commission

Chairman Paul Morris
Vice Chair Charlene Harlan-Ogbeide
Roberta Feliciano
Yuhong "Sophia" Shi
Dorothy Gantt

Tuesday, September 24, 2019

6:00 PM

Council Chambers

In accordance with the Americans with Disabilities Act, persons requiring assistance or auxiliary aids in order to participate should contact the Community & Economic Development Department at City Hall, 13831 San Pablo Avenue, Building 3, San Pablo, or by calling (510) 215-3030, as soon as possible prior to the meeting. The city will give such requests primary consideration, taking into account undue financial and administrative burdens or fundamental alterations in the city service, program or activity.

Copies of this Agenda and non-exempt public records relating to an open session item on this agenda will be available for public view at the Community & Economic Development Department, 13831 San Pablo Avenue, Building 3, San Pablo. The full agenda packet may also be viewed on the city website at www.SanPabloCA.gov.

PLEDGE OF ALLEGIANCE

ROLL CALL

Speakers wishing to address the Planning Commission on a specific agenda item should file a form with the Recording Secretary indicating the agenda item. The Chair will invite you to speak at the appropriate time when the matter is being considered. If you desire to address the Commission, please file your name and address with the Recording Secretary on forms available at the podium. We also ask that all cell phones be turned off or silenced during the meeting.

STAFF INTRODUCTIONS

PUBLIC COMMENT

The public is welcome at this time to address the Planning Commission on items that are NOT listed on tonight's agenda. If you wish to address the Commission, please complete the Speaker form available at the speaker's podium. Comments are limited to three (3) minutes per speaker.

APPROVAL OF MINUTES

1. [#19-425](#) MINUTES OF THE MEETING OF AUGUST 27, 2019

Recommendation: APPROVE

APPEAL DATE

The appeal date for actions taken by the Commission at this meeting is no later than 6:00 p.m. on Monday, October 7, 2019.

PUBLIC HEARINGS

- 2. [#PC19-016](#) REQUEST TO AMEND USE PERMIT #1386 TO EXPAND LIQUOR LICENSE FROM TYPE 42 TO TYPE 48 TO ALLOW FULL LIQUOR SALES, EXTEND HOURS OF OPERATION FROM MIDNIGHT TO 2:00 A.M., AND ADD LIVE ENTERTAINMENT AT EL MEXICANO BAR LOCATED AT 1835 23RD ST, SAN PABLO, CA. APN:411-090-023.

Recommendation: Conduct public hearing; adopt Resolution recommending denial of the use permit and the Public Convenience or Necessity for an expanded liquor license

STAFF UPDATES

- A. Announcements
- B. Community & Economic Development Projects 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, October 22, 2019.



City of San Pablo

13831 San Pablo Ave.
San Pablo, CA 94806
(510) 215-3000
www.SanPabloCA.gov

Legislation Text

File #: #19-425, Version: 1

MINUTES OF THE MEETING OF AUGUST 27, 2019

RECOMMENDATION
APPROVE



City of San Pablo Planning Commission MINUTES

Tuesday, August 27, 2019 at 6:00 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 6:00 p.m. Roll call showed present: Commissioner Shi, Commissioner Gantt, and Chairman Morris. Vice Chair Harlan-Ogbeide arrived at 6:20 p.m. Commissioner Feliciano was absent. Staff present at the meeting included: Christie Crawl, Consulting Attorney; Charles Ching, Community & Economic Development Director; Libby Tyler, Interim Planning Manager; Sandra Marquez, Assistant Planner; Daniel Hoffman, Contract Assistant Planner; and Michelle Chavez, Administrative Secretary.

Public Comment

Janet Pottier addressed the Planning Commissioners regarding public knowledge on when building permits are needed for construction. She requested the City publish information to inform residents when a permit is needed. Chairman Morris informed Ms. Pottier that this information is on the City's website, under the Community & Economic Development Department, on the Permits and Building Inspection page.

Approval of the Minutes

Commissioner Gantt made a motion to approve the minutes from the June 25, 2019 meeting. The motion was seconded by Commissioner Shi and approved by a vote of 3-2-0.

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

Appeal Date

Chairman Morris announced that the appeal date for actions taken by the Commission at this meeting would be no later than 6:00 p.m. on Tuesday, September 10, 2019.

Public Hearing(s)

1. PLAN1907-0002: Consideration of an Administrative Use Permit and a Conditional Use Permit for a 24-hour fitness and exercise club at 13222 San Pablo Avenue, San Pablo, CA 94806, APN: 417-211-007

Location 13222 San Pablo Avenue
APN 417-211-007
Zoning: SP2- San Pablo Specific Plan- Regional Commercial (Entertainment Overlay District)
CEQA: Exempt under Section 15301, Class 1, Existing Facilities
Owner: Save Mart Supermarkets
Applicant: Andrew Davies for N Consulting Engineers

Assistant Planner Hoffman, presented the staff report and answered questions from the Commissioners. The Public Hearing was opened and closed at 6:16 p.m., as there were no comments. Commissioner Gantt made a motion, seconded

by Vice Chair Harlan-Ogbeide, to adopt Resolution PC19-07 approving an Administrative Use Permit and a Conditional Use Permit to allow a 24-hour fitness and exercise club use in an existing vacant commercial building located at 13222 San Pablo Avenue, APN 417-211-00. The motion passed as follows.

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

2. PLAN1807-0011: Consideration of Major Design Review for a new two-story building for a kidney dialysis center at 13352 San Pablo Avenue, APN 417-280-016.

Location: 13352 San Pablo Avenue
APN: 417-280-016
Zoning: SP2- San Pablo Specific Plan- Regional Commercial (Entertainment Overlay District)
CEQA: This project is not subject to CEQA.
Owner: Hill & Sketchley/Dennis Hill
Applicant: Kerr Project Services / Deborah Kerr for Market Street Development

Assistant Planner Marquez presented the staff report. A Public Hearing was opened at 6:33pm. Charles Smyth, from Market Street Development, stated that he agreed with the conditions of approval. Mark Ray, a resident of the trailer park, spoke on behalf of the trailer park residents. He informed the Commissioners that they were told by the applicant that the Planning Commission Meeting started at 6:30 pm, not 6:00 pm. He requested that the project be postponed so the residents could hire a pro-bono attorney to review the relocation documents received by the residents to assist in relocation costs. Chairman Morris explained that the purpose of the Planning Commission meeting is only for the design review of the project, not for the allowance of the proposed use. The Public Hearing was closed at 6:47pm. Assistant Marquez, noted that Resolution PC19-08 was amended to add more specific language to Conditions 62 & 63. Commissioner Gantt made a motion, seconded by Vice Chair Harlan-Ogbeide, to adopt Resolution PC19-08 approving a Major Design Review for a 13,591 square-foot medical office building for a dialysis center within a new two-story building to be located at 13352 San Pablo Avenue, APN 417-280-016. The motion passed as follows.

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

Staff Updates

Community & Economic Development Director Ching informed the Commissioners that Planning Manager, Elizabeth Dunn, retired from the City on September 15, 2019. The City went out for recruitment for a new Planning Manager. The job posting closed, August 26, 2019. Libby Tyler, from MIG consulting firm, is the Interim Planning Manager. Director Ching updated the Commissioners on the progress of the New City Hall. Currently, the contractor is working on the roof, framing, and sheet rock installation. The Planning Commissions are welcome to take a tour of the job site.

Adjournment

There being no further business, Chairman Morris made a motion, seconded by Commissioner Gantt, to adjourn the meeting at 6:55 p.m. to the September 24, 2019 meeting.

