

## RESOLUTION PC25-15

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENTS TO THE SAN PABLO ZONING CODE CHAPTER 17.26, ESTABLISHMENT OF ZONING DISTRICTS; CHAPTER 17.32, RESIDENTIAL DISTRICTS, ALLOWED USES, AND DEVELOPMENT STANDARDS; CHAPTER 17.34, COMMERCIAL AND INDUSTRIAL DISTRICTS, ALLOWED USES, AND DEVELOPMENT STANDARDS; CHAPTER 17.38, OVERLAY AND SPECIAL DISTRICTS; CHAPTER 17.54, PARKING AND LOADING; CHAPTER 17.60, SPECIAL RESIDENTIAL USES; CHAPTER 17.62, SPECIAL NONRESIDENTIAL USES; CHAPTER 17.68, UNIVERSAL TERMS; AND CHAPTER 17.70, USE CLASSIFICATION DESCRIPTIONS, TO IMPLEMENT TWELVE PROGRAMS OF THE HOUSING ACTION PLAN OF THE SAN PABLO 2023-31 HOUSING ELEMENT; IMPLEMENT THE LAND USE DESIGNATIONS OF THE GENERAL PLAN UPDATE 2035; AND UPDATE THE ACCESSORY DWELLING UNIT DEED RESTRICTION PROVISIONS.**

**WHEREAS**, on March 18, 2024, the City of San Pablo approved Resolution 2024-041, adopting the 2023-2031 Housing Element, a state-mandated component of the General Plan that is required to be updated every eight years; and,

**WHEREAS**, the San Pablo 2023-2031 Housing Element was certified by the State Department of Housing and Community Development (HCD) on May 20, 2024; and,

**WHEREAS**, the San Pablo 2023-2031 Housing Element includes implementation strategies known as the Housing Action Plan (HAP), which outlines 56 programs that are intended to achieve the goals and policies of the Housing Element; and,

**WHEREAS**, twelve of the 56 programs of the Housing Action Plan call for text amendments to the San Pablo Zoning Code; and,

**WHEREAS**, the proposed text amendments would serve to implement these twelve programs and amend the City's Accessory Dwelling Unit (ADU) ordinance to be compliant with state law (the Project); and,

**WHEREAS**, on April 18, 2011, by Resolution 2011-045, the City Council of San Pablo certified a Final Environmental Impact Report (2011 EIR) for the San Pablo General Plan 2030, and adopted a Statement of Overriding Considerations regarding significant and unavoidable transportation impacts; and,

**WHEREAS**, on March 18, 2024, the City of San Pablo adopted an Addendum to the 2011 EIR (Addendum #1) to analyze the potential environmental effects of the San Pablo 2023-2031 Housing Element, as well as the adoption of an Environmental Justice Element as part of the Community Health Element, and amendments to the Safety Element; and this Addendum confirmed that the proposed changes associated with adoption and implementation of the 2023-2031 Housing Element would not result in any

additional or more significant environmental impacts and no further environmental analysis is required; and,

**WHEREAS**, on August 4, 2025, the City of San Pablo adopted an update to General Plan 2030 (General Plan Update 2035) which updated various elements and confirmed consistency with the adopted Housing Element, and the City concurrently approved an Addendum to the 2011 EIR (Addendum #2; together with Addendum #1, the Addenda) which concluded that the proposed changes associated with adoption and implementation of the General Plan Update 2035 would not result in any additional or more significant environmental impacts and no further environmental analysis was required; and,

**WHEREAS**, the General Plan Update 2035 includes the redesignation of land uses for 139 land parcels, including 85 within the Rumrill Corridor area and 18 within the San Pablo Avenue Specific Plan area, to better reflect existing conditions, future development potential, and housing production goals; and,

**WHEREAS**, on July 21<sup>st</sup>, 2025, the City Council held a public hearing and approved a Zoning Ordinance text amendment by Ordinance 2025-002 to implement the new land use designations and land use changes required by General Plan Update 2035, and additional text amendments have now been identified to further implement these changes; and,

**WHEREAS**, California Government Code Section 65860 requires that, in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the general plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan, as amended; and,

**WHEREAS**, the proposed Zoning Ordinance text amendments, which would further implement land use changes set forth in the Housing Element and General Plan Update 2035, were previously evaluated in the Addenda which found that there would not be any new or additional significant environmental impacts due to adoption of the Housing Element and the General Plan Update 2035 and are thus exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.085 which states that CEQA does not apply to rezonings that implement the schedule of actions contained in an approved housing element; and

