

ORDINANCE 2024-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING THE SAN PABLO AVENUE SPECIFIC PLAN CHAPTER 2: LAND USE, TABLE 2-2, LAND USE STANDARDS BY CLASSIFICATION, FOOTNOTE 6, REGARDING REGULATIONS FOR DRIVE THROUGH FACILITIES FOR FAST SERVICE, FULL SERVICE, AND GENERAL RESTAURANTS IN THE RESIDENTIAL MIXED USE, MIXED USE CENTER NORTH, MIXED USE CENTER SOUTH, COMMERCIAL MIXED USE, NEIGHBORHOOD COMMERCIAL AND REGIONAL COMMERCIAL DISTRICTS AND FOR COFFEE SHOPS/CAFES IN THE RESIDENTIAL MIXED USE AND MIXED USE CENTER NORTH AND SOUTH DISTRICTS

WHEREAS, on September 19, 2011, the City of San Pablo adopted the San Pablo Avenue Specific Plan (Specific Plan), setting forth land use regulations, design guidelines, and development standards for properties in the San Pablo Avenue corridor; and,

WHEREAS, Pollo Campero, which has a real estate interest in the area, has requested an amendment to the Specific Plan to allow drive through facilities for fast service, full service, and general restaurants in the Residential Mixed Use, Mixed Use Center North and South, Commercial Mixed Use, Neighborhood Commercial, and Regional Commercial zones of the Specific Plan area (the Project); and

WHEREAS, the applicant's proposed changes to the San Pablo Avenue Specific Plan, Chapter 2: Land Use, Table 2-2: Land Use Standards by Classification, have been compiled and presented to the Planning Commission and the public for review; and,

WHEREAS, Section 17.04.040 and Table 17.16-A state that the Planning Commission is responsible for hearing and making recommendations to the City Council on applications for General and Specific Plan Amendments; and,

WHEREAS, according to State Law, the Specific Plan is prepared, adopted, and amended in the same manner as a general plan but may be amended as often as deemed necessary (Section 65453(a)); and,

WHEREAS, according to Section 17.22.030.D, an amendment to specific plan text and map may be initiated by the planning commission or the city council, or may be initiated by the original applicant for the specific plan district or a successor thereto, provided such applicant or successor has, at the time of application for an amendment, a continuing controlling interest in development or management of uses within the planned community zone; and,

WHEREAS, the Project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no potential for causing a significant effect on the environment because the Project solely involves text changes to the Specific Plan, does not authorize any construction activities, and specifically requires a discretionary

conditional use permit process and accompanying environmental review in the event that any facility is actually proposed; and,

WHEREAS, a notice for the public hearing held on June 17, 2024 was published in the West County Times on Friday June 7, 2024, in accordance with the requirements of Government Code Section 65091, and in accordance with California Government Code Sections 65352.3 – 65352.4 per Senate Bill 18, Tribal consultation notices were sent on February 21, 2024 and no formal consultation requests were received; and,

WHEREAS, the Planning Commission conducted a public hearing on May 28, 2024, at which oral and written testimony was taken and approved Resolution PC24-08 recommending approval to the City Council of the text amendment; and

WHEREAS, the City Council conducted a public hearing, waiving the first reading and introducing the Ordinance amending the Specific Plan Table 2-2 of Chapter 2: Land Use Standards By Classification; of the San Pablo Avenue Specific Plan to allow drive-through facilities at Fast Service, Full Service, and General restaurants under certain conditions in the Residential Mixed Use, Mixed Use Center (North and South), Commercial Mixed Use, and Neighborhood and Regional Commercial Districts and at Coffee Shops/Cafes in the Residential Mixed Use and Mixed Use Center North and South Districts during a regular meeting on June 17, 2024.

NOW, THEREFORE BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF SAN PABLO ORDAINS AS FOLLOWS:

Section 1: Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

Section 2: Findings. The City Council makes the following findings:

- 1) The proposed Specific Plan Amendment is consistent with the goals, policies, and objectives of the general plan, development agreement, or other implementation instrument.
- 2) The proposed Specific Plan Amendment will not adversely affect surrounding properties.
- 3) The proposed Specific Plan Amendment is consistent with the city of San Pablo design guidelines.
- 4) The proposed project is determined to be categorically exempt from the provisions of the California Environmental Quality act, in accordance with CEQA Guidelines Section 15061(b)(3).
- 5) Public notice of the hearing has been published in the West County Times, in accordance with the requirements of Government Code Sections 65090 and 65091.

Section 3: California Environmental Quality Act. This ordinance has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no potential for causing a significant effect on the environment because the ordinance solely involves text changes to the Specific Plan, does not authorize any construction activities, and specifically requires a discretionary conditional use permit process and accompanying environmental review in the event that any facility is actually proposed.

Section 4: San Pablo Avenue Specific Plan Amendment. Table 2-2 in the San Pablo Avenue Specific Plan is hereby amended as shown on Exhibit 1 which is incorporated herein by reference.

Section 5: Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this chapter whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 6: Effective Date and Publication. This Ordinance shall become effective thirty (30) days following its adoption. The City Clerk’s Office shall publish and post the Ordinance in accordance with California Government Code section 36933.

First introduced at a regular meeting of the City Council of the City of San Pablo on June 17, 2024, by the following vote.

AYES:	COUNCILMEMBERS:	Xavier, Cruz and Ponce
NOES:	COUNCILMEMBERS:	
ABSENT:	COUNCILMEMBERS:	Pineda and Pabon-Alvarado
ABSTAIN:	COUNCILMEMBERS:	

ATTEST:	APPROVED:
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/s/ Leticia I. Miguel
Leticia I. Miguel, Assistant City Clerk

/s/ Patricia Ponce
Patricia Ponce, Mayor

Finally passed and adopted at a regular meeting of the City Council held on July 1, 2024, by the following vote:

AYES: COUNCILMEMBERS: Pineda, Xavier, Pabon-Alvarado, Cruz and Ponce
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

/s/ Dorothy Gantt
Dorothy Gantt, City Clerk

/s/ Patricia Ponce
Patricia Ponce, Mayor

Exhibit 1: Proposed Text Amendment

Exhibit 1

SPECIFIC PLAN AMENDMENT

Chapter 2, Table 2-2: Land Use Standards by Classification

Drive-Through Restaurants, Footnote

TABLE 2-2 LAND USES STANDARDS BY CLASSIFICATION					
Permitted Uses	Residential (Medium & High Density)	Residential Mixed Use	Mixed Use Center (North and South)	Commercial Mixed Use	Commercial (Neighborhood and Regional)
Restaurants	<i>See sub-classifications below</i>				
<i>Coffee Shops/Cafes</i>	R(4)(10)	R(6)	R(6)	R(11)	R(11)
<i>Fast Service</i>	-	U(6)	U(6)	U(6)	U(6)
<i>Full Service</i>	-	R(6)	R(6)	R(6)	R(6)
<i>General</i>	-	R(6)	R(6)	R(6)	R(6)

Limitations:

6. Drive-through facilities ~~are not allowed.~~ require a conditional use permit. Driveway entrances to drive-through facilities may not be located directly on San Pablo avenue. Prominent pedestrian access must also be provided.