Paul V. Morris, Chairman

Charles Ching, Secretary



Legislation Text

File #: #PC19-016, **Version:** 1

PREPARED BY: SANDRA MARQUEZ

DATE OF MEETING: 9/24/19

SUBJECT:

REQUEST TO AMEND USE PERMIT #1386 TO EXPAND LIQUOR LICENSE FROM TYPE 42 TO TYPE 48 TO ALLOW FULL LIQUOR SALES, EXTEND HOURS OF OPERATION FROM MIDNIGHT TO 2:00 A.M., AND ADD LIVE ENTERTAINMENT AT EL MEXICANO BAR LOCATED AT 1835 23RD ST, SAN PABLO, CA. APN:411-090-023.

Location: 1835 23rd Street
APN: 411-090-023
Zoning: 23rd St. Specific Plan, Commercial Mixed Use
CEQA: Categorically exempt, Section 15301, Class 1 Existing Facility
Owner: Cecilio Garcia
Applicant: Melva Gamez
Staff Contact: Sandra Marquez, Assistant Planner

Conduct public hearing; adopt Resolution recommending denial of the use permit and the Public Convenience or Necessity for an expanded liquor license

REQUESTED ACTION

The applicant is requesting an amendment to an existing use permit #1386 to expand an existing type 42 beer and wine sales liquor license to a type 48 liquor license, which would allow the sales of hard liquor. Additionally, the amendment includes a request to extend the hours of operation for the business from midnight to 2:00 a.m. and to add live entertainment on Saturday nights. To expand the liquor license, the City would have to make a Public Convenience or Necessity (PCN) determination per California Business and Professions Code § 23958.4, because of the existing over-concentration of alcohol businesses already in the area.

The existing bar is located at 1835 23rd St. San Pablo APN 411-090-023. The applicant is requesting a six-month provisional period for the use amendment and quarterly meetings with the Police Department and the City.

Staff recommendation is for denial of the amendment to use permit #1386 because the findings for approval and of Public Convenience or Necessity at this site cannot be made.

Surrounding Zoning and Land Uses:

The mixed-use building includes both residential and commercial uses and is located in a Commercial Mixed Use area within the planned area of SP-1, 23rd Street Specific Plan. Surrounding zoning and land uses are as follows:

North: SP1- Commercial Mixed Use; commercial buildings
 South: SP1- Commercial Mixed Use; commercial buildings

East: SP1- Commercial Mixed Use; commercial and residential buildings

West: SP1- Commercial Mixed Use; residential duplex

PUBLIC HEARING NOTICE

Notices were mailed to owners of properties within a 300-foot radius of the site on September 11, 2019. In addition, a Public Hearing Notice was published in the East Bay Times newspaper on Saturday, September 14, 2019.

SITE LOCATION AND PROJECT DESCRIPTION

El Mexicano bar is located in a two-story mixed-use building built in 1946 with 1432.9 square feet of commercial space for the bar on the first floor, two residential units on the first floor, and two residential units on the second floor. The entire building is approximately 3,038 square feet on a 3,060 square foot lot.

The business is located in the 23rd Street Specific Plan area, where the goal is to create an identifiable neighborhood-serving commercial district. The intent of the 23rd Street Specific Plan is to serve the needs of the people living in the surrounding neighborhood by providing housing, retail, and small business opportunities. All buildings fronting 23rd Street are required to be “mixed-use” and this building is consistent with this requirement.

Ms. Gamez has owned the business since 2011, and has maintained a valid business license for five employees. The request is to amend the existing use permit to expand the current type 42 beer and wine sales liquor license to a type 48 liquor license, which would allow the sales of hard liquor. Additionally, the business owner is requesting to extend the hours of operation for the bar from midnight to 2:00 a.m. and to add live entertainment for acoustic music on Saturday nights. The applicant has indicated in their business plan (attachment H) that the bar currently has 4 employees including security and it is estimated that there is one service staff member for every 10 to 15 guests

BACKGROUND

The existing Use Permit #1386 was issued in 1986 to open a “beer and wine tavern” and the hours of operation were approved for 10 a.m. to midnight, Monday through Friday (attachment C). The current owner submitted an application in 2014 to the City to amend the original use permit to expand hours of alcohol service from midnight to 2:00 a.m. Thursday, Fridays, and Saturday and for a proposed building expansion of 533 square feet. The application was heard by the Planning Commission on September 16, 2014 and the request was denied as the 23rd Street Specific Plan and Zoning Ordinance findings for the use permit amendment could not be made (attachment D). The business owner submitted an appeal of the Planning Commission decision to the City Council and a public hearing was held on October 22, 2014. The City Council granted the appeal of the Planning Commission denial for the building expansion but denied the appeal to expansion of hours of operation (see attachment E).

Another application, PLAN1812-0014, was submitted on December 20, 2018 to amend Use Permit #1386 to expand the liquor license from type 42, beer and wine, to type 48, which would allow full liquor sales, to extend the hours of operation from midnight to 2:00 a.m., and to add live entertainment on Saturday nights. This application was withdrawn by the Planning Division on June 3, 2019 due to inactivity following two incomplete letters issued to the applicant. Section 17.16.030 D of the Zoning Ordinance states that if additional information or submittals are required and the application is not made

complete within sixty days of the completeness determination letter, the application may be deemed by the City to have been withdrawn and no action will be taken on the application. Following the withdrawal of application PLAN1812-0014, the business owner submitted the current application on July 7, 2019 for the same request. The new application, PLAN1907-0009 has been found complete.

The State Department of Alcohol Beverage Control (ABC) submitted a statistics report (Attachment F) which states that the number of existing on-sale licenses, including type 48, exceeds the number of allowed on-sale licenses in the census tract in which the bar is located for this request. In order to approve the expansion of the alcohol license, the City Council must make a Public Convenience or Necessity (PCN) determination per California Business and Professions Code § 23958.4. The applicant submitted a PCN letter (attachment G). As this action requires City Council approval, the action of the Planning Commission is a recommendation per Municipal Code section 17.16.070

POLICE DEPARTMENT REPORT

The Police Department reviewed the request from El Mexicano Bar to expand their liquor license, extend hours of operation, and have live entertainment and prepared a memorandum indicating their research and findings (attachment B). In the memorandum, the Police Department indicates that 23rd Street has two other bar establishments and three liquor stores within a one-half mile stretch of businesses, which makes this the highest concentration of liquor establishments in the City. In addition, three schools are in close proximity including Dover Middle School (.11 miles), Richmond High School (.53 miles), and St. Paul's School (1.08 miles), as well as a high concentration of residential neighborhoods.

In addition, the area of the City where El Mexicano Bar is located has a high volume of calls for service and police activity for public safety issues. During January 11, 2018 to January 10, 2019, the San Pablo Police Department responded to 17 calls for service at 1835 23rd Street for El Mexicano Bar alone. Furthermore, the Police Department responded to 618 incidents for a 400-foot radius surrounding El Mexicano during the same time period. While these incidents are not all attributed to El Mexicano Bar, staff must consider all potential impacts related to alcohol sales and public safety for the surrounding community, including the activities of patrons before and after leaving an alcohol establishment. This is particularly problematic for Police Departments that often have their lowest staffing during the night hours.

The Police Department also compared all other liquor licenses in West Contra Costa County, types of liquor license, and hours of operation as set forth in attachment B. In looking at the number of alcohol licenses, it is important to bear in mind that San Pablo is 2.6 square miles, which is a much smaller geographic area than the neighboring communities of Richmond, El Cerrito, Hercules, Pinole, and El Sobrante. Thus, San Pablo has an over-concentration issue, given that there are 27 on-sale liquor licenses spread out over just 2.6 square miles (10.38 on-sale liquor licenses per square mile). For comparison, Richmond has 66 on-sale liquor licenses but over 52.5 square miles (1.26 on-sale liquor license per square mile). Thus, San Pablo has more than 8 times the concentration of on-sale liquor licenses compared to Richmond.

The Police Department believes that increasing the hours of alcohol service, altering the liquor license, or adding live music could negatively impact public safety and result in an increase in calls for service in the surrounding area thereby detrimentally affecting the community. Based on the high volume of calls for service related to El Mexicano and the surrounding area, the proximity of other liquor establishments, the over-concentration of on-sale alcohol establishments in San Pablo, and the likely additional negative impacts to the community from increased alcohol sales and later hours, the Police Department has

recommended denial of the proposed changes.

