

RESOLUTION PC26-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING THAT THE CITY COUNCIL REPEAL AND REPLACE SAN PABLO ZONING CODE CHAPTER 17.60, SPECIAL RESIDENTIAL USES, SECTION 17.60.070, ACCESSORY DWELLING UNITS, TO UPDATE DEVELOPMENT STANDARDS AND REGULATIONS IN ORDER TO REFLECT CURRENT STATE LAW AND PROMOTE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ADUS).

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

WHEREAS, on November 16, 2020, the City of San Pablo adopted Ordinance 2020-011, amending Chapters 17.34, 17.42, 17.54, 17.60, 17.68, 17.70, and Appendix A of the Zoning Code regarding Accessory Dwelling Units to bring the Code into compliance with Senate Bill 1333 and subsequent state legislation surrounding ADUs; and

WHEREAS, on December 18, 2023, the City of San Pablo adopted Ordinance 2023-004, further amending Chapter 17.60 of the Zoning Code to bring the Code into compliance with a number of changes that had been made to State ADU law since the adoption of Ordinance 2020-011; and

WHEREAS, on October 7, 2024, the City of San Pablo adopted Ordinance 2024-004, further amending Chapter 17.60 of the Zoning Code to bring the Code into compliance with a number of changes that had been made to State ADU law since the adoption of Ordinance 2023-004; and

WHEREAS, on December 15, 2025, the City of San Pablo adopted Ordinance 2025-004, further amending Chapter 17.60 of the Zoning Code, along with other amendments implementing the Housing Element 2023-2031, to remove the deed restriction provisions for ADUs; and

WHEREAS, on December 15, 2025, the City of San Pablo adopted Ordinance 2025-005 to amend Chapter 17.60 of the Zoning Code to allow for the sale of ADUs as condominiums or tenancy-in-common; and

WHEREAS, on April 28, 2026, the Planning Commission adopted Resolution PC26-07, recommending to amend Chapter 17.60 of the Zoning Code to further amend rules and regulations surrounding ADUs; and

WHEREAS, following review from the California Department of Housing and Community Development, Staff have compiled and are recommending the repeal and replacement of Section 17.60.070 of the Zoning Code with the proposed new ordinance; and

WHEREAS, the proposed changes to Title 17 of the Municipal Code, Zoning, have been compiled and presented to the Planning Commission and the public for review; and,

WHEREAS, on July 28th, 2026, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution recommending approval of the proposed amendment; and,

WHEREAS, the Planning Commission has reviewed the entire record for the proposed amendment, 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, July 8, 2026, 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 that pursuant to California Public Resources Code Section 21080.17, ordinances concerning ADUs are statutorily exempt from the California Environmental Quality Act (CEQA), as this section states that CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of state legislation governing ADUs.

NOW, BE IT FURTHER RESOLVED that the Planning Commission has reviewed the proposed amendment (Exhibit A) and recommends approval of PLAN2604-0003 to the City Council, based on the following findings:

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 the proposed zoning ordinance amendment 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 proposed amendment would implement policies and programs of the 2023-31 Housing Element, helping to promote increased housing development across all levels of affordability and expand the range of housing options available in San Pablo, by further promoting the development of ADUs and JADUs. The proposed ordinance would promote further ADU and JADU development by clarifying regulations and increasing the allowed height and square footage of ADUs.

B. Pursuant to Public Resources Code Section 21080.17, the proposed amendment is statutorily exempt from the California Environmental Quality Act (CEQA).

The proposed amendment is exempt from CEQA as Public Resources Code Section 21080.17 states that CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the California Government Code (State Accessory Dwelling Unit Law).

C. Public notice of the hearing has been published in the West County Times, in accordance with the requirements of Government Code Section 65905.

A public hearing notice was published in the West County Times newspaper on Wednesday, July 8, 2026.

Section 3. The proposed amendments comply with state law governing zoning ordinance amendments at Government Code sections 66310 through 66342.

Adopted this 28th day of July 2026, by the following vote:

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

ATTEST:

APPROVED:

Sandra Castaneda Marquez, Secretary

Johana Gurdian, Chair

Exhibit A: Proposed Zoning Ordinance Amendment