**WHEREAS**, on January 1, 2019, Senate Bill 1333 allowed Accessory Dwelling Units (ADUs) in all zones that allow residential uses as an essential component in addressing California's housing crisis; and,

**WHEREAS**, on June 17, 2025, the City of San Pablo received communication from a representative of HCD indicating that an additional portion of the City's ADU ordinance concerning deed restriction requirements for ADUs remains out of compliance with State ADU law; and,

**WHEREAS**, the proposed text amendment includes a provision to eliminate certain deed restrictions for ADUs to be consistent with State ADU Law; and,

**WHEREAS**, pursuant to California Public Resources Code Section 21080.17, the portions of the proposed ordinance amending the City's ADU requirements are statutorily exempt from CEQA because CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of state legislation governing ADUs; and,

**WHEREAS**, all of the proposed changes to Title 17 of the Municipal Code, Zoning, including those pertaining to Housing Element implementation, further changes to ensure consistency with the land use designation changes adopted in the General Plan 2035, and further revisions to ensure consistency with State ADU law with respect to deed restrictions, have been compiled in an omnibus format and presented to the Planning Commission and the public for review; and,

**WHEREAS**, on October 28<sup>th</sup>, 2025, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution recommending approval of the Project; and,

**WHEREAS**, the Planning Commission has reviewed the entire record for the Project, including the staff report and all attachments, and oral and written public comments; and,

**WHEREAS**, notice of this public hearing was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Wednesday, October 8, 2025, in accordance with the requirements of Government Code Section 65091.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF SAN PABLO AS FOLLOWS:**

**Section 1.** The recitals set forth above are true and correct and are hereby incorporated herein by this reference as findings.

**Section 2.** The Planning Commission hereby recommends that the City Council adopt proposed Zoning Ordinance amendments attached hereto as Exhibit A, pursuant to the following findings:

- A. Pursuant to San Pablo Municipal Code section 17.22.040, the proposed ordinance is consistent with the goals, policies, and implementation programs of the General Plan 2035 and 2023-2031 Housing Element. The purpose of the ordinance is to implement goals, policies, and programs contained in the General Plan and Housing Element. Program 1-D: Revise Multifamily Minimum Parcel Size; Program 1-G: Reduced Parking Standards; Program 1-H: Faith-Based Community Housing; Program 1-I: Shopkeeper Housing; Program 2-F: Mobile

Home Parks; Program 2-G: Single-Room Occupancy Hotels; Program 3-B: Emergency Shelters; Program 3-C: Employee Housing; Program 3-D: Zoning for Residential Care Facilities; Program 3-E: Transitional and Supportive Housing; Program 3-J: Low-Barrier Navigation Centers; Program 3-K: Density Bonus; Program 3-M: Definition of Family. The amendments would also further implement new land use designations established in the General Plan Update 2035 and are a continuation of the text changes established in Ordinance 2025-002, adopted on August 4, 2025, which established changes to the Zoning Code, Zoning Map, and San Pablo Avenue Specific Plan land use map in order to implement new and altered land use designations in the updated General Plan

- B. The proposed Zoning Ordinance amendments, which would further implement land use changes set forth in the Housing Element and General Plan Update 2035, were previously evaluated in the Addenda prepared and adopted for those planning documents. The Addenda found that there would not be any new or additional significant environmental impacts due to adoption of the Housing Element and the General Plan Update 2035, and the proposed Zoning Ordinance amendments implement those planning documents and are thus within the scope of the impacts evaluated by the 2011 EIR. Further, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.085 which states that CEQA does not apply to rezonings that implement the schedule of actions contained in an approved housing element.
- C. Pursuant to California Public Resources Code Section 21080.17, the proposed amendments to the San Pablo Zoning Code Section 17.60 to remove deed restrictions requirements for ADUs are exempt from CEQA because CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of state legislation governing ADUs.

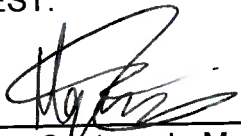
**Section 3.** The proposed amendments comply with state law governing zoning ordinance amendments at Government Code sections 65853 through 65857.

\* \* \* \* \*

Adopted this 28<sup>th</sup> day of October 2025, by the following vote:

AYES: COMMISSIONERS: Owens, Jackson, Morris, Gurdian  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS: Feliciano  
ABSTAIN: COMMISSIONERS:

ATTEST:

  
\_\_\_\_\_  
Sandra Castaneda Marquez, Secretary

APPROVED:

  
\_\_\_\_\_  
Johana Gurdian, Chair

Exhibit A: Proposed Zoning Ordinance Amendment