GENERAL PLAN AND ZONING CONFORMANCE

The General Plan designation for the site is Commercial Mixed Use, and the zoning is set by the 23rd St. Specific Plan, with a commercial mixed-use land use designation. Bars and nightclubs, including establishments providing entertainment or permitting dancing, and establishments serving alcoholic beverages not clearly ancillary to food service require a conditional use permit per Section 2.2 of the Development Standards chapter within the 23rd Street Specific Plan.

The business owner indicates the request to amend the use permit is to have the same business opportunity as other venues around the premises. Additionally, the PCN letter submitted by the applicant states that in recent years there has been a high demand for a comfortable place for local residents to gather and El Mexicano would like to fulfill this need (attachment G). As noted above, the Police Department does not recommend approval of the proposed changes based on the high volume of calls for service, proximity to other liquor establishments, over-concentration of liquor licenses, and the likely additional negative impacts to the community from increased alcohol sales and later hours.

23rd STREET SPECIFIC PLAN AND ZONING ORDINANCE CONDITIONAL USE PERMIT FINDINGS

The necessary findings as outlined in Section 17.20.040B of the Zoning Ordinance state that in order to grant any conditional use permit, the findings of the Planning Commission shall be that the “establishment, maintenance, or operation of the use of the building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.”

Additionally, Appendix A of the 23rd Street Specific Plan states that the Planning Commission of the City of San Pablo may approve an application for a Zoning Use Permit (or recommend approval) when the following conditions are found:

- The proposed use conforms to the requirements of the San Pablo General Plan in terms of land use and standards of development.
- The proposed use conforms to the development standards for the district in which the subject property is located.
- The proposed use will not constitute a nuisance or be detrimental to the public health, safety, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property, improvements, or existing land uses in the neighborhood or to the general welfare of the City of San Pablo.

According to the Development Standards section of the Specific Plan, findings for Conditional Uses along 23rd Street must also document the potential for the use to contribute to pedestrian activity and to provide an enhanced pedestrian environment within the Plan Area.

The proposed amendment would generally meet the requirements of the San Pablo General Plan in terms of the Commercial Mixed Use land use designation and the standards for development in that no changes to the existing commercial structure or site improvements are proposed. Further, the amendment could contribute to the pedestrian activity in the area by extending the hours of operation

and adding to the beverage and entertainment offerings at this location; although, no improvements to the pedestrian environment in front of the premises are proposed as part of the project. However, as noted above, the amendment could pose a nuisance in that it would add an additional location for alcohol sales in an area which is already at capacity for this type of license

In addition, the request would extend the hours past midnight in an area in close proximity to residential uses, both within the building itself and in a duplex residence directly behind the premises. The extended hours and live entertainment would create detrimental noise impacts. For these reasons, this standard cannot be met.

ANALYSIS AND CONCLUSION

Staff cannot support the request to amend Use Permit #1386 to expand the existing type 42 beer and wine sales liquor license to a type 48 liquor license with a determination of Public Convenience or Necessity, extend the hours of operation from midnight to 2:00 a.m., and to add live entertainment. The findings required by the Zoning Ordinance and the 23rd Street Specific Plan could not be met as staff believes that the request could be detrimental to the health, safety, peace, morals, and comfort of the community, as outlined above and in the attached report provided by the San Pablo Police Department. Staff therefore does not recommend amending the use permit because the safety, health, peace, morals, comfort and general welfare of people residing in the neighborhood and on-site will be negatively impacted.

ATTACHMENTS

- A. Resolution PC19-09
- B. Police Department report
- C. Use Permit #1386
- D. 2014 Planning Commission Resolution 14-11
- E. 2014 City Council Resolution 2014-169
- F. ABC Census Tract Statistics
- G. PCN letter submitted by applicant
- H. Business Plans submitted by applicant
- I. Floor Plan

RESOLUTION PC19-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING DENIAL OF REQUEST TO AMEND USE PERMIT #1386 TO EXPAND LIQUOR LICENSE FROM TYPE 42 TO TYPE 48 TO ALLOW FULL LIQUOR SALES, EXTEND HOURS OF OPERATION FROM MIDNIGHT TO 2:00 A.M., AND ADD LIVE ENTERTAINMENT AT EL MEXICANO BAR, LOCATED AT 1835 23RD STREET, SAN PABLO, CA. APN 411-090-023

WHEREAS, staff received an application on July 7, 2019 to amend Use Permit #1386 to expand the existing type 42 beer and wine sales liquor license to a type 48 liquor license allowing the sale of hard liquor, extend the hours of operation from midnight to 2:00 a.m., and add live entertainment on Saturday nights; PLAN1907-0009; and,

WHEREAS, Use Permit #1386 allows for sale of beer and wine at this location from 10:00 a.m. to midnight seven days a week; and,

WHEREAS, in order to amend the use permit, the Municipal Code requires that the Planning Commission make findings that the “establishment, maintenance, or operation of the use of the building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city”; and,

WHEREAS, in order to amend the use permit, the 23rd Avenue Specific Plan requires the Planning Commission to find that the proposed use conforms to the land use and development standard requirements of the San Pablo General Plan; that the proposed use conforms to the development standards for the district in which it is located; that the proposed use will not constitute a nuisance or be detrimental to the public health, safety, comfort, or general welfare of persons residing or working in or passing through the neighborhood or be detrimental or injurious to property, improvements, or existing land uses in the neighborhood or to the general welfare of the City of San Pablo; and that the proposed use would contribute to pedestrian activity and to provide an enhanced pedestrian environment within the Plan Area, and,

WHEREAS, the State Department of Alcohol Beverage Control identifies the location of the proposed project as an area of undue concentration as the number of existing on-sale licenses exceeds the number of allowable on-sale licenses in the census tract in which the bar is located for this request, requiring the City to make a Public Convenience or Necessity (PCN) determination per California Business and Professions Code § 23958.4 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, planning staff and the Police Department have found that the operating characteristics of the proposed expansion of the liquor license and extension the hours of sales of alcoholic beverages would not be compatible with adjacent uses in terms of harmony and desirable neighborhood character, particularly with regard to the immediately adjacent and on-site residences; and

WHEREAS, planning staff and the Police Department have found that the potential nuisances created by expanding the liquor license, extending the hours of operation, and adding live entertainment would be detrimental to the safety, comfort, and general welfare of persons residing or working in or passing through the neighborhood; and,

WHEREAS, planning staff, Police Department staff, and applicant Melva Gamez, met on August 5, 2019 to discuss the recommendation of denial because the required findings could not be made; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines 15301, Class 1 (e)(1); Existing Facilities; and,

WHEREAS, a public notice hearing has been sent by mail to the applicant, local affected agencies, and to all property owners within 300 feet of the subject property (APN: 411-090-023-2), and has been published in the West County 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 makes the following findings in recommending denial to amend Use Permit #1386 application PLAN1907-0009 to expand the liquor license from type 42 to type 48, extend hours of operation, and to add live entertainment:

- A. That the establishment, maintenance, or operation of the use of the building applied for will 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.

The State Department of Alcohol Beverage Control (ABC) has determined that the number of existing on-sale licenses in this census tract already exceeds the number allowed. The 23rd Street corridor has two other bar establishments and three liquor stores within a ½ mile stretch of businesses, which makes this the highest concentration of liquor establishments in the City. In addition, three schools are in close proximity including Dover Middle School (.11 miles), Richmond High School (.53 miles), and St. Paul's School (1.08 miles), as well as a high concentration of residential neighborhoods. Further, the City of San Pablo already has 27 on-sale liquor licenses over 2.6 square miles, which is over eight times the concentration of on-sale liquor licenses in neighboring Richmond. With such a concentration of on-sale liquor establishments, there are increased calls for police

and public safety services arising from the existing El Mexicano Bar, as well as the surrounding area due at least in part to late night, alcohol consumption and public disturbances, DUI, assaults, and drunk in public calls, among others. In addition, the request would extend the hours past midnight in an area in close proximity to residential uses, both within the building itself and in a duplex residence directly behind the premises. The extended hours and live entertainment would create detrimental noise impacts.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed project and makes the following findings regarding the land use and development standards of the General Plan and Specific Plan:

- A. That the proposed use does conform to the requirements of the San Pablo General Plan and Specific Plan in terms of land use and standards of development because no physical change in the premises is proposed.

