Print Form

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Contra Costa
Address: 555 Escobar St.
Martinez, CA 94553

From:
Public Agency: City of San Pablo,Lead Agency
Address: 1000 Gateway Avenue
San Pablo, CA 94806
Contact: Allen Tai, Community Dev. Director
Phone: 510-215-3030

Lead Agency (if different from above):
Same as Above
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2010112062

Project Title: 13255 San Pablo Avenue - Phase II Minor Design Review

Project Applicant: Tim Kuykendall, 13255 San Pablo Avenue, San Pablo, CA 94806 - (510) 215-7888

Project Location (include county): 13255 San Pablo Avenue, San Pablo CA, Contra Costa County

Project Description:

Under the San Pablo Specific Plan Area EIR - Minor Design Review to allow the construction of an approximately 45,000 sf addition to the existing 67,000 sf casino building and associated site ingress/egress, landscaping and parking improvements. The addition averages approximately 28'8" in height, with a porte cochere that rises to 40' at its peak. The addition provides space for customer amenities and support areas and room to add over 900 games.

This is to advise that the City of San Pablo (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on July 1, 2026 (date) and has made the following determinations regarding the above described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
1000 Gateway Ave, San Pablo CA, 94806 and on the City's website at www.sanpabloca.gov

Signature (Public Agency): _____ Title: Community Development Director

Date: July 1, 2026 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

CITY OF SAN PABLO
Community Development / Planning Services

CITY OF SAN PABLO
City of New Directions

NOTICE OF ZONING ADMINISTRATOR DECISION

To: Applicant: Tim Kuyendall, San Pablo Lytton Casino
Interested Parties (Neighboring Property Owners)
San Pablo City Council

From: Allen Tai, AICP
Community Development Director (Zoning Administrator)

This notice is provided pursuant to San Pablo Municipal Code (SPMC) Section 17.16.060. On **July 1, 2026**, based on the findings and determinations set forth below, and subject to the conditions of approval herein, the City of San Pablo Zoning Administrator approves the following application pursuant to its authority provided under San Pablo Municipal Code (SPMC) Section 17.16.070. This approval may be appealed or called for review pursuant to SPMC Section 17.60.080 within 10 calendar days, or by **July 13, 2026**. An appeal must be submitted in writing stating the specific basis or grounds for the appeal and filed with the Zoning Administrator or City Clerk at 1000 Gateway Ave, San Pablo, CA 94806 along with the applicable appeal fee of $4,780. If there are any questions about this decision, please contact the San Pablo Planning Division at planning@sanpabloca.gov or (510) 215-3030.

Project Number: PLAN2606-0011
Project or Decision Type: Minor Design Review
Project Location: 13255 San Pablo Avenue, San Pablo, CA 94806
Assessor Parcel Numbers: 417-202-001, 417-202-003, 417-190-014, 417-190-015, 417-190-020, & 417-190-021
Applicant: Tim Kuyendall, General Manager, San Pablo Lytton Casino
Property Owner: Lytton Rancheria of California
General Plan: Regional Commercial
Zoning: San Pablo Avenue Specific Plan (SP-2) Regional Commercial District with the Entertainment Overlay Designation

Project Description:
The proposed project is Phase II of the modernization and expansion of the existing San Pablo Lytton Casino. Phase I, which is under construction, consists of a two-story addition comprising approximately 7,000 square feet on the west side of the existing building; a temporary drop-off to allow for the construction of Phase II; and vacation of an existing public storm drain. The proposed Phase II consists of an approximately 45,000-square-foot addition to the existing approximately 67,000-square-foot building. The addition averages approximately 28'8" in height, with a prominent entry canopy (porte cochere) that rises to 40' at its peak. The overall project design is intended to expand additional gaming space and amenities to enhance guest-serving and operational functions, including expanded back of house support space. The project includes the construction of new gaming floor area, guest amenities, and back-of-house support facilities, along with associated circulation, utility, and site improvements necessary to integrate the expansion with the existing structure. As currently proposed, the expansion will provide space to add approximately 900 games over time. This project will provide upgraded guest-facing areas and expanded

operational spaces including security, storage, staff areas and mechanical/electrical rooms. The entire addition occurs on the approximately 9.53-acre tribal land held in trust by the United States of America.

Minor Design Review:
The proposed project occurs on approximately 9.53 acres on tribal land held in trust by the United States for the Lytton Band of Pomo Indians. Because the Band exercises sovereign power over the property, including jurisdiction to enact civil laws and regulations, the City does not exercise land use and permitting authority, except as otherwise required under the 1999 Municipal Services Agreement between the Lytton Band of Pomo Indians and the City of San Pablo and the Redevelopment Agency of San Pablo (MSA). Pursuant to the MSA, the Band agrees to voluntarily participate in the land use approval process including environmental review, as necessary, under the California Environmental Quality Act. However, the City does not issue building permits or have oversight of construction activity on the tribal land.