The proposed amendment would generally meet the requirements of the San Pablo General Plan in terms of the Commercial Mixed Use land use designation and the standards for development in that no changes to the existing commercial structure or site improvements are proposed. The amendment would also contribute to the pedestrian activity in the area by extending the hours of operation and adding to the beverage and entertainment offerings at this location; although, no improvements to the pedestrian environment in front of the premises are proposed as part of the project. However, as noted above, the amendment could pose a nuisance in that it would add an additional location for alcohol sales in an area which is already at capacity for this type of license

- B. That the proposed use does conform to the development standards for the district in which the subject property is located because no change in the premises is proposed.

The proposed amendment would generally meet the requirements of the San Pablo 23rd Street Specific for the Commercial Mixed Use land use designation and the standards for development in that no changes to the existing commercial structure or site improvements are proposed.

- C. That the proposed use would potentially contribute to pedestrian activity but would not provide an enhanced pedestrian environment within the 23rd Street Specific Plan Area.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo makes the following findings in recommending denial for the determination of Public Convenience or Necessity to expand the liquor license from type 42 to type 48 for application PLAN1907-0009 as discussed above and in the accompanying staff report:

- A. That the proposed use will constitute a nuisance and could be detrimental to the public health, safety, comfort, or general welfare of persons residing or working in

or passing through the neighborhood of such proposed use, or be detrimental or injurious to property, improvements, or existing land uses in the neighborhood or to the general welfare of the City of San Pablo and a determination of Public Convenience or necessity could not be made.

- B. That the proposed use would potentially contribute to pedestrian activity in the area, but would not provide an enhanced pedestrian environment within the 23rd Street Specific Plan Area and a determination of Public Convenience and necessity could not be made based on the high volume of calls for service, proximity to other liquor establishments, and the likely additional negative impacts to the community from increased alcohol sales.

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

Adopted this 24th day of September, 2019, by the following vote to wit:

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

ATTEST:

APPROVED:

Charles Ching, Secretary

Paul Morris, Chairman

SAN PABLO POLICE DEPARTMENT

Ron P. Raman, Chief of Police



MEMORANDUM

DATE: August 29, 2019
TO: Ron Raman, Chief of Police
Via Chain of Command
FROM: David Neece, Sergeant

Date: 09-11-19
Notes: RECOMMEND DENIAL
OF APPLICATION

Ron P. Raman, Chief of Police, #1099

SUBJECT: Updated Police Department Review: El Mexicano Bar; 1835 23rd St, San Pablo

Summary of Issue

I was notified that El Mexicano Bar submitted an application to the San Pablo Planning Division requesting to extend their hours of operation, update their liquor license from type 42 to type 48, and have live entertainment.

Background Information

El Mexicano Bar is located at 1835 23rd Street in San Pablo. 23rd Street has two other bar establishments and three liquor stores within ½ mile stretch of businesses. This is the highest concentration of liquor establishments in the city. In addition, three schools are in close proximity including Dover Middle School (.11 miles), Richmond High School (.53 miles), and St. Paul's School (1.08 miles), as well as a high concentration of residential neighborhoods. This portion of San Pablo is known for a high volume of calls for service and police initiated activity due to a variety of public safety issues occurring in the area.

Between the dates of January 11, 2018 to January 10, 2019, the San Pablo Police Department responded to 17 calls for service at 1835 23rd Street. It is common for disturbances or other public safety issues to occur when patrons leave the specific alcohol establishment. Subsequently, staff reviewed the same time period to include a 400-foot radius surrounding El Mexicano Bar. Staff found the San Pablo Police Department responded to 618 incidents. This is an extremely high call volume for this concentrated radius. The list of priority calls are as follows:

- 76 Disturbances
- 22 911 calls
- 20 Accidents
- 19 Hit and runs
- 13 Motor vehicle thefts
- 10 Shots fired calls
- 9 Assaults
- 3 DUI's
- 3 Drunk in public calls

It should be noted, staff is not suggesting each of the 600+ incidents are directly attributed to the El Mexicano Bar, their staff, or their ability to act as a responsible business within the community. However, staff must consider all potential impact related to alcohol sales and public safety for the surrounding community as well as the business itself.

Over the past year, the police department received two separate complaints from concerned citizens alleging that El Mexicano bar was involved in illegal activity, to include live music, the sale of prohibited liquor, and drug activity. Surveillance operations were conducted followed by inspections. Although the described violations were not observed, the most recent inspection on October 6, 2018 revealed graffiti on the exterior wall, loud music which could be heard from the street, as well as a urine found on the south side of the building indicating persons had been using the area as a restroom. Although the allegations from the complainants are unsubstantiated, the investigations are ongoing.

A review of the liquor licenses in West Contra Costa County was completed to include El Cerrito, Hercules, Pinole, San Pablo, El Sobrante, and Richmond. I compared the number of on sale liquor licenses, as well as type 48 licenses. I found 195 on sale liquor retailers in west County. Of those, 18 are type 48, which El Mexicano is requesting. Below are the results listed by city:

- El Cerrito: 36 on sale licenses; 4 type 48.
- Hercules: 12 on sale licenses; 0 type 48
- Pinole: 36 on sale licenses; 4 type 48
- San Pablo: 27 on sale licenses; 1 type 48
- El Sobrante: 18 on sale licenses; 5 type 48
- Richmond: 66 on sale licenses; 4 type 48

Another review of business hours was conducted for the 195 on sale liquor licenses in west Contra Costa County, in an effort to determine how many locations sell alcohol after 12:00 AM. Of the 195 licensees, 18 show hours of operation open after 12:00 AM. I could not find information for 37 of the locations due to the business being closed permanently, or the location having a special license for a private club without regular hours of operation. There also may be a discrepancy in hours of operation for general use versus hours' alcohol is sold, i.e. restaurants, health clubs, hotels, etc. There are three businesses in San Pablo permitted to sell alcohol after 12:00 AM:

- San Pablo Billiards: Open until 12:00 AM weekdays and 2:00 AM weekends.
- La Movida: Open until 12:30 AM for the cabaret license and 12:00 AM for the DJ.
- La Plazuela: Open until 12:00 AM for the restaurant and 2:00 AM for alcohol however, all online sites indicate they close at 11:30 PM.

The last review was a comparison on police incidents at or around El Mexicano compared to the three alcohol licensees listed above. For the comparison, the data was for all incidents within a 400 foot radius of each location for the same six month time frame; January 1, 2019 through June 30, 2019:

- Incidents at El Mexicano: 337
- Incidents at La Movida: 346
- Incidents at La Plazuela: 241
- Incidents at San Pablo Billiards: 133

The area in which El Mexicano is located has a high concentration of public safety issues. Furthermore, I strongly believe increasing the hours of alcohol service, altering the liquor license, or adding live music could negatively impact public safety and result in an increase in calls for service in the surrounding area affecting our community. Although staff at El Mexicano have shown a willingness to operate in the best interest of the community as a responsible business; they do not have the ability to control the actions patrons once they leave the establishment. Based on the high volume of calls for service related to El Mexicano and the surrounding area, the proximity of other liquor establishments, the multiple complaints against the business, I recommend denial of the proposed changes.

Reviewing Lieutenant Recommendation

I concur with Sgt. Neece's recommendation of denial of proposed changes.

John Benone, Lieutenant

Handwritten signature of John Benone, Lieutenant. The signature is written in cursive and includes the initials "JLB" followed by "NSEE" in a smaller font.

MEMORANDUM

30 SEP 1986

TO: Planning Commission

FROM: Zoning Administrator

SUBJ: Use Permit No. 1386 for Fred Khouri to allow the on-sale of beer and wine in a C-1 (Light Commercial) District, on property located at 1835 23rd Street, San Pablo.

1. The subject property is located in a C-1 District and is developed by a combination former tavern and apartment units. Surrounding properties to the east, north and south are also in a C-1 district and are developed by commercial uses. Property to the west (to the rear of the subject property) is in a R-3 (Multi Family Residential) District and is developed by residential units.

2. The applicant proposes to reopen the old "Contra Costa Cafe" as a beer and wine tavern.

3. Staff findings:

A. The City's Zoning Ordinance requires that any establishment offering the on-sale of alcoholic beverages, and located within 250 feet of a residentially zoned district must obtain an use permit from the Planning Commission for such sale.

B. The building has been used for a similar type business in the recent past and the equipment for the former use is in place in the building. (The ABC license for the former use expired in 1985 and was not renewed.)

C. The applicant has indicated that he would be open 7 days a week from 10 a.m. until midnight. There would be no food served and entertainment would be provided by a jukebox.

D. There are 3 units on the second floor and 1 unit located to the rear of the bar area on the first floor.

E. The building was constructed prior to the time that off-street parking was required for development in com-

M E M O R A N D U M

30 SEP 1986

mercial areas, and there is no off-street parking available for the property.

4. As the property has been used in the past as a combination bar and residential units without severely impacting the on street parking available, Staff recommends approval of the use permit subject to a six month review to determine if there are any adverse impacts from the proposed use.

RESOLUTION 14-11

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO DENYING AN AMENDMENT TO USE PERMIT #1386 TO EXPAND HOURS OF ALCOHOL SERVICE AT 1835 23RD STREET, EL MEXICANO BAR, FROM MIDNIGHT TO 2:00 A.M. THURSDAYS, FRIDAYS, AND SATURDAYS AND PROPOSED EXPANSION OF 553 SQUARE FEET.

WHEREAS, staff received an application to amend Use Permit #1386 requesting extension of alcohol service hours from midnight to 2:00 a.m. Thursdays, Fridays, and Saturdays; and requesting to expand the number of bar seats by 20 seats, PLAN1406-0022, on August 4, 2014; and,

WHEREAS, Use Permit #1386 allows for sale of beer and wine at this location from 10:00 a.m. to midnight seven days a week; and,

WHEREAS, in order to amend the use permit, the municipal code requires that the Planning Commission shall make findings that the operating characteristics of the proposed use will be compatible with adjacent uses in terms of harmony and scale, be desirable to neighborhood character, have adequate parking, and will not adversely affect immediate area residences in a negative manner which would make that use not enjoyable, as well as find that the site is adequate for the proposed use; and,

WHEREAS, in order to amend the use permit, the 23rd Avenue Specific Plan requires the Planning Commission to find that that General Plan and development standards are met, and that nuisances will not occur that are detrimental to safety, comfort, and general welfare of persons residing or working in or passing through the neighborhood; and,

WHEREAS, the use permit process requires compliance with the parking ordinance; and,

WHEREAS, staff, Code Enforcement, and the Police Department have found that the site is severely under-parked, and that additional parking needs, as required by the parking ordinance, have not been met by the applicant; and

WHEREAS, staff, Code Enforcement, and the Police Department have found that the operating characteristics of the proposed expansion of the bar area and hours of sales of alcoholic beverages will not be compatible with adjacent uses in terms of harmony and desirable neighborhood character, particularly with regard to the immediately adjacent on-site residences; and

WHEREAS, staff, Code Enforcement, and the Police Department have found that the nuisances created by an expanded bar area and hours of service would be detrimental to the safety, comfort, and general welfare of persons residing or working in or passing through the neighborhood, particularly due to reliance on the San Pablo Police Department for crowd control and control of illegal activities on-site; and,

WHEREAS, planning staff, Police Commander Jeff Palmieri, and applicant Melva Gamez, met on July 1, 2014 to discuss recommendation of denial to expand hours of alcohol service and expansion of use because the required findings could not be made; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines 15301, Class 1 (e)(1); Existing Facilities; 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 (APN: 411-090-023-2), and has been published in the West County 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 make the following findings in denying the amendment to Use Permit #1386 application PLAN1406-0022 on alcoholic beverage service hours and bar expansion:

- A. That the application for Use Permit does not meet the parking development standards and is up to 8 spaces short of fulfilling its parking need as required by the parking ordinance. No formal shared parking agreement nor a parking study providing reasons for a parking reduction has been provided as required by parking ordinance 17.32.040(f).
- B. The proposed hours of operation will increase the number of individuals at the site after midnight by up to 20 additional people, and nuisances associated to alcohol service will generate the need for additional police resources not currently available.
- C. The General Plan themes and key initiatives include smaller scale neighborhood commercial uses associated with a bedroom community. With a residential use on-site and on adjacent properties, the expectation is quiet sleep hours after midnight
- D. Due to limited police resources, the City is reticent to allow businesses, particularly those serving alcohol, to have extended hours.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo hereby finds that the applicant shall comply with all of the requirements of the Municipal Code, Zoning Ordinance, and Conditions of Approval.

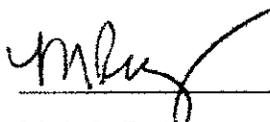
BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

Adopted this 16th day of September, 2014, by the following vote to wit:

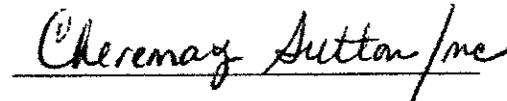
AYES: COMMISSIONERS: Shi, Maddox, Xavier, Sutton
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS: Trundle
ABSTAIN: COMMISSIONERS:

ATTEST:

APPROVED:



Michele Rodriguez
Development Services Manager



Cheremay H. Sutton
Chairperson

RESOLUTION 2014-169

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO GRANTING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A SERVICE AREA EXPANSION AT EL MEXICANO BAR, LOCATED AT 1835 23RD STREET (APN 411-090-023-2)

WHEREAS, planning staff received an application to amend use permit #1386 regarding extension of alcohol service hours from midnight to 2:00 am. Thursdays, Fridays, and Saturdays, and to expand the bar service area by 553 square feet, PLAN1406-0022, on August 4, 2014; and,

WHEREAS, the Planning Commission heard said application, PLAN1406-0022, on September 16, 2014, and denied both proposed extension of alcohol service hours and expansion of bar service area; and,

WHEREAS, an appeal was filed for the Planning Commission's denial on proposed expansion of bar service area on September 22, 2014; and,

WHEREAS, the City Council shall hold a public hearing within sixty days after the filing of an appeal, and shall thereafter render its decision; and,

WHEREAS, the mixed use building in which El Mexicano Bar is located was built without on-site parking in 1946; and,

WHEREAS, the use permit process triggers compliance with regards to parking requirements; and,

WHEREAS, the 23rd Street Specific Plan's parking requirements apply only to net new floor area at one (1) parking space per 400-ft² of commercial area, which in this project would amount to 553 square feet with 1.38 (two) additional spaces; and,

WHEREAS, at the September 16, 2014 Planning Commission meeting there was overwhelming positive letters of support from El Mexicano Bar's neighboring businesses and clientele and from the public; and,

WHEREAS, the parking ordinance in the 23rd Street Specific Plan states a signed agreement with an owner of a neighboring parking lot would allow a reduction of required parking spaces on an off-site, shared location; and,

WHEREAS, an agreement letter of full support for business expansion and shared parking during operating hours was provided by adjoining business China Express Restaurant, located at 1841 23rd Street; and,

WHEREAS, the Police Department's recommendation for denial was only for the proposed extension of hours and not the expansion of service area; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines 15301, Class 1 (e)(1); Existing Facilities; 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 (APN: 411-090-023-2), and has been published in the *West County Times* in accordance with the requirements of Government Code Section 65091.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo make the following findings to grant an appeal of the Planning Commission's denial of bar service expansion area thus allowing the :

- A. That the applicant's proposed 553-ft² will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the neighborhood or the city and will not significantly increase parking issues in the vicinity.
- B. The applicant has full support from surrounding businesses and their clientele, including a parking agreement and bar service expansion support of neighboring business China Express Restaurant.
- C. The Police Department's recommended denial was only to the request for an increase of hours operation and not for bar service area expansion.
- D. The applicant is willing to work with the Police Department in resolving any issues or conflicts that may have occurred in the past.

BE IT FURTHER RESOLVED that the City Council of the City of San Pablo hereby finds that the applicant shall comply with all of the requirements of the Conditions of Approval and grants the applicant's appeal for the denial of their bar service area expansion.

BE IT FURTHER RESOLVED that the following are the conditions of approval for the bar service area expansion:

1. Current Use Permit #1386 shall remain in effect, including the current hours of operation that end at midnight.
2. El Mexicano Bar's Alcohol Business Control license conditions shall be clearly posted in the bar along with their ALCOHOL BUSINESS CONTROL license, as required by the ALCOHOL BUSINESS CONTROL licenses with conditions.

3. Concurrently with the submittal of expansion plans to the building department, applicant shall have their California-licensed security guard approved by the Chief of Police (San Pablo Police Department) and confirmation provided with their building permit. All future security guards shall be registered and approved by the Police Department.
4. Security cameras must remain continuously operable during business hours, maintained for 96 hours and given over to the Police Department upon request.
5. All ALCOHOL BUSINESS CONTROL conditions shall be followed as on their ALCOHOL BUSINESS CONTROL license.
6. Prior to issuance of any building permit, applicant shall obtain and record with the County Recorder a parking agreement with neighboring business or businesses in form and content acceptable to city staff.
7. Planning Staff and Police Department may ask that expanded area cease to be accessed and occupied or the use permit may be revoked if any conditions are not followed and the issues are seen to be detrimental to the health, safety and welfare to the surrounding vicinity as stated in section 17.64.120 *Revocation* of the municipal code.
8. Noise generated by the bar use shall not create interior noise levels within surrounding residences over 65dB (or the general plan maximum interior noise levels by land use type).
9. The expansion plans are approved as shown on plan set dated March 2, 2013 by Blueprints and Drawing by Brenda Munoz, titled Tenant Improvements-1835 23rd Street, paged A1-A6 and S1 and S2, on file at the Development Services building.

* * * * *

ADOPTED this 22nd day of October, 2014, by the following vote to wit:

| | | |
|----------|-----------------|--|
| AYES: | COUNCILMEMBERS: | Calloway, Kinney, Chao Rothberg and Morris |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | Valdez |
| ABSTAIN: | COUNCILMEMBERS: | None |

ATTEST:

APPROVED:

/s/ Ted J. Denney
Ted J. Denney, City Clerk

/s/ Paul V. Morris
Paul V. Morris, Mayor

I hereby certify that the foregoing is a full, true and correct copy of the original document.

Lehny M. Corbin, Deputy City Clerk

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

CENSUS TRACT Statistics Request for: Sandra Marquez Alaniz, Assistant Planner

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

1835 23RD ST., SAN PABLO, CA 94806-4864

3. LICENSE TYPE

48

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

3680.02

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3 On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

3 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

#80

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

12

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:

SAN PABLO CITY COUNCIL

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Brandon Walton (01/09/2019)

July 18, 2019

Melva Gamez, Owner

City of San Pablo Planning Department

13831 San Pablo Ave San Pablo CA 94806

RE: Public Necessity or Convenience – 1835 23rd Street, San Pablo, Ca 94806.

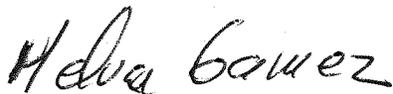
Dear Miss Marquez,

You are currently reviewing our application for a type-48 license for El Mexicano Bar located at 1835 23rd Street San Pablo ca 94806. El Mexicano Bar is located in the strip of 23rd Street that has the highest concentration of entertainment venues in San Pablo. The venue has been in continuous operation since 2010 under new ownership making it one of San Pablo's best quality venues. When El Mexicano was expanded in 2014, we undertook an extensive soundproofing project that with professional operation has allowed us to maintain a great relationship with neighbors, as evidenced by our letters of support.

As you understand, we wish to transform from a 12am closing time, to a 2am closing time, as well as acoustic music and go from a 42 license to a 48 license. The Venue will also be featuring live music shows all acoustic. We are asking for the type 48 liquor license with the same business opportunity as other venues around our premises. Nothing more nothing less. With a one Year privation period and quarterly meeting with City and Police Dept.

In recent years there has been a high demand for a comfortable place for locals to come and gather for relaxation, striving to be the bar of choice for the locals in the 23rd street neighborhood and suburban's. Thus, allowing this license to issue to our location at 1835 23rd Street, San Pablo will serve the public convenience and necessity of the people of the City of San Pablo and West contra Costa County. We optimally want our place to be the of a thriving Down Town San Pablo.

Thank you for your consideration.



Melva Gamez



BUSINESS PLAN



BUSINESS PLAN EL MEXICANO BAR

Business Hours: 4PM – 12AM

1835 23rd St, San Pablo

510-478-7371

Joseluis_Castro17@hotmail.com

cc: rosalara24@yahoo.com

Bar Owner Since 2010



EI MEXICANO BAR BUSINESS PLAN

Table of Contents

| | | |
|------------|---|----------|
| 1.0 | Executive Summary..... | 2 |
| 1.1 | Business Objectives..... | 2 |
| 1.2 | Mission Statement..... | 3 |
| 1.3 | Guiding Principles..... | 3 |
| 1.4 | Keys to Success..... | 3 |
| 2.0 | Company Description..... | 4 |
| 2.1 | Ownership..... | 4 |
| 2.2 | Legal Form (LN#BL0454)..... | 4 |
| 2.3 | Location and Facilities..... | 5 |
| 3.0 | Products..... | 5 |
| 3.1 | Products/Services Descriptions..... | 5 |
| 3.2 | Product..... | 5 |
| 3.3 | Warehousing and Fulfillment..... | 5 |
| 3.4 | Future Products/Services..... | 5 |
| 4.0 | Market Test..... | 6 |
| 4.1 | Target Market Segment Strategy..... | 6 |
| 4.1.1 | Market Needs..... | 6 |
| 4.2 | Positioning..... | 6 |
| 5.0 | Marketing Strategy and Implementation..... | 7 |
| 5.1 | Strengths..... | 7 |
| 5.2 | Competitive Edge..... | 7 |
| 5.3 | Marketing Strategy and Positioning..... | 7 |
| 5.3.1 | Positioning Statement..... | 8 |
| 5.3.2 | Pricing Strategy..... | 8 |
| 5.3.3 | Promotion and Advertising Strategy..... | 8 |
| 5.3.4 | Website..... | 8 |
| 5.4 | Sales Strategy..... | 8 |
| 5.4.1 | Sales Programs..... | 9 |
| 5.5 | Legal..... | 9 |
| 6.0 | Organization and Management..... | 9 |
| 6.1 | Organizational Structure..... | 9 |
| 7.0 | Upgrades..... | 9 |
| 7.1 | Floor Plan | |



1.0 Executive Summary

El Mexicano Bar is a unique gathering place in the suburbs of 23rd corridor of San Pablo Ca. By providing exemplary service (think of the character from Cheers as they are warmly greeted each day after work), a vast selection of beer, wines. With a proposal opportunity of a full liquor and live entertainments venue in a relaxed comfortable setting, Bar is also seeking a 2-hour upgrade for closing time. Current closing time is at 12am. In the event that it's granted owner will gratefully would work with a 6-month provisional period. El Mexicano Bar is the premier bar that 'the locals' go to in suburban of 23rd corridor in San Pablo.

The success of the bar is in its owner and Management – with collectively 10+ years' experience in the bar industry. They are committed to making this operation a successful one. Employees have been hand selected and share the same views as the owner, that is, keeping the customer happy assures repeat business.

El Mexicano Bar will accomplish this through a concerted advertising and marketing campaign, reliance on social media, EDC membership and primarily by word of mouth. Located at a major intersection in San Pablo 23rd, the site is located in a neighborhood retail centered anchored by a Shopping Center and a restaurant China Express. With average traffic counts of 80 at any given point with a capacity of 96, the Bar was primarily selected because of its location, the local demographics surrounding the site and reasonable rental rates.

El Mexicano Bar is leasing 1,440 square feet retail space in the 23rd street corridor with a 5year lease by owner Cecilio Rodriguez.

The following business plan summarizes the history of the Bar, where the business currently resides and its future plans for growth.

1.1 Business Objectives

El Mexicano Bar is a well-known located in San Pablo Ca. The bar is catered to local patrons coming home from work for some relaxation. The bar will provide a top-notch menu featuring traditional bar fare along with snack offerings. On Saturday nights El Mexicano will feature live music including acoustical guitar and small local bands.

The bar will accomplish these goals by holding itself apart from competition as a true neighborhood bar, offering a vast selection of beer, wine, and liquor full bar drinks by providing fine service in addition to standard bar fare, all in a relaxing environment designed to make patrons return.



1.2 Mission Statement

El Mexicano Bar provides a comfortable place for locals to come and gather for relaxation, striving to be the bar of choice for the locals in the 23rd street corridor neighborhood and suburban's. The Bar will be known as the "Cheers Bar" – where everybody knows your name and the business will do this by: providing a relaxed atmosphere encouraging patrons to unwind --specifically targeting professionals between the ages of 30 and 65, and Gender Demographic (75% Male, 25% Female). The Bar is based on the guiding principles that life is to be enjoyed and this is reflected in its vast selection of beverages, and the professional team members.

1.3 Guiding Principles

El Mexicano's Bar philosophy is simple: enjoy life and treat others as you'd want to be treated. These sound principles apply to all life's situations, both personal and professional. At El Mexicano Bar, these principles are applied to management, employees, customers and suppliers alike.

El Mexicano Bar employees love their jobs and their customers! This is not only reflected in the outstanding service – it is because management personally culls and trains each employee putting them in the position that is ideally suited for them.

Integrity – In the spirit of all great bartenders, treat each customer with utmost respect and professionalism. El Mexicano's Bar bartenders and wait staff are trained to act professionally in all situations. If a regular patron happens to become disorderly say after a particularly stressful day, El Mexicano's staff is trained to promptly and discreetly order a cab, uber or a lyft for these individuals. No one wants to work with drunken and disorderly individuals and the patrons do not want to be known as such either.

1.4 Keys to Success

El Mexicano Bar key to success is be based on:

- Outstanding customer services – El Mexicano's goal is be the place "where everyone knows your name". All team members are hand selected and love what they what do.
- Customer Satisfaction – By providing a quiet and relaxed environment, where friends can meet and unwind and relax.
- Provide a vast offering of specialty beer, wine and cocktails offerings – catering to the public's increased requirement for variety and sophistication in alcoholic beverages.



2.0 Company Description

El Mexicano Bar is a locally owned neighborhood bar, owned by Melva Gamez and operated by Joseluis Castro her Son.

The bar occupies a 1,440 square foot facility located in a neighborhood shopping corridor on 23rd street. The property address is 1835 23rd Street San Pablo CA 94806.

El Mexicano Bar provides a soft, quiet environment for its patrons. The furnishings are comprised of leather appointed chairs and small booths throughout the bar. The walls are adorned with a Sports Bar theme with 2 pool tables, 7 big screen TV's, Beer decor and Boxing Pictures-many of the sporting decor such as boxing items where purchased for a donation to benefit to the Richmond's BOYS AND GIRLS CLUB in a local event.

The bar will have a small area to provide the site for local band musicians and on Saturday nights.

2.1 Ownership

El Mexicano Bar is Sole Proprietor, owned by Ms. Gamez. Her son Joseluis Castro helps her manage and operate.

Ms. Gamez has 10+ combined experience years in management and operations. A successful business owner, she currently owns El Mexicano Bar.

Mr. Castro has 15+ years' experience in the restaurant and bar industry beginning his career as a bar manager in El Sobrante Ca for the Lions Den Club and most recently he has managed El Mexicano Bar. Mr. Castro was also part of the Board of Directors to the 23rd Street Merchants Association in Richmond. The association is well recognized in the northern Bay Area for it's successful annual Cinco De Mayo. Mr. Castro Served in the Board of Directors from 2014 to 2018. He's direct role in the festival was to manage the community stage- Manage Bands, school and local performance. Ms. Gamez and Mr. Castro know the importance of giving back to the community and are committed to accomplish a verity of sequence to accomplish this goal.

2.2 Legal Form (LN#BL0454)

El Mexicano is a registered sole proprietor, owned by Ms. Gamez doing business in San Pablo Ca.



2.3 Location and Facilities

The location was a key component for El Mexicano Bar. The owner specifically sought this location because the demographics aligned with their target customer.

The 1,440 square foot El Mexicano Bar is located in the 23rd Street Corridor located at 1835 23rd Street San Pablo Ca. Located on the northwest corner of 23rd and Market with a great amount of traffic pass by the site daily. EL Mexicano Bar residents live in this neighborhood and surrounding area.

The bar location specifically meets the needs of the owner's patron profile – that is professionals between the ages of 30-65. Gender Demographic (75% Male, 25% Female).

3.0 Products

3.1 Products/Services Descriptions

El Mexicano Bar offer a broad and deep variety of specialty beers and wines. Snacks are provided at the Bar. The Bar Provides Chips, Peanuts and pretzels. The bar will also offer a full-service liquor bar.

On Saturday nights, the El Mexicano will provide live entertainment performed by local small local Bands musicians.

3.2 Product

Alcoholic beverages are purchased from Bay Area Beverage, Young's Market Company, Anheuser Busch Sales Bay and Bay Area Distributing. Snacks are purchased at Smart and Final.

3.3 Warehousing and Fulfillment

N/A

3.4 Future Products/Services

The owner of El Mexicano Bar realizes the customer is the key to the success of the business and will work continually to improve/enhance the patron experience. Comment cards will be available throughout the bar and management will keenly review these comments, adjusting as needed.



4.0 Market Test

The owner specifically targeted this location because of the lack of finer ‘neighborhood bars’ in the suburbs – a bar that is quaint and cozy – but also provides a great option to take out of town guests with beverage offerings.

While patrons can find similar bars in the trendier downtown and midtown locations, the quieter, smaller bars offering and band venues, are all but overlooked in the suburbs. Experienced in the business, the owner listened to their patrons and created El Mexicano Bar based on these requested needs.

The local distributors support this business venture as well and based on the area demographics and are anxious tap into this lucrative market.

4.1 Target Market Segment Strategy

El Mexicano Bar specifically targets local individuals who desiring a quiet neighborhood bar to relax and unwind. The marketing strategy is designed to target this group.

This target group was selected primarily because of

- the location of the bar,
- the setting is designed to appeal to this target market and
- the current target market does not have any venues comparable to the subject. In fact, the closest direct comparable are located four miles away in downtown – the majority of locals would prefer a spot closer to home.

4.1.1 Market Needs

As the owner of El Mexicano Bar, Ms. Gamez was constantly told by his patrons, that while they loved the local taverns, they’d be more interested in trying some finer quality Bar with live entertainment longer hours of operation and some finer beverage choices, especially when they had guests visiting from out of town.

While still maintaining its image as “the place the locals go”, the owner has added some “class” to this little bar by:

- Offering both traditional bar fare, but also offering selections of daily Sports live entertainment on TV’s and pool tables.
- The bar will provide “light” live band music and acoustic guitar, filling the vast void in such venues in the ‘burbs’ location.

4.2 Positioning

El Mexicano Bar will still maintain position as the bar of choice for patrons desiring a comfortable and relaxed bar experience. The central location will appeal to suburbanites living in the area who don’t care to travel more than a few minutes from home.



5.0 Marketing Strategy and Implementation

El Mexicano Bar had position itself as the bar of choice by providing top notch service, offering a vast selection of beverages, and providing both traditional bar fare as well as daily market. The ambience and décor will be comfortable and relaxing and with the benefit of light band in the background, the bar will be a one of a kind experience in the suburbs. The owner and staff are constantly aware of patrons changing likes and dislikes and the bar will act quickly to make changes to meet these needs.

5.1 Strengths

- Relatively easy entry and low capital outlay.
- Committed owner with combined 15 years industry experience.
- El Mexicano Bar will be a unique one of a kind experience in its suburban location.
- Targeted, specific focus on its customers creates a memorable experience for its patrons resulting in repeat business.
- Safety is number one priority for the business. Number of securities will change according to the Bar's demands for it.

5.2 Competitive Edge

El Mexicano Bar specifically caters to its target market and is truly a unique local bar experience. The bar differs in its décor, its extensive beer and wine offerings, and music style; the Bar patrons cannot get this experience in any other bar within a 5 mile radius.

5.3 Marketing Strategy and Positioning

El Mexicano Bar is centrally located on the northwest corner of 23rd Street and Market. With a great amount of traffic on a daily based. In addition to its prime location, El MEXicano Bar will relies on:

- Advertising
- Word of Mouth

According to the Bob Johnson with Beverage Management Institute in Clearwater, South Carolina, the only cost-effective way to advertise a bar is word-of-mouth. "When you don't have word-of-mouth working for you, you are in serious trouble. It's not necessarily terminal. There are still ways to get some advertising and marketing out there without spending a ton of money. But anytime you reach into your own pocket to buy advertising for a bar, it's not good.

"Word-of-mouth advertising is priceless," he continues. "It means everything is right. Everything is happening. The bar is alive. Your employees love working there. They are talking and saying great things about the place, and that is passed on to your customers. The customers love being there, and they tell other customers. If you can get to that point,



it's just priceless."

5.3.1 Positioning Statement

The owner has a combined 15 years industry experience in nightclub and bar management and fully support the operation. El Mexicano Bar will provide a vast collection of beers and wine full Bar, provide local band music, and will strive to be the premier bar 'where the locals go' in San Pablo Ca. Bar will go above and beyond the call of duty making patrons come back and tell everyone they know.

5.3.2 Pricing Strategy

El Mexicano Bar pricing will be similar to the competitor's (competition-based pricing) initially and management may consider lowering drink prices initially to attract initial patrons.

5.3.3 Promotion and Advertising Strategy

El Mexicano Bar primary promotion and advertising strategy will be word of mouth.

El Mexicano participates in select promotions annually, the bar's management determine which nights need a boost. Historically, bars are busiest Friday and Saturday nights, with Thursdays coming in third place. In addition, the bar will have promotional events on holidays such as Cinco de Mayo and the 4th of July.

5.3.4 Website

El Mexicano Bar will have website featuring the menu items, phone number, hours of operation, events calendar and map. The website will also have links to its Facebook Page.

5.3.5 Marketing Programs

The owner of El Mexicano Bar relies on a combination of customer feedback and sales to determent how well the bar is performing.

5.4 Sales Strategy

The patrons will be warmly greeted immediately upon entering the bar. The objective at the El Mexicano is to make everyone feel at home and be the place 'where everyone knows your name'. Upon finding a comfortable location either at the bar, a cozy booth, or high-top table, patrons will be asked for their drink. Employees will be trained to cross sell high margin items. The El Mexicano truly values its employees and provides them with the very best training – and therefore the best service. Management believes that this investment in its employees ensures satisfied customers and in turn repeat business, leading to increased revenues. El Mexicano Bar is one of the few places that



EL MEXICANO BAR BUSINESS PLAN

will truly make people happy. The Bar staff will make sure patrons are comfortable, offer coffee, and hang coats for them. The owner will come to the table or booth and not just ask is everything okay but is going to look to see what's wrong before she even comes to the table. Employees will offer samples from the menu at no charge and make fresh coffee because they know it's been sitting out for a while. At El Mexicano Bar, the staff goes above and beyond the call of duty which makes patrons come back and tell everyone they know.

5.4.1 Sales Programs

El Mexicano employees will be the primary sales people and will participate daily in the tip pool. Employees will participate in ongoing training and be compensated for their accomplishments as well. El Mexicano Bar has a strong belief that the bar only performs as well as its employees.

5.5 Legal

El Mexicano Bar is a Sole Proprietor. The bar is currently in the process of obtaining the following licenses: liquor license, and entertainment permit.

5.6 Milestones

The following milestones will guide El Mexicano Bar to meet its goals:

| Milestone | Date |
|--|-------------------------|
| Secure space and negotiate lease terms | Every five to 10 years |
| Complete Retrofit and Build-Out | 2014 |
| Furnish restaurant and bar area | 2014 upgrades as needed |
| Obtain and meet necessary licensing requirements | 2014-2019 |
| Purchase inventory | 2014-2019 |

6.0 Organization and Management

The following information provides the organizational components germane to El Mexicano Bar.

6.1 Organizational Structure

El Mexicano Bar General duties includes review of daily operations, inventory control, employee and private security training, employee hiring and firing, ordering supplies, and routine maintenance and upkeep of the bar, equipment and facilities management. The owner will also hire wait staff and bartenders.

7.0 Upgrades

Tenant (leasehold) improvement costs consist of new heating/air conditioning, electrical, plumbing, and painting, carpentry, flooring and smoke detectors. (All upgrades to the Bar are on the Leaseholder)

Equipment consists of one refrigerator, microwaves and a blender.

Furniture and fixtures consist of leather chairs, stools and small booths along with a front and back bar.

To date, the owners have invested almost \$122,000 out of pocket.

EL MEXICANO BAR BUSINESS PLAN

Executive Summary

This Bar is the premier, high energy, themed bar in the city of San Pablo. Our goal is to remain a step ahead of our competition through an exemplary service provision. We expect our guest to have more fun during their visit at El Mexicano Bar. The key to success in achieving our goals are:
Provide excellent service that leave an impression. Consistent entertainment atmosphere and product quality. Managing our internal finances and cash flow to enable upward capital growth. Strict control of all costs, at all times, without exception.

Company Summary

Company will focus on themes that collection has mass appeal. The Bar would present an inviting and relaxing atmosphere. One of the major advantage that the Bar has over its competition is the location in the midway of 23rd street in San Pablo. In order to reach and maintain a unique image of quality, the Bar will provide attentive and friendly service through a high ratio of service personnel to customers, and will also invest in the training and supervision of its employees. We estimate nearly one service staff members for every 10 to 15 guest, and continue with Security guard at the premises. The Bar currently has 4 employees including security.

Company Ownership

The Bar is currently own by Melva Gamez. She has successfully opened and managed this bar since 2009 nine years ago with no major issues. Ms. Gamez background in government relations.

Business Description

The emergence of 23rd street of City of San Pablo represents a unique for a high-energy venue for the bar. The proposed venue will provide a social atmosphere and live sports venue geared primarily towards the 25-65 age group in the City area and will help keep late night entertainment expenditures within localized region. The Bar will specialize a high-energy themes, a quality pool table area, and will offer beer, wine, non-alcoholic beverages such as soft drinks, juices, energy drinks, and water.