To implement this voluntary land use approval process in accordance with the MSA, the City applies the procedural review process established within Title 17 of the San Pablo Municipal Code, which states that commercial development projects that are located within a Specific Plan may be subject to Minor Design Review rather than Major Design Review (Section 17.20.030.B.2). The review criteria and findings for Minor Design Review by the Zoning Administrator are set forth in Section 17.18.090 and applied to this decision as follows:

Review Criteria:
Pursuant to San Pablo Municipal Code Section 17.18.090.C., the Zoning Administrator hereby determines that the proposed project meets the following requirements:

1. Design guidelines. The proposal is consistent with applicable design guidelines. The project complies with the San Pablo Specific Plan design guidelines by incorporating features that promote high-quality, compatible, and pedestrian-oriented development. The building exhibits varied articulation in its façade, roof form, and landscape and lighting treatments, resulting in an attractive design visible from multiple vantage points along San Pablo Avenue. Alternating metal accents on stone facades, combined with prominent public artwork, provide visual interest across the larger wall surfaces. Within the San Pablo Avenue Specific Plan area, the project further supports the Plan's design direction to enhance development quality along the corridor and reinforce its role as a vibrant, accessible, and sustainable mixed-use environment. This is achieved by situating the building addition closer to the street and strengthening its presence along San Pablo Avenue. The large sculpted porte cochere at the building entrance, together with additional landscaping, enhances public views of the finished building and reduces the visual prominence of existing surface parking. Collectively, these components fulfill the design objectives of the San Pablo Avenue Specific Plan.

2. Community plans. The proposal is consistent with any community design plan or specific plan. The proposed project is located within the San Pablo Avenue Specific Plan area and is zoned San Pablo Avenue Specific Plan (SP-2) Regional Commercial District with the Entertainment Overlay Designation. The proposed project is consistent with the Specific Plan and zoning for intensifying development of the site with a larger building that provides a greater presence on San Pablo Avenue than the existing building. Specifically, the San Pablo Avenue Specific Plan calls for enhancing the building-to-street relationship (Policy 4-G-13) through a combination of architectural articulation in buildings (Policy 4-I-17) and placing buildings to allow visual access into the development from San Pablo Avenue (Policy 4-I-51). The proposed building addition provides ample façade treatment, roof form, and visual articulation to enhance its presence along San Pablo Avenue.

3. General plan. The proposal is consistent with the land use, physical design, and economic development element and the open space element of the general plan. The project is consistent with the General Plan because it supports the continuation of the casino use, which is an important local and regional entertainment destination and a key economic activity and revenue generator for the City of San Pablo. The project also supports the General Plan and San Pablo Avenue Specific Plan objective of strengthening San Pablo Avenue as a prominent City corridor by improving the appearance of the property frontage and bringing the building closer to the street. This physical design also contributes to an orderly and attractive development pattern envisioned for San Pablo Avenue in the City's General Plan and Specific Plan. The project is not expected to conflict with open space objectives in the General Plan because the project does not result in any loss of designated public open space, and rather the project will construction new landscape and site areas that are accessible and open to public customers.

4. Location and design. The location and design of proposed development gives particular consideration to privacy, views, and sunlight on adjoining properties and fosters the orderly and harmonious development and preservation of the public health and welfare of the city and its neighborhoods. The location and design of the proposed development are appropriate for the site and surrounding area. The project has been designed to avoid creating adverse impacts to adjoining properties by positioning the building away from the creek and adjoining properties. Therefore, the project is not expected to create significant adverse effects to privacy, views, or sunlight. Instead, the project fosters harmonious development by supporting the San Pablo Specific Plan's corridor vision. Overall, the project supports the preservation of public health, safety, and welfare of the San Pablo community.

5. Design and colors. The architectural design of structures and their colors and materials are visually harmonious with surrounding development, landforms, and vegetation. The building incorporates varied wall planes, vertical architectural elements, decorative accent panels, and a prominent entry canopy (porte cochere), which creates a visual landmark. The coordinated palette of neutral color tones, warm accents, glass, and entry elements provides a contemporary design that is compatible with the commercial setting and is appropriate as a gateway into the city from I-80 and San Pablo Dam Road. Landscaping throughout the site, including trees, shrubs, and ornamental planting areas soften the building and surrounding surface parking. Overall, the project is designed to be visually harmonious with the surrounding environment.

Findings:
Pursuant to San Pablo Municipal Code Section 17.18.090.D., the Zoning Administrator hereby makes the following findings:

1. The proposed project is consistent with the General Plan. The proposed project is consistent with the General Plan because it supports the continued use and improvement of a major commercial and entertainment destination along a prominent City corridor. The project advances General Plan objectives related to economic development and physical design by reinvesting in the site, improving the visual quality of the property, and strengthening the San Pablo Ave corridor's role as a regional-serving commercial area. The project's contemporary architecture, improved site design, enhanced landscaping, and pedestrian-oriented entrance features contribute to an orderly and attractive development pattern. As conditioned, the project will remain consistent with applicable General Plan goals and policies.

2. The proposed use is in accord with the objective of the zoning ordinance and the purposes of the district in which the site is located. The San Pablo Avenue Specific Plan and the purposes of the Regional Commercial and Entertainment Overlay District in which the site is located. The proposed use is in accord with the objective of the zoning ordinance and the purposes of the district in which the site is located. The site is located within the San Pablo Avenue Specific

Plan area, the CR Regional Commercial district, and the Entertainment Overlay District, all of which support larger-scale commercial, entertainment, and destination-oriented uses. The project is consistent with these purposes because it enhances an existing commercial/entertainment site, supports visitor-serving activity, and provides high-quality architectural and site improvements along a key corridor. The project also supports the Specific Plan's intent to promote a vibrant, accessible, and visually improved San Pablo Avenue corridor.

3. The proposed use is in compliance with each of the applicable provisions of the zoning ordinance, general plan, and/or applicable specific plan. The proposed use complies with applicable provisions of the Zoning Ordinance, General Plan, and San Pablo Avenue Specific Plan. The project has been reviewed for consistency with applicable use regulations, development standards, design review criteria, and site planning requirements, including building design, colors and materials, landscaping, circulation, access, lighting, and screening. The architectural design incorporates varied wall planes, vertical façade elements, decorative accent panels, a prominent entry canopy, and a coordinated color and material palette that is visually compatible with the commercial setting. Regarding setbacks and landscaping, the proposed plans are consistent with Section 5.4 of the MSA.

4. The proposed use, together with the below conditions applicable thereto, will not be detrimental to public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The project has been designed with an organized site layout, defined entry area, enhanced landscaping, pedestrian pathways, and improved visual treatment of the building and site. The design gives appropriate consideration to surrounding properties through architectural design, site planning, landscaping, and circulation improvements. Conditions of approval will further ensure that the project operates and is maintained in a manner compatible with nearby properties and the surrounding commercial corridor.

Environmental Review:
The proposed project adheres to the California Environmental Quality Act (CEQA) guidelines in that it is consistent with the San Pablo Avenue Specific Plan Environmental Impact Report (EIR) and does not exceed the development and use envelope as outlined in the EIR (State Clearinghouse # 2010112062). The San Pablo Avenue Specific Plan EIR analyzed additional commercial development of an FAR of 1.35 under the existing zoning of Regional Commercial with Entertainment Overlay (the Entertainment Overlay grants a 0.6 FAR bonus to the 0.75 FAR in the base zoning). When applied to this property, this 1.35 FAR standard provides total development capacity of up to 560,421 square feet of building floor area on the 9.53 acres of tribal land. The proposed project to add approximately 45,000-square-feet to the existing approximately 67,000-square-foot building results in an approximately 112,000 square-foot building, or roughly 20% of the development capacity for this site provided under the San Pablo Ave Specific Plan and EIR. The applicant has also submitted a revised site and landscape plan to the City of San Pablo pursuant to section 5.4 of the MSA. Otherwise, the proposed project fully conforms to the San Pablo Ave Specific Plan as it pertains to the expansion of the casino building. Accordingly, no further environmental review is required under CEQA.

As a separate and independent basis, because the Project only requires Minor Design Review approval, the City may properly limit the scope of its CEQA review to design-related issues, pursuant to *McCorkle Eastside Neighborhood Group v. City of St. Helena (2018) 31 Cal.App.5th 80*. In *McCorkle*, the Court held that, where the scope of a city's discretion was limited to a design review approval, CEQA did not require the City to address environmental issues unrelated to the design of the project. Here, nothing in the design, scale, orientation, mass, materials, or color of the project will result in any potentially significant environmental impacts, especially given the existing urban nature of the project and the site's long-established existing use as a casino. Under

McCorkle, local design review does not require environmental review where the design itself does not result in any significant environmental issues and when it is the only discretionary aspect of a project, such that the agency lacks authority to disapprove the project or otherwise mitigate non-design-related environmental impacts. *McCorkle* applies when an agency's discretion over a project is limited to aesthetic and design issues such as orientation, bulk, materials, and colors. Here, the Project is in the City's San Pablo Specific Plan Area and zoned Regional Commercial with Entertainment Overlay district, and as such, the proposed building addition is permitted by right and is not subject to discretionary review, except for Minor Design Review, pursuant to SPMC Section 17.20.030.B.2. Accordingly, no further CEQA review is required because the City's review of the Project is limited to architectural design aspects of the building.

Conditions of Approval:

1. Relocate Pedestrian Crossing (Sheet AS-101): The applicant should explore relocating the pedestrian crossing at the driveway off San Pablo Avenue farther north and closer to the casino's main entrance. The purpose of this relocation is to increase vehicle stacking distance for the entrance driveway and reduce the potential for pedestrian/vehicle conflicts to cause queuing into the San Pablo Avenue intersection. The revised crossing location should include corresponding adjustments to the pedestrian pathway from San Pablo Avenue to ensure a continuous, direct, and accessible connection to the casino sidewalk.

2. Site Circulation Management: The applicant shall prohibit passenger drop-offs, pick-ups, or vehicular idling at the primary San Pablo Ave site entrance through the use of directional signage, curb striping, and/or active security or parking management, as necessary. These measures shall be implemented upon occupancy of the Phase II addition and maintained for the life of the use to prevent vehicles from stacking into the public right-of-way. Where feasible, direct exiting vehicles toward Vale Road to minimize vehicular congestion at the San Pablo Avenue southbound left turn lane by cars exiting the midblock driveway on San Pablo Avenue.

3. Rooftop Screening: All roof-mounted and other mechanical equipment, if any, shall be screened from adjacent public rights-of-way, as applicable.

4. Lot Merger: The applicant should consider merging the parcels containing the expanded building per the Subdivision Map Act and California Building Standards Code.

5. State MWELO Landscape Requirements: New or remodeled landscaping areas shall be compliant with the state Model Water Efficient Landscape Ordinance requirements, as applicable.

6. Stormwater Regulations: It is the applicant's responsibility to verify compliance with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for activities as promulgated by the California State Water Resources Control Board or any of its Regional Water Quality Control Boards. If applicable, the project shall comply with current requirements and best management practices of the NPDES Municipal Regional Permit Section C.3, and the Contra Costa Clean Water Program Stormwater C.3 Guidebook.

7. Construction Hours and Noise Standards: Construction hours and noise standards shall be observed as required by chapter 17 of the San Pablo Municipal Code, as applicable.

8. CALGreen Codes: The following CALGreen mandatory measures shall be implemented during construction: water efficiency and conservation; construction waste reduction, disposal,

and recycling; and all other applicable codes related to the efficient construction and operation of the remodeled building, as applicable.

9. Mitigation Monitoring and Reporting: All applicable mitigation measures adopted for the San Pablo Avenue Specific Plan EIR are hereby incorporated by reference and shall be implemented as conditions of this approval, as applicable.

10. Effective Date: This approval shall become effective on **July 13, 2026,** unless it has been appealed or called for review pursuant to Section 17.60.080 of the San Pablo Municipal Code.

11. Expiration: This approval is valid for one year and will expire on **July 13, 2027**, unless substantial construction has commenced pursuant to SPMC Section 17.16.100(c). This approval may be extended upon application for up to (2) additional years from the date of expiration to **July 13, 2029**. An application for extension shall be filed not less than thirty (30) days prior to the expiration date of this approval along with applicable fees.

12. Consistency with Approval Plans: The plans prepared for the building permit and construction shall be in substantial compliance with plans submitted by Tim Kuyendall, dated June 23, 2026, and on file in the office of the City of San Pablo Community Development Department, except as modified by the conditions listed in this notice.

13. Modifications: Exterior changes shall be submitted to the City of San Pablo for review and approval prior to construction. Minor amendments to this approval and modifications to the design review may be ministerially approved by the Zoning Administrator, if the proposed changes generally comply with the overall intent of the permit and/or are in response to revisions required by other approving agencies.

14. This is not a Building Permit*:* This approval is for Design Review only and is not a building permit. Design Review addresses conceptual plans, exterior design, and zoning compliance only, and does not include structural, electrical, or plumbing review under the California Building Code.

15. Other Applicable Approvals or Permits: The applicant is solely responsible for determining whether any additional approvals, permits, or requirements from local, state, regional, or federal agencies, or from utility or service providers, are required for the project.

16. Indemnification: Pursuant to Government Code Section 66474.9, and to the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of San Pablo, its City Council, Planning Commission